

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

BEFORE HIS WORSHIP GARBA ABDULLAHI

SUIT NO SCC/BH/19/2023

BETWEEN

PEACE OGALLACLAIMANT

AND

JUMMAI YUSUF.....DEFENDANT

JUDGEMENT DELIVERED ON 23/06/2023

Claimant- Present in court speaks English

Defendant – present in court speaks English



INTRODUCTION

This matter brought before this Hon. Court in line with practice direction on small claims court NO 2 2022 laws of Bauchi state, where in a letter of demand was issued and served on the defendant in line with article 2 (1) (e) of this court practice direction, thereafter writ of summons were issued and served on the defendant as in form SCA 3 and the matter was slated to 7/7/23 for hearing.

BRIEF FACTS OF THE CASE

The claimant avers that, she gave the sum of N7,000.00 only to defendant to buy onion for her she neither buys nor returned her money despite several oral demand.

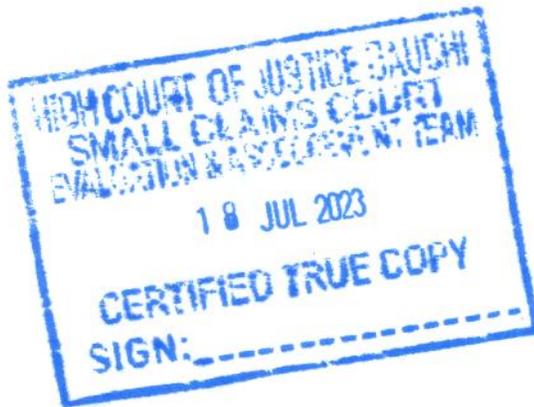
During pretrial conference the parties settled amicably they filed a terms of settlement on 23/6/23 and urged the court to adopt same and enter a consent judgement against them,

DECISION

The law is trite that in order to have a consent judgment the parties must be ad idem as far as the agreement is concern, there consent must be free and voluntary and the terms of settlement must be filed, I refer myself to the case of Woluchem vs Wokama (19740 ALL NLR 545

It is obvious that the parties have settled the matter amicably between themselves, voluntarily filed the terms of settlement today 7/7/23 duly signed by both parties in present of witnesses and adopt same, urge the court to consider it as its consent judgement, therefore and I hereby adopt the terms of settlement duly signed by both parties in present of their witnesses dated and filed today being 7/7/23 as consent judgment of this court

This case is decided today being 7/7/23



TERMS OF SETTLEMENT

07/07/2023

- ① That I Jumsai Yusuf the defendant undertake to pay the claimant the sum of ~~₹~~ 16,000 Only ~~on or before~~ as the total settlement of the transaction sum on the 14th day of July, 2023
- ② That I Peace Ogalla the claimant agreed to collect the sum of ~~₹~~ 16,000 Only as the total settlement of the transaction sum on the 14th July, 2023
- ③ That we all agreed and under sign these terms of settlement ~~and to be~~ ~~the consent judgement~~ to be bound by it.

CLAIMANT SIAN
PEACE Ogallo



DEFENDANT SIAN
Jumsai Yusuf



WITNESS NO 1
Babangida Ibrahim


WITNESS NO 2
Abdul Salim Adulu