

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/12/2023

BETWEEN

STERLING BANK PLC

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CLAIMANT

VS

EZINNE AJAH

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DEFENDANT

Parties: Absent

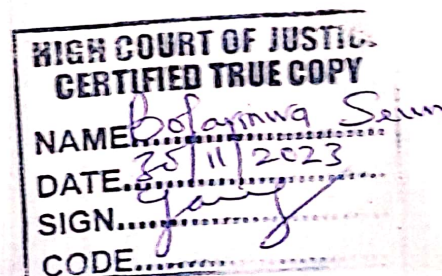
Appearances: Oluchi Obeta Esq for the claimant
Defendant not represented.

JUDGMENT

Having perused the originating processes before the court particularly Forms SCA 3A and SCA 3B wherein the claimant claims the sum of ₦561,762.03 against the defendant, the defendant was served with the originating processes on the 8/11/2023 and by the provision of Article 7 paragraph 2 of the Small Claims Practice Directions, 2022 the defendant is expected to file in defence forms SCA 5 and SCA 5A stating the reasons why judgment should not be entered against him. However, the defendant failed to file any counter process in this suit.

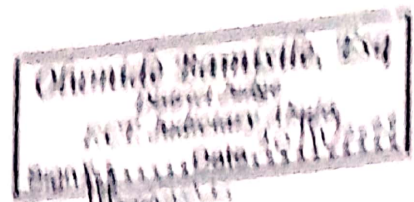
This court is satisfied that the defendant was duly served as indicated on the endorsement copy before the Court but however failed to file any process in opposition. It remains trite that facts deposed to in affidavit that are not challenged are deemed admitted and acted upon by the court. See SHONA - JASON LTD. V. OMAGA AIR LTD (2006) 1 NWLR (PT. 960) 1 CA

This court has painstakingly looked through the forms of the claimant before it and particularly the letter of demand annexed to same. In the absence of any defence, this court is satisfied that the sum claimed is liquidated and already demanded by the claimant from the defendant.



The position of the law is that the defendant is duty bound in this circumstance to file an affidavit indicating his defence, and where he fails to do this within the stipulated time, then the claimant is entitled to judgment. See *UZAKAH V. OKEKE* (2017) LPELR-43443(CA)

This court hereby finds affirmation in the fact that the defendant is truly indebted to the claimant. Consequently, the defendant is hereby order to immediately pay to the claimant the sum of ₦861, 762.03 (Five Hundred and Sixty One Thousand, Seven Hundred and Sixty Two Naira, Three Kobo Only) being the debt owed.



Signed,
Oluwalade Hamisile
Presiding District Judge
20/11/2023.

