

HIGH COURT OF THE FEDERAL CAPITAL TERRITORY ABUJA
SMALL CLAIMS COURT EXECUTION REPORT
FOR THE MONTH OF FEBRUARY, 2024
COURT NO. 13(A), WUSE ZONE 2 MAGISTERIAL DISTRICT

NAME OF SHERIFF	SUIT NO. AND PARTIES	DATE OF JUDGMENT	DATE OF EXECUTION	DURATION FROM JUDGMENT TO EXECUTION	STATUS OF JUDGMENTS NOT EXECUTED (WHETHER ON APPEAL OR PARTIES HAVE SETTLED)
BABA GANA HABIB	SCC/17/2023 BETWEEN: ADEDAPO ESAN V. ADEKEYE EZEKIEL AKIN-OLUBODE	02/02/2024	THERE IS NOTHING TO EXECUTE, THE CLAIMANT HAS NOT PROVE HIS CLAIMS BEFORE THE COURT AND THE JUDGMENT IS NOT IN FAVOUR OF THE CLAIMANT.		



PRESIDING DISTRICT JUDGE

HIS WORSHIP: ARIWOOLA, OLUWAKEMI V.

REGISTRAR

BABA GANA HABIB

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY ABUJA
SMALL CLAIMS COURT REPORT FOR THE MONTH OF FEBRUARY, 2024
HOLDEN AT COURT 13(A) OF WUSE ZONE 2
BEFORE HIS WORSHIP: ARIWOOLA, OLUWAKEMI V. (DISTRICT JUDGE)

Name of Magistrate	Claims Filed for Each Month (Suit No. and Parties)	Date of Filing	Date of Assignment	Date of Service	Date of Commence- ment of Hearing	Number of Adjourn- ments	Reason for Adjournment	Date of Judgment	Stage of Pending claims where judgment has not been delivered	Duration from filing till judgment (time to disposition)	Total Number of Pending Cases for the Month	Total Number of Disposed Cases for the Month
HIS WORSHIP: ARIWOOLA, OLUWAKEMI V.											ZERO/NONE	THREE
	SCC/17/2023 BETWEEN: ADEDAPU ESAN V. ADEKEYE EZEKIEL AKIN- OLUBODE	13/11/23	16/11/23	30/11/23	10/01/23	FOUR	DISPOSED OFF	02/02/2024	DISPOSED OFF JUDGMENT DELIVERED AND ALL THE CLAIMS OF THE CLAIMANT HEREBY FAILED	70 DAYS INCLUDING PUBLIC HOLIDAYS AND THE MAGISTRATE WENT ON LEAVE TOO DURING THE PERIOD		
	SCC/02/2024 BETWEEN: JAMES BENJAMIN IZUCHUKWU V. NGOZI EGBOGAH	18/12/23	22/01/24	NONE	FIXED 07/02/24 FOR MENTION	NIL	NONE SERVICE	07/02/2024	STRUCK OUT ON THE 07/02/24 FOR LACK OF DELIGENT PROSECUTION	NIL		

	SCC/03/2024 BETWEEN: JAMES BENJAMIN IZUCHUKWU V. NGOZI EGBOGAH											
		12/02/24	12/02/24	NONE	FIXED 26/02/24 FOR MENTION	TWO	NONE SERVICE AND PARTIES ABSENT IN COURT	29/02/2024	STRUCK OUT ON THE 29/02/24 FOR LACK OF DELIGENT PROSECUTION	NIL		



.....

SIGNATURE OF DISTRICT JUDGE

ARIWOOLA, OLUWAKEMI V.

.....

SIGNATURE OF REGISTRAR

BABA GANA HABIB

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
F.C.T SMALL CLAIMS COURT

HOLDEN AT COURT 13(A) WUSE ZONE 2 ABUJA
BEFORE YOUR WORSHIP: ARIWOOLA, OLUWAKEMI V.
DATED THIS THE 2ND DAY OF FEBRUARY, 2024.

