

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

Dated this 20th day of November, 2023

SUIT NO: SC/15/2023

BETWEEN

STERLING BANK PLC

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CLAIMANT

AND

BLESSING EMMANUEL

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DEFENDANT

Parties: Absent

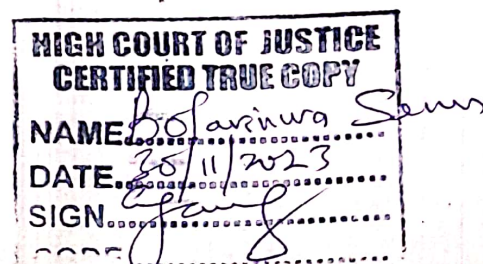
Appearances: Oluchi Obeta Esq for the claimant

Defendant not represented

JUDGMENT

This suit was commenced under the Small Claims Procedure wherein the claimant claims the sum of N763, 802.65 against the defendant as contained in the forms SCA 3A and 3B served on the defendant. By the provisions of Article 7 paragraph 2 of the Small Claims Practice Direction 2022, a defendant upon being served with Forms SCA 3A and 3B is expected to within 7 days file in response as defence Forms SCA 5 and SCA 5A stating reasons why judgment should not be entered against him. The originating processes in the suit was served on the defendant on the 8/11/2023 however, the defendant failed to file any response or counter process in opposition to the sum claimed by the claimant.

This present procedure is one which is basically determined by affidavit evidence of parties, and the defendant in this case having failed to file any counter to the affidavit evidence of the claimant means that same remains unchallenged. The position of the law is that where averments contained in an affidavit are not challenged by way of a counter affidavit or reply affidavit, such averments are deemed admitted by the party against whom they are averred and the court is at liberty to take same as the true state of facts. See OLATUNBOSUN v. OKAFOR (2012) LPELR-20186(CA).



I have carefully perused the affidavit of the claimant in form SCA 3B, the letter of demand attached to same, in all this court is satisfied that the claimant is entitled to the sum claimed and the defendant has no defence to same.

Consequently, this court hereby finds affirmation in the fact that the defendant is indebted to the claimant. The defendant is hereby order to immediately pay to the claimant the sum of N763,802.65 (Seven Hundred and Sixty-Three Thousand, Eight Hundred and Two Naira Sixty-Five Kobo Only) being the debt owed

Olumide Bamisile, Esq
District Judge
F.C.T. Judiciary Abuja
Sign. *[Signature]* Date. 20/11/2023

Signed.

Olumide Bamisile
Presiding District Judge
20/11/2023.

HIGH COURT OF JUSTICE
CERTIFIED TRUE COPY
NAME. *Bolaninwa Seun*
DATE. *20/11/2023*
SIGN. *[Signature]*
CODE. *[Signature]*