

**IN THE DISTRICT COURT OF BAUCHI STATE
IN THE BAUCHI JUDICIAL DIVISION
HOLDEN AT SMALL CLAIMS COURT NO 2. BAUCHI**

SUIT NO SCC/BH/37/2023

BEFORE HIS WORSHIP ZAINAB M SHUAIBU (MRS)

BETWEEN

POLARIS BANK PLC CLAIMANT

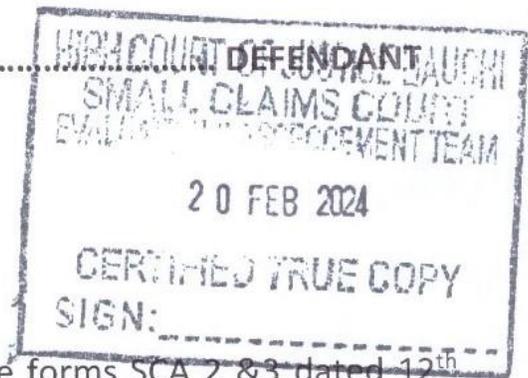
AND

AHMED BELLO

Appearances – BENJAMIN BULUS for the claimant

- No appearance for the defendant

JUDGEMENT



This small claim matter is filled by the claimant vide forms SCA 2 & 3 dated 12th day of December 2023, the claimant seeks the following;

1 – The sum of #1,011,786.73 (One Million Eleven Thousand, Seven Hundred and Eighty-Six Thousand Seventy-Three Naira) only being the money owed to the claimant by the defendant.

2 – Cost in the sum of N100,000.00 (One Hundred Thousand Naira) only.

The defendant was served with the originating processes and hearing notice by substituted means evidenced by affidavit of service before the court dated 14th day of December 2023 deposed to by Aliyu Sale Tafida a bailiff of this honorable court.

Trial commenced on the 9th day of January 2024, the claimant was represented by Benjamin Bulus.

CW1 OBED EZEKIEL a litigation secretary at Iroroko chamber testified that the defendant applied for a loan facility, it was granted to him the sum of one million

eleven thousand seven hundred and eighty-six thousand seventy-three naira only all effort to recover the said amount prove abortive.

Our law firm was engaged in the recovery of the outstanding sum, which a demand letter was written last year to the defendant, couldn't serve him because the defendant was evading service that is all.

The matter was adjourned for cross examination and defense, on the 11th day of January 2024, the defendant was absent and not represented by a counsel. Hence, the court obliged the claimant's application that the defendant's right to cross examine and defend be foreclosed and the matter was set down for judgement.

COURT DECISION

This honorable court formulates single issue for determination thus;

“whether the claimant in this suit is entitled to his claim before this court”

The law is settled that the court still has the duty to assess unchallenged and uncontroverted evidence along with the claim made in respect of which it was given and be satisfied of its credibility and sufficiency to sustain the claim may I refer myself to the case of ARCHIBONG VS UTIN (2012) LPELR-7907 (CA).

It is trite law that costs follow event and are awarded to compensate the successful party and not to punish the unsuccessful party and courts are empowered by the rules to award cost. See the case of NNPC VS CLIFCO NIG LTD (2011) LPELR 2022 (SC).

It is at the discretion of the court to award cost. The ultimate requirement is that such discretion must be exercise judicially and judiciously. thus since cost follows events in litigation, a party need not ask for cost before it can be awarded. That is why it is at the discretion of the court whether or not the award of cost is arbitrary is dependent on the peculiarity of each case. See the case of OGUNSAKIN VS EDU LOCAL GOVT AREA KWARA STATE &ORS (2011) LPELR -8816 (CA).

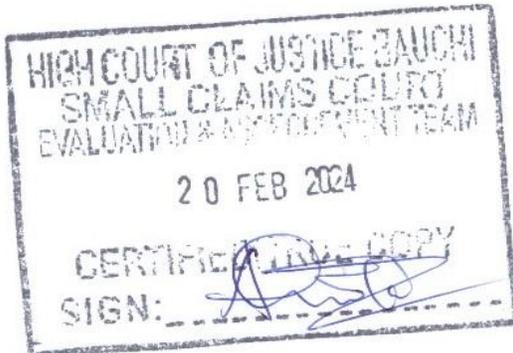
On the whole I have thoroughly assess the testimony of the claimant witness I hold that the claimant has credible cogent and have established the claim of the claimant in this suit.

I HEREBY ORDERED AS FOLLOWS;

1 – The defendant is ordered to pay the sum of N1,011.786.73 (One Million Eleven Thousand Seven Hundred and Eighty-Six Thousand Seventy-Three Naira) being the money owed to the claimant by the defendant.

2 – Cost in the sum of N50.000.00 (Fifty Thousand Naira).

This case is decided today being 13th day of January, 2024. There is right of appeal to High Court Bauchi within 14 days by the aggrieved party.



ZAINAB M SHUAIBU (MRS)

SENIOR MAGISTRATE