SUIT NO: SCC/17/2023.

BETWEEN:

ADEDAPO ESAN.....CLAIMANT

AND

ADEKEYE EZEKIEL AKIN-OLUBODE.....DEFENDANT

JUDGMENT

This matter was commenced under the Undefended Claims procedure as Small Claims Practice Direction 2022, wherein the Claimant claims the sum of **₦1, 660, 800.00 (One Million, Six Hundred and Sixty Thousand, Eight Hundred Naira)** only which is the equivalent of the sum of **\$1600 (One Thousand, Six Hundred Dollars)**, and **₦100, 000.00 (One Hundred Thousand Naira)** borne out of a payoneer fund exchange transaction against the Defendant via **Form SCA 3A** as provided under **Article 3** of the small claims practice direction.

By the provisions of **Article 7 (2)** of the Practice Direction, the Defendant upon being served with **form SCA 3A** and **Form**

1

HIGH COURT OF JUSTICE CERTIFIED TRUE COPY	
NAME.....	BARBARA GINA HABO
DATE.....	29-02-2024
SIGN.....	[Signature]
CODE.....	REGISTRAR

SCA3B is expected to within 7 days of receipt of same file **form SCA 5A** in opposition or Counter of the Claimant.

Matter was mentioned and the Claimant applied for an Order for substituted service to serve the Defendant via e-mail and whatsapp through his mobile number and also to serve the Defendant by pasting the Processes on the Notice Board of this Court.

Subsequently, matter was mentioned on the 30th day of November, 2023 and the Defendant was duly served by substituted service and matter came up for Hearing on the 10th day of January, 2024 and the Defendant did not file any Counter or Defence against the claims of the Claimant.

By the records of this Court, it shows that the Defendant was duly served by substituted service and the seven days within which the Defendant ought to reply or file his Counter has elapsed.

Without any doubt, the procedure as contained under the Small Claims Procedure is of no difference to that of the Default Summons as contained in the Rules of this Court same being for a procedure for recovery of liquidated sum of money which is demanded, and such is determined basically by affidavit evidence.

In this instance Suit, the Defendant having neglected and refused to file **form SCA 5** in opposition to the claims of the

HIGH COURT OF JUSTICE	
CERTIFIED TRUE COPY	
NAME.....	BABA GUNA MABR
DATE.....	29-02-2024
SIGN.....	[Signature]
ODE.....	[Signature]

Claimant it follows therefore that the affidavit evidence of the Claimant as presented before this Court remains unchallenged and uncontroverted.

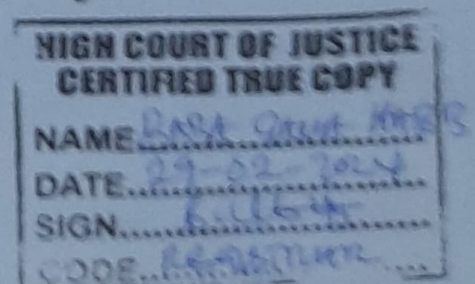
The position of the law is that where averments contained in an affidavit are not challenged by a way of Counter affidavit as the case may be such averments are deemed admitted by the party against whom they are sought.

However, it is also trite that every application must succeed on its own merit. That is to say that the averments contained in such affidavit must be cogent, credible and reliable. Based on this, this Court shall proceed to determine the application of the Applicant on its merit in the absence of the any Counter Process from the Defendant.

Then the next question is what is the evidence of the Claimant that the money claimed is a liquidated debt demand?

After a careful perusal of the Annexure attached to **form SCA3** and **SCA3B**, it shows that the Claimant (**Adedapo Esan ESQ.**) is acting for one named Adebisi Fashoyin. Analysis of the said Exhibit has not shown any link between the Defendant and the Claimant and how the Claimant arrived at the sum claimed as liquidated money demand.

