

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY
HOLDEN AT WUSE ZONE II, FCT ABUJA (COURT 14)
BEFORE HIS WORSHIP: OLUMIDE BAMISILE (DISTRICT JUDGE)

This 1st DAY OF NOVEMBER, 2023.

SUIT No: SC/29/2023

BETWEEN

BLESSING GLOBAL NIGERIA LTD

---PLAINTIFF

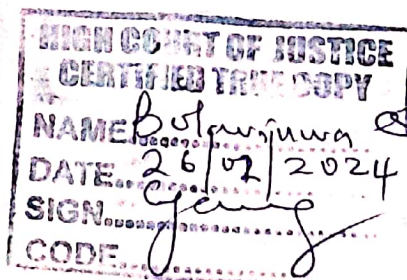
VS

McRAY SUPERMARKET AND STORES LTD ----DEFENDANT

JUDGMENT

The claimant under the small claims procedure claims the sum of ₦680,000.00 against the defendant in form SCA 3A (Undefended Claims) under Article 3 of the Practice Directions on small claims 2022. Under this present procedure for undefended claims a defendant being served with forms SCA 3A and SCA 3B is expected to within 7 days to file his counter affidavit disclosing a legal defence or defence on the merit as contained under Article 7 of the Practice Direction. The defendant in this suit was served with the summons form in form SCA3 as well as SCA 3A and affidavit in support in form SCA 3B on the 23/10/2023 but however the defendant neglected and failed to file any process in defence to same within the 7 days period stipulated by Article 7 (2) of the Small Claims Practice Direction.

This process of undefended claims is alike with that of default summons under the FCT District Court Civil Procedure Rules, 2021. This case at hand is one which is basically determined based on affidavit evidence and upon satisfaction that the sum claimed is a liquidated sum demanded.



From the averments of the claimant as contained in Paragraphs 1-6 of the affidavit in support of this claim, the claimant avers that it supplied various items to the defendant totaling the sum of ₦680, 000 and also annexed to the said affidavit are the invoice of the said supplies marked Annexure 1-6. The claimant also attached letters of demand dated 8/8/2023 and 21/8/2023 respectively for the said sums in Exhibit 7-8 which were duly received by the defendant

The position of the law is that where averments contained in an affidavit are not challenged or disputed by way of a counter affidavit or reply affidavit as the case may be. Such averments are deemed admitted by the party against whom they are averred and the court is at liberty to hold the position that same are true state of facts. See the case of BARO V. GOVERNOR DELTA STATE (2018) LPELR 44192 (CA).

In the present circumstance where the averments of the claimant remains unchallenged and there is documentary proof that the claimant supplied the said items to the defendant as contained in Exhibits 1-6 and that the sum due was demanded from the defendant as contained in Exhibit 7 and 8. This court is satisfied and convinced that the defendant is indeed indebted to the claimant in the sum claimed and the defendant has no defence to same.

This court therefore finds this claim of the claimant meritorious. Consequently, the defendant is hereby order to immediately pay to the claimant the sum of ₦680, 000 only being the debt owed on supplied items.

Signed

OLumide Bamisile
Presiding District judge
1/11/2023

