

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/03/2023

BETWEEN

STERLING BANK PLC

--

CLAIMANT

VS

EMMANUEL OKOEGBELE

--

DEFENDANT

Parties: Absent

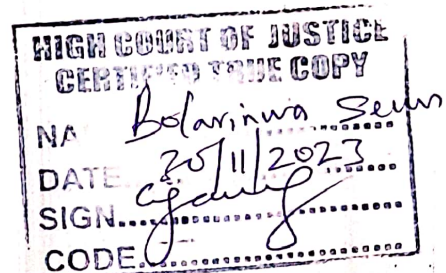
Appearances: Oluchi Obeta Esq for the claimant
Defendant not represented

JUDGMENT

This suit was commenced under the small claims procedure wherein the claimant claims the sum of N1, 079, 487.14 against the defendant as contained in forms SCA 3A and 3B served on the defendant. By the provision of Article 7 paragraph 2 of the Small Claims Practice Direction, 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 process in the suit was served on the defendant on the 8/11/2023 as contained on the endorsement copy before the Court. However, the defendant failed to respond or file any counter process in opposition to the sum claimed by the claimant.

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 YARDUA & ORS v. YANDOMA & ORS (2014) LPELR-24217(SC).



perusing the affidavit of the claimant in form SCA 3B and the letter of demand attached to same, in the absence of any response from the defendant, this court is satisfied that the defendant has no defence to the sum claimed. It is also settled law that a party who has been given every opportunity to defend a claim cannot complain of lack of fair hearing. See: NEWSWATCH COMMUNICATIONS LTD V. ATTA (2006) 4 S.C. (PT. II) 114

Consequently, this court hereby finds affirmation in the fact that the defendant is indebted to the claimant. The defendant is hereby order to pay to the claimant the sum of N1, 079, 487.14 (One Million, Seventy-Nine Thousand Four Hundred and Eighty Seven Naira Fourteen 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: *Bolarinwa Skun*
DATE: 30/11/2023
SIGN: *[Signature]*
CODE: *[Signature]*