

IN THE DISTRICT COURT OF FCT

HOLDEN AT DUTSE ALHAJI, ABUJA

BEFORE HIS WORSHIP HON: MUHAMMED TAHIR OMEIZA ABDULMUMINI

SCC/DUT/03/2023

BETWEEN

FELIX CHUKWUMAASHIMOLE ESQ.....CLAIMANT

AND

SHEMA PETROLEUM LIMITED.....DEFENDANT

23/11/2023

JUDGMENT

SCC/DUT/03/2023

This claims was commenced under the Federal Capital Territory Practice Direction on Small Claims Court 2022. The Complaint Form (Form SCA2) disclosed that the Claimant is seeking for an Order of court compelling the defendant to pay him the sum of N13,500 (Thirteen Thousand Five Hundred Naira) being the sum that was wrongly debited from his account while purchasing Premium Motor Spirit, otherwise known as Petrol from the defendant, N100,000.00 (One Million Naira) as special damages, N5,000,000.00 (Five Million Naira) general damages and, N400,000.00 (Four Hundred Thousand Naira) professional fees.

Upon a careful perusal of the statement of claims, I have realized that this proceeding should not have come under the Federal Capital Territory Practice Direction on Small Claims Court 2022.

The Objective of the Small Claims Procedure pursuant to its Article 1 is to provide for easy access to an informal, inexpensive and speedy resolution of simple debt recovery disputes in the District Courts.

The Claimant is seeking for an Order of court compelling the defendant to pay him the sum of N13,500 (Thirteen Thousand Five Hundred Naira) being the sum that was wrongly debited from his account while purchasing Premium Motor Spirit, otherwise known as Petrol from the defendant, N100,000.00 (One Million Naira) as special damages, N5,000,000.00 (Five Million Naira) general damages and, N400,000.00 (Four Hundred Thousand Naira) professional fees.

Upon a careful perusal of the statement of claims, I have realized that this proceeding should not have come under the Federal Capital Territory Practice Direction on Small Claims Court 2022.

Article 2 paragraph 1(C) further states that an action maybe commenced in the Small Claims Court where;

c. the Claim is for liquidated monetary demand in a sum not exceeding N4,000,000.00 (Four Million Naira) excluding interest and costs.

The claimant case is an Order for the payment of N13, 300.00(Thirteen Thousand Three Hundred Naira) and other auxiliary Claims as stated above, this cannot come under the Small Claims Court, these are not liquidated money demand, and as such cannot be heard and determine under the Small Claims Court.

It is in view of this that I hereby strike out this matter for want of Jurisdiction, the Claimant can re-institute this case in the regular Courts.

REPRESENTATION

SHERIFDEEN BELLO for the Claimant

H.A IBRAHIM for the defendant

Parties absent



MUHAMMED TAHIR OMEIZA ABDULMUMIN

SIGNED

MUHAMMED TAHIR OMEIZA ABDULMUMIN