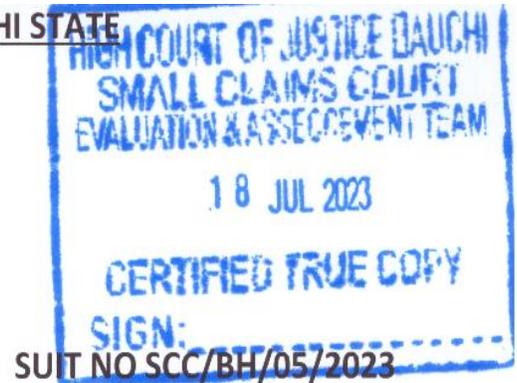


IN THE DISTRICT COURT OF BAUCHI STATE
(SMALL CLAIMS COURT)
HOLDEN AT BAUCHI



BEFORE HIS WORSHIP GARBA ABDULLAHI

BETWEEN

MARIA DAUDACLAIMANT

AND

SANI JIBRIN.....DEFENDANT

JUDGMENT DELIVERED ON 14/06/2023

INTRODUCTION

This case has been initiated in line with article 2 of practice directions on small claims court NO. 2 of Bauchi state 2022, where the claimant served the defendant with a letter of demand as in form SCA 1, thereafter summons were issued and served on the defendant as in form SCA 3 in accordance to Article 2 (3) by the bailiff of this court.

BRIEF FATCS OF THE CASE

Claimant avers that he has given a loan to the defendant , the sum of N 100,000.00 only on 31st day of January 2023 on conditions that he will repay within 3 months with 20% percent interest, and compounding interest accrue monthly, total N161,051 only, but he failed despite several oral demand by the claimant, at the commencement of the hearing an opportunity was given to the parties to settled amicably but proof abortive, pray for the court to enter judgment against the defendant and order him to pay the principal sum with 20% interest and the sum of N8,500.00 only as cost of this action. The defendant admits the claim orally before the court and fill form SCA 5 to that effect

DECISION

After hearing the oral statement of the claimant and having taken into consideration the particulars of complaint fill and filed by the claimant as in form SCA 2 as well as the admission as contain in form SCA 5 fill and filed by the defendants this Hon. Court formulate lone issue for determination thus: -

“WHETHER OR NOT THE CLAIMANT NEED TO PROOF HIS CASE BY PREPONDERANCE OF EVIDENCE TO ENTITLE TO JUDGMENT”

The law is settled that claimant must proof his case to the balance of probability to entitle to judgment, by the strength of his case not the weakness of the defendant I refer myself to the case of MRS ROSE MARY ONWUSOR VS YAHY MAINA & ORS (2021) LPELR-11919 C A, LONGE VS CBN (2006) 3 NWLR (PT 11)24

However, the law is trite that admitted facts need not further proof because an onus of proof does not exist in vacuo, I refer myself to section 123 of Evidence act 2011 as amended, and the case of MR KWASI KARI KARI ADUSEI & ANOR VS MR TOYIN ADEBAYO (2012) LPELR-7844 SC-

It is in record of this court that the defendant admitted all the claims of the claimant, therefore and I hereby enter judgment in favor of the claimant, against the defendant and grant all the relief sought in his originating process

This case is decided today being 14/6/23 there is right of appeal to High Court Bauchi within 14 days by the aggrieved party.

