

IN THE DISTRICT COURT OF KWARA STATE

IN THE ILORIN JUDICIAL DIVISION

HOLDEN AT ILORIN

MCI/305/2024

BETWEEN:

MR. AYORINDE ISOLA.....CLAIMANT

AND

MR. BODUN OYE OLAKANMI.....DEFENDANT

JUDGMENT

The Claimant, through default summon procedure instituted this action against the defendant so when he encountered difficulty in effecting personal service on the defendant, he filed a motion exparte for substituted service and the same was granted as prayed.

The defendant was duly served with default summon, the order of this court and claimant's claims by substituted means to wit by pasting.

The affidavit of non-service was admitted in evidence as Exhibit P1.

The defendant was also served with hearing notice against today's date. The copy of the hearing notice was also admitted in evidence as Exhibit P2. The claimant claims against the defendant is for a sum of Five Hundred Thousand Naira Only which is the money given to him as loan by the claimant.

The claimant also claims against the defendant, interest of a sum of Seventy-Five Thousand Naira weekly from 26 September, 2024 until the Principal sum is fully liquidated. He is equally claiming the cost of filing and prosecution of this suit.

The claimant's claim is supported by a nineteen paragraphs affidavit deposed to by the claimant. Attached to the said affidavit are Exhibits A1 and A2 respectively.

The defendant has, however, failed to file notice of intention to defend this case as required by Order V Rule 1 (3) of the District Courts (Civil Procedure) Rules 2022, since 21<sup>st</sup> of February, 2025, consequently, the claimants case remains unchallenged and uncontradicted.

I therefore, believe and accept the affidavit evidence in support of the claimant's claim intoto in proof of his case since the same is free from any rebuttal and is not improbable. See the case of

DUROSARO VS. AYORINDE (2005) 8 NWLR (Pt. 927) Pg. 407 @Pg. 427.

The uncontroverted affidavit evidence in support of the claimant's claim shows that the defendant was brought before this Honourable Court because he defaulted in the payment of the loan given to him by the claimant.

Exhibit 'A1' is a copy of undertaken made by the defendant to refund a sum of Five Hundred and Seventy-Five Thousand Naira to the claimant. Exhibit 'A2' is a copy of a post dated cheque issued by the defendant to the claimant, dated 11th September, 2024.

On the strength of the attached exhibits and couple with the failure of the defendant to file a notice of intention to defend this action, I am convinced that the defendant is owing the claimant the sum of Five Hundred Thousand Naira being a loan granted to him the latter and he has no defence to this claim.

In the light of this, I accordingly enter judgment for the claimant against the defendant in the sum of Five Hundred Thousand Naira and the latter shall defray the former the judgment debt forthwith.

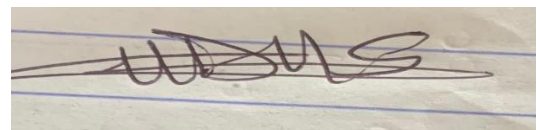
The defendant shall also defray the interest of Seventy-Five Thousand Naira per week from 26th September, 2024 until the judgment debt is liquidated.

The Seventy-Five Thousand Naira interest was reflected in paragraphs 8, 11 and 13 of the claimants supporting affidavit of his claim.

There is a claim for cost of filing and prosecution. However, there is no evidence to support the claim. I take it that it is abandoned.

The claim is accordingly struck out.

In the sum, judgment is for the claimant.



MRS. M. D. ADEBAYO-QUDUS

PRINCIPAL DISTRICT JUDGE

03/04/2025