

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

BEFORE HIS WORSHIP ZAINAB M SHUAIBU (MRS)

SUIT NO SCC/BH/10/2024

BETWEEN

RILWANU LIMANCI **CLAIMANT**

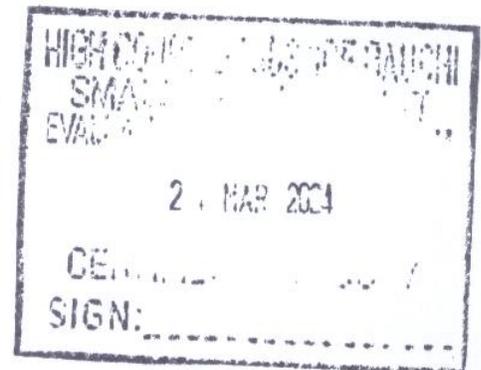
AND

ABUBAKAR MARAFA **DEFENDANT**

Parties present

Appearances – UBAIDULLA MUHAMMAD for the claimant

A M GIDADO for the defendant



JUDGEMENT

The claimant commenced this suit under the Bauchi state practice direction on small claims court no 2 of 2022 he fills and filled FORM SCA 2 and 3 dated 25th day of January 2024 the claimant claim against the defendant is the sum of ₦405,000.00 (Four Hundred and Five Thousand Naira) being the remaining balance for the supply of the laptops, ₦50,000.00 for cost of action.

The defendant was duly served with the originating process of this court as seen on the affidavit of service deposed to by one ALIYU SALE TAFIDA a bailiff of this Honourable court.

On the 5th day of February 2024 when the case was slated for hearing both parties were present and hearing commenced.

CW1 RILWANU LIMANCI the claimant in this case affirmed and testified to the effect that he entered into a business transaction with the defendant for the supply of laptops worth ₦2,460,000.000 (Two Million Four Hundred and Sixty

Thousand Naira) he was able to pay back the sum of ₦2,550,000.000 (Two Million Five Hundred and Fifty Thousand Naira) remaining the outstanding balance of ₦405,000.00 (Four Hundred and Five Thousand Naira) for almost six month today all effort to recover the rest balance prove abortive.

In the cause of cross examination, the defendant admitted to all the testimony of the defendant.

The claimant Apply to close his case

COURT DECISION

The claimant is not entitled to the reliefs sought in court by mere facts that he has filed his suit in court. The law required the claimant to establish that he is truly entitled to the reliefs sought in the suit.

In civil cases the burden of proof is on a party who asserts a fact the same because and this is also settled he who asserts must prove this court refer itself to the case of ALHAJI KABIRU ABUBAKAR & ANOR VS JOHN JOSEPH & ANOR (2008) LPELR – 48 (SC).

In the instant case the defendant admitted to all reliefs sort by the claimant and the law is trite that crucial fact which is admitted need no further proof and same will be taken as establish. May I refer the court to the case of MR KWASI KARIKARI ADUSEL & ANOR VS MR TOYIN ADEBAYO (2012) LPELR 7844 (SC).

At law where facts are admitted or not traversed in the pleadings a party is not obliged to lead any further evidence, however in the instant case the defendant during the testimony of CW1 who happens to be the claimant in the case, during cross examination admitted to all the testimony made by the claimant.

No cross examination by the defendant as such he admitted to all the claim of the claimant in his testimony in chief this is a tacit acceptance.

Having carefully studied the evidence of the claimant as well as the acceptance by the defendant I have placed the testimony on the scale of justice and found out

that the evidence of the claimant is weigh and strong enough to grant him all the reliefs sort.

Therefore, i have no option than to enter judgement as per the claimant claim in his originating process.

In line of the above judgment is hereby entered in favour of the claimant against the defendant.

Accordingly, this honorable court hereby ordered as follows;

(A) AN ORDER directing the defendant to pay the sum of ₦405,000.00 (Four Hundred and Five Thousand Naira) for the remaining balance for the purchase of the laptop

(B) Sum of ₦10,000.00 (Ten thousand naira) as cost of this action.

This case is decided today 19th March, 2024

APPEAL

There is a right of appeal within 14days from today to the High Court of Justice Bauchi.



ZAINAB M SHUAIBU (MRS)
SENIOR MAGISTRATE