This is indeed contradictory to prove the claim of the Claimant. To say that there is nothing before this Court to show that the Defendant did owe the said sum claimed, though the Letter of



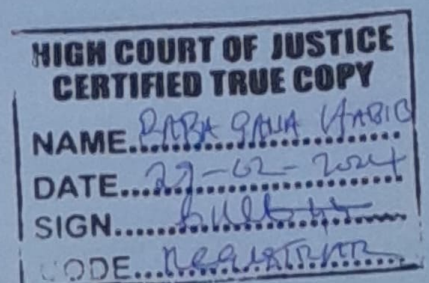
Demand dated 23rd October, 2023 shows indeed that same was demanded, but same is contradictory which leaves the Court in a position where it might begin speculations.

And the position of the law is that the Courts are not allowed to speculate as findings of the Court are to be based on cogent and credible evidence. Furthermore, it has been held in plethora of authorities that a Court when faced with contradicting evidence from a Party is not in any position to choose and select which one to believe as the truth.

Based on the above, this Court hold that the Claimant has not been able to prove that he is entitled to the amount claimed.

Consequently, the sum claimed by the Claimant is hereby refused and this Suit is hereby struck out accordingly.

SIGNED:
ARIWOOLA, OLUWAKEMI V.
DISTRICT JUDGE
DATE: 02/02/2024



IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
F.C.T SMALL CLAIMS COURT

HOLDEN AT COURT 13(A) WUSE ZONE 2 ABUJA
BEFORE YOUR WORSHIP: ARIWOOLA, OLUWAKEMI V.
DATED THIS THE 7TH DAY OF FEBRUARY, 2024.

SUIT NO: SCC/02/2024

BETWEEN:

JAMES BENJAMIN IZUCHUKWU.....CLAIMANT

AND

NGOZI EGBOGAH.....DEFENDANT

RECORD OF PROCEEDING

The Claimant's claim before the Court is the claim for the sum of **₦500,000.00 (Five Hundred Thousand Naira only) only.**

COURT: Appearances.

None. Parties absent.

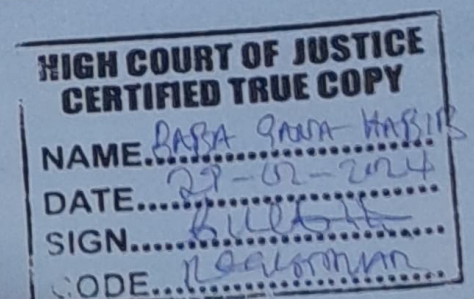
COURT: Matter is hereby struck out for lack of diligent prosecution.

SIGNED:

ARIWOOLA, OLUWAKEMI V.

DISTRICT JUDGE

DATE: 07/02/2024.



IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY
IN THE ABUJA JUDICIAL DIVISION
F.C.T SMALL CLAIMS COURT

HOLDEN AT COURT 13(A) WUSE ZONE 2 ABUJA
BEFORE YOUR WORSHIP: ARIWOOLA, OLUWAKEMI V.
DATED THIS THE 29TH DAY OF FEBRUARY, 2024.

SUIT NO: SCC/03/2024

BETWEEN:

JAMES BENJAMIN IZUCHUKWU.....CLAIMANT

AND

NGOZI EGBOGAH.....DEFENDANT

RECORD OF PROCEEDING

The Claimant's claim before the Court is the claim for the sum of **N500,000.00 (Five Hundred Thousand Naira only)** only.

COURT: Appearances.

None. Parties absent.

COURT: Matter is hereby struck out for lack of diligent prosecution.

SIGNED:

ARIWOOLA, OLUWAKEMI V.
DISTRICT JUDGE
DATE: 29/02/2024.

HIGH COURT OF JUSTICE CERTIFIED TRUE COPY	
NAME.....	ARIWOOLA, OLUWAKEMI V.
DATE.....	29/02/2024
SIGN.....	[Signature]
CODE.....	1122250000