

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

SUIT NO SCC/BH/06/2024

BEFORE HIS WORSHIP ZAINAB M SHUAIBU (MRS)

BETWEEN

IDRIS MUSA CLAIMANT

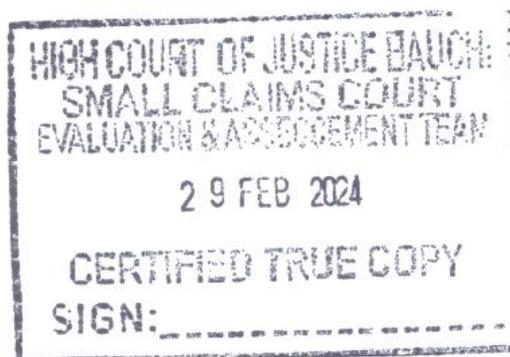
AND

FATIMA ALIYU DEFENDANT

Claimant Present

Defendant Absent

Appearances – None



JUDGEMENT

The claimant commenced this suit under the Bauchi state practice direction on small claims court no 2 of 2022 he fill and filled FORM SCA 2 and 3 dated 27th day of January 2024.

The defendant in this suit was duly serve with the originating process of this court dated 5th day of February 2024 as deposed to by the bailiff of this Hon court ALIYU SALE TAFIDA.

On the dated fixed for hearing the defendant was still absent and unrepresented, hearing commence.

CW1 who happens to be the sole witness is the claimant Idris Musa affirm and inform the court that the defendant mate me at my farmer land in December 2022 and collected 25 broilers at the rate of N3,500.00 each making the total sum of N87,500.00 on the agreement that she will pay the said amount in January

2023, all effort to get back my money prove abortive I reported her at the police station here in Bauchi she could only pay the sum of #15,000.00 remaining the outstanding balance of N75,500.00 I need the court assistance.

This matter was adjourned to the 12th day of February 2024 for cross examination and defense I ordered that hearing notice should be equally served on the defendant.

On the date fixed for cross examination and defense the defendant was absent and unrepresented.

Thereafter the claimant made an oral application to close the right of the defendant for cross examination and defense same was granted and the matter was adjourned for judgement.

COURT DECISION

It is an elementary principle of law that civil suit is determine upon the preponderance of evidence and balance of probability. He who assert must prove.

The law is settled that where there is unchallenged and uncontradicted evidence adduced by a party the court is duty bound to examine the facts of the case and then see whether it entitle the claimant to the reliefs sought.

ARTICLE 8(2) OF THE BAUCHI STATE PRACTICE DIRECTION ON SMALL CLAIMS COURT NO 2 OF 2022 empowers this honorable court to enter judgement in favour of the claimant where the claim is called for hearing and the claimant appears but the defendant does not appear provided there is proof of service the district court judge shall proceed with the hearing of the claim and enter judgement as far as the claimant can prove his claim.

In the instant suit at hand there is proof of service of the originating process and hearing notice on the defendant, as such this court is convinced that the defendant is fully aware of the pendency of this suit but choose not to appear and defend same.

I have gone through the evidence presented by the claimant in this suit and being satisfied with the facts this honorable court finds out that the claimant has adduced sufficient evidence to be entitle to all the reliefs sought in his originating process.

Accordingly, judgement is entered in favour of the clamant and I hereby make the following orders;

- (a) The claimant is entitle to the sum of N75,500.00 (Seventy Five Thousand Naira Five Hundred Naira) being the outstanding balance for the purchase of the chicken.
- (b) The sum of N10,000.00 as general damages
- (c) The sum of N6,000.00 as cost of action.

APPEAL

There is a right of appeal to the Hight Court of Justice Bauchi within 14 days from today by an aggrieved party.

This case is decided today being the 26th day of February 2024.

HIGH COURT OF JUSTICE BAUCHI
SMALL CLAIMS COURT
EVALUATION & ASSESSMENT TEAM
29 FEB 2024
CERTIFIED TRUE COPY
SIGN: _____

THE CHIEF MAGISTRATE COURT
OF BAUCHI STATE
Z.M. SHUAIBU ESQ
MAGISTRATE
SIGN: _____ DATE: 26/02/2024

ZAINAB M SHUAIBU
(MRS)
SENIOR MAGISTRATE