

IN THE SENIOR DISTRICT COURT OF PLATEAU STATE OF NIGERIA[SMALL
CLAIM]

IN THE DISTRICT COURT OF THE JOS DISTRICT

HOLDEN AT NO: 5 LUGARD ROAD, JOS

TODAY 2nd MAY, 2024

BEFORE HER WORSHIP D A. NYAM ---- SENIOR DISTRICT COURT

CLAIM NO: SDC/J/5/SC/015/2024

BETWEEN:

LADEP GWAMZHI ----- CLAIMANT

AND

MR HENRY NYAM DAVOU ----- DEFENDANT

CLAIM:

#5,000.000.00 [five million naira only]

10% judgment sum.

Cost- to be determined by the court.

APPEARANCES: M.W Mafuyai with T.B Quidom for the Claimant who is
in court.

Defendant- NIL.

Mafuyai --- Matter is slated for further mention. The Defendant was served the originating processes in this suit by substituted means as ordered by the Hon. Court on the last adjourned. The has not filed any respond. In line with ARTICLE 11 [2] PLATEAU STATE SMALL CLAIMS COURTS PRACTISE DIRECTION. We humbly apply that judgment be entered in favor of the Claimant.

Court --- On the last adjourned date being the 15th April, 2024. Upon the application of the counsel to the Claimant and the upon the affidavit of non-service FORM SCA4 deposed to by the bailiff of court that personal service of the originating processes in this suit proved abortive on the Defendant. The hon. Court ordered that the originating processes and all other subsequent processes in this suit be served on the Defendant by substituted means via pasting at the door entrance of the last known place of abode of the Defendant.

The order of the Hon. court was duly carried out and the Defendant was served on the 22nd April, 2024. Yet he is not in court, neither is he represented nor any reasons advanced for his absence in court.

JAMES T. CHOLLOM
REGISTRAR
505 LUGARD ROAD
JOS



By the rules of this court the Defendant has 7 days upon service of the Summons FORM SCA3 within which to file a Defence, Admission or Counter-Claim by completing FORM SCA5. Failure of which the Defendant would be deemed to have admitted the claims of the Claimant. See ARTICLE 9 [1] & [3] PLATEAU STATE SMALL CLAIMS COURTS PRACTISE DIRECTION, 2022. It is also trite and settled law that facts admitted needs no further prove. And I so hold.

I commend the case of AKINYEDE OLAIYA V THE STATE [2017] LER SC 562/2614 where the Supreme Court held thus;

“facts admitted, or, facts not disputed need no further proof, They are in law taken as proved/established”

In line with ARTICLE 9 [3] & ARTICLE 11 [2] PLATEAU STATE SMALL CLAIMS COURTS PRACTISE DIRECTION, 2022, counsel's application is granted and judgment is accordingly entered in favor of the Claimant against the Defendant as per the Claimant claims in FORM SCA3 as follows:

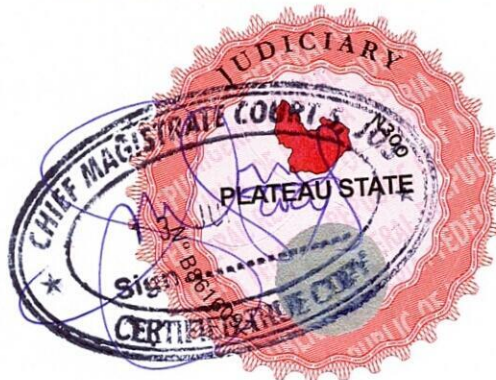
#5 million naira only,

#50,000.00 [fifty thousand naira only] as cost.

That is the judgment of the court.

RIGHT OF APPEAL.

Signed. 
Her Worship D. A Nyam.
Senior District Judge.
2th May, 2024.



CERTIFIED TRUE COPY
REGISTRAR