

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL  
TERRITORY  
SMALL CLAIMS COURT  
HOLDEN AT DUTSE ALHAJI, ABUJA  
BEFORE HIS WORSHIP HON: MUHAMMED TAHIR OMEIZA  
ABDULMUMINI

SUIT NO: S.C.C/DUT/06/2024

BETWEEN

MABELUS PLUS INVESTMENT LTD-----CLAIMANT

AND

AKAHOME RONALD -----DEFENDANT

18/04/2024

JUDGEMENT

The claimant is a money lending institution registered under the Companies and Allied Matters Act of 1990 and duly issued money lender license under section 5(2) of the money lenders Act (CAP 525)

The defendant is a Nigerian citizen who resides within the jurisdiction of this Honourable Court; specifically at plot 59, Tunga Maze Abuja.

By the claimant plaint dated and filed on the 19<sup>th</sup> February, 2024 and the small claims complaint form( form SCA2) which disclosed that the defendant on the 25<sup>th</sup> January, 2022 took a loan of ₦2,000,000.00(Two Million Naira) which maturity date was set at 60 days after the disbursement of the sum. It is now 21 months after



the loan was disbursed. The accrued interest and capital now stand at the sum of ₦4, 200,000.00(four million, two hundred thousand naira). Despite several demands, the defendant failed or neglect to fulfill his obligation hence the claimant is in court asking for the following reliefs against the defendant:

1. An Order of this Honourable Court compelling the defendant to pay to the claimant the sum of ₦2, 000,000.00(Two Million Naira) being the unpaid loan.
2. An Order of this Honourable Court compelling the defendant to pay the sum of ₦4, 200,000.00(four million, two hundred thousand naira) as interest on the loan.
3. An Order of this Honourable Court compelling the defendant to pay the sum of ₦500, 000(Five Hundred Thousand Naira) to the claimant as damages for loss of time.
4. An Order of this Honourable Court compelling the defendant to pay the cost of this proceedings assessed at ₦300, 000(Three Hundred Thousand Naira)
5. An Order of this Honourable Court compelling the defendant to pay the sum of ₦500, 000(Five Hundred Thousand Naira) to the claimant as general damages.
6. An Order of this Honourable Court compelling the defendant to jointly pay 30% of the sum owed to the claimant for inflation.

I have however study carefully the processes filed, I have some concerns. Article 2 paragraph 1 sub paragraph C of the Federal Territory Practice Direction on Small Claims Court 2022 under which the claimant sued the defendant stipulates that:

1. An action may be commenced in the Small Claims Court where

(e) The claim is for a liquidated monetary demand in a sum not exceeding N4, 000,000.00(Four Million Naira) excluding interest and cost

The claim before the court is N6, 200,000.00(Six Million, Two Hundred Thousand Naira) the sum by the provision of Article 2 paragraph 1 of the small claims court 2022 is above the court Jurisdiction, hence this proceedings, no matter how beautifully conducted is voidable, it is upon this ground, that I hereby strike out this action for want of Jurisdiction.

SIGN:



REPRESENTATION

B.J AKPAN for the claimant

Claimant absent

Defendant absent