

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

BEFORE HIS WORSHIP ZAINAB M SHUAIBU (MRS)

SUIT NO SCC/17/2024

**BETWEEN**

**IDRIS MUSA** ..... **CLAIMANT**

**AND**

**FATIMA MOHAMMED** ..... **DEFENDANT**

Claimant present speaks Hausa

Defendant absent

Aliyu Sale Tafida affirm to interpret the court proceedings from English to Hausa

Appearances none

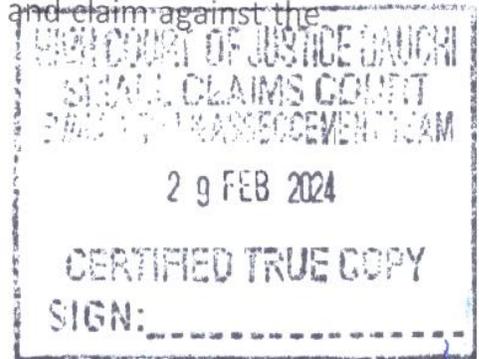
**JUDGEMENT**

The claimant commences this suit under the Bauchi state practice direction on small claims court no 2 of 2022 by filling FORM SCA 2 and 3 and claim against the defendant as follows;

- 1 – Sum of N132,000.00 being the money for the chickens
- 2 – Sum of N50,000.00 as general damages
- 3 – Sum of N10,000.00 as cost of action.

The defendant was duly serve with the originating process of this court dated 8<sup>th</sup> day of February 2024 as seen on the affidavit of service deposed to by the bailiff of this honorable court ALIYU SALE TAFIDA.

The defendant having being served neglect or refuse to appear before this honorable court and choose not to adduce evidence in challenge to the claim offered by the claimant.



## **BRIEF SUMMARY OF THE CLAIMANT CASE**

On the date fixed for hearing dated 12<sup>th</sup> day of February, 2024 CW1 testified as follows;

CW1 - IDRIS MUSA the claimant of Wuntin street here in Bauchi affirm and testify to the effect that the defendant in this suit mate me at my farmland located along railway in Bauchi and collected 55 broilers at the rate of N3,500.00 each making the total sum of N192,500.00, she was able to be the sum of N60,000.00 naira remaining the outstanding balance of N132,000.00, all effort to made to pay the remaining balance prove abortive.

After the conclusion of the examination in chief of CW1, the matter was adjourned to the 15<sup>th</sup> day of February 2024 for cross examination and defense.

While on the 15<sup>th</sup> day of February 2024 when the matter was slated for cross examination and defense the defendant was still absent and unrepresented.

Thereafter the claimant made an oral application to foreclose the right of the defendant for cross examination and defense, same was granted and the matter was adjourned to the 29<sup>th</sup> day of February 2024 for judgement.

## **COURT DECISION**

Having gone through the testimony of CW1 who happens to be the claimant in this matter, this Honorable court Formulate sole issue for determination thus;

“whether having regard to the evidence of CW1 the claimant have prove his case to the balance of probability and preponderance of evidence’

The provision of SECTION 134 OF THE EVIDENCE ACT 2011 provides that

‘The burden of proof shall be discharged on the balance of probabilities in all civil proceeding. The SUPREME COURT STATED SAME PRINCIPLE IN THE CASE OF ADELEKE VS INYAND (2001) FWLR (PART 6) PAGE 1580 @ 1581 R L

ARTICLE 8 (2) OF BAUCHI STATE PRACTICE DIRECTION ON SMALL CLAIMS COURT NO 2 OF 2022 empowers this honorable court 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 judge shall proceed with the hearing of the claim and enter judgement as far as the claimant can prove his claim.

In the case at hand there is a proof of service of the originating process and hearing notice on the defendant as such am satisfy that the defendant is fully aware of this suit but choose not to appear and defend same.

I have duly considered the evidence presented in support of the claimant claim am fully satisfy with the facts presented, this honorable court is convinced that the claimant have adduced sufficient evidence to entitle him to the grant of his claim.

Therefore, and I hereby resolve the sole issue for determination in favour of the claimant against the defendant.

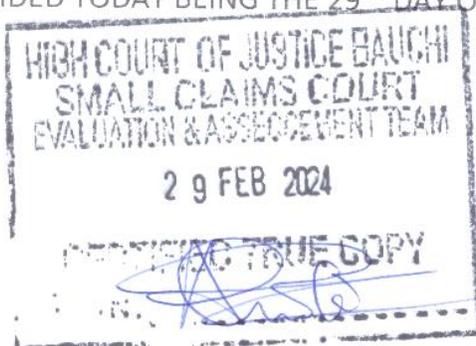
Accordingly, judgement is entered in favour of the claimant and I HEREBY MAKE THE FOLLOWING ORDERS;

- (1) The claimant is entitled to recover the sum of N132,000.00 (one hundred and thirty-two thousand naira only) being the outstanding balance for the purchase of the broilers
- (2) Sum of N10.000 as general damages (ten thousand naira only)
- (3) Sum of N10.000.00 (ten thousand naira only) as cost of action.

#### APPEAL

There is a right of appeal to high court of justice Bauchi within 14 days from today by any aggrieved party.

THIS CASE IS DECIDED TODAY BEING THE 29<sup>TH</sup> DAY OF FEBRUARY 2024.



ZAINAB M SHUAIBU (MRS)  
SENIOR MAGISTRATE