

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/13/2023.

BETWEEN

STERLING BANK PLC

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CLAIMANT

AND

OGADINMA NELSON

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DEFENDANT

Parties: Absent

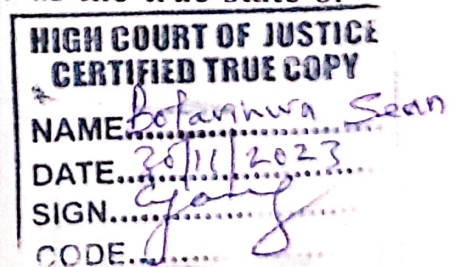
Appearances: Oluchi Obeta Esq for the Claimant

Defendant not represented

JUDGMENT

This suit of the claimant brought under the Small Claims Procedure seeks the sum of N520,000 (Five Hundred and Twenty Thousand Naira) as contained in Forms SCA 3A and SCA 3B against the defendant. Under this procedure of undefended claim, a defendant being served with Forms SCA 3A and SCA 3B is expected to within 7days file in response and defence Forms SCA 5 and SCA 5A as contained in Article 7 Paragraph 2 of the Small Claims Practice Direction, 2022 to state reason why judgment should not be entered against him/her. The defendant in this suit was serve with the undefended claim forms on the 8/11/2023 but however failed and neglected to file any counter process or response. This court holds that the defendant has no defence to the sum claimed. This procedure which is for recovery of liquidated money demand is one which is basically determined by affidavit evidence and the position of the law is that where averments contained in an affidavit are not challenged or denied by way of 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 rely on same as the true state of

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facts. Also Affidavit evidence that is neither challenged nor debunked remains good and reliable evidence which ought to be relied upon by a court. See *BADEJO V. FEDERAL MINISTRY OF EDUCATION* (1996) 8 NWLR (PT. 464) 15.

As earlier stated that the defendant by the provisions of Article 7 paragraph 2 of the Small Claims Practice Direction is expected to within 7 days file in defence form SCA 5 and SCA 5A but in the present circumstance, he neglected to do same, it therefore means that he was given the opportunity to be heard but however failed to do same. It is settled law that where a party is given ample opportunity to present his case within the confines of the law but he chooses not to utilize same, he cannot later be heard to complain that his right to fair hearing has thereby been breached. See *BAMGBOYE vs. UNIVERSITY OF ILORIN* (1999)6 S.C. (Pt.11)72.

This court has painstakingly perused the unchallenged affidavit evidence of the claimant before the court and particularly the letter of demand annexed to same. This court is satisfied that the defendant has no defence to the sum claimed by the claimant

Consequently, the defendant is hereby order to immediately pay to the claimant the sum of ₦520, 000 being the amount owed in debt

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 Seun*
DATE *30/11/2023*
SIGN *[Signature]*
CODE