

**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/24/2024

BETWEEN

SUNDAY JEREMIAH CLAIMANT

AND

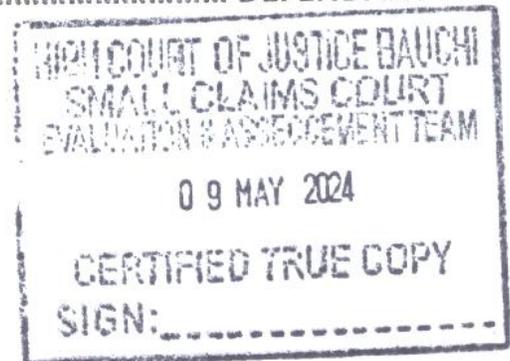
POLSHIDA SAMUEL DEFENDANT

Claimant present

Defendant absent

Appearances: No appearance for the Claimant

FW GALADIMA for the Defendant



JUDGEMENT

This small claims matter was brought and filled by the claimant pursuant to ARTICLE 2(1) (2) and (3) of the Bauchi state practice direction on small claims court no 2 of 2022 wherein the claimant fill & filled form SCA 2 and 3 dated 18th day of April 2024 and filled on the same day, the claim against the defendant are as follows;

- (a) AN ORDER of this Hon court against the defendant to pay the sum of ₦145,000.00 only being the outstanding balance of the money he gave her
- (b) Sum of ₦ 10,000.00 (Ten thousand Naira) as general damaged
- (c) Sum of ₦ 10,000.00 (Ten thousand Naira) cost of this action.

The originating process of this Hon court and hearing notice was served on the defendant by substituted means as disclosed on the affidavit of service dated 22ND day of April 2024 deposed to by one Aliyu Sale Tafida a Bailiff of this Hon court.

On the date fixed for hearing the defendant was absent hearing commenced.

CW1 in person of Sunday Jeremiah who happens to be the claimant in this suit affirm and testified to the effect that we entered into a transaction with the defendant I informed her that I intend to start preparing for my wedding she said no problem she is into such business and presently she is also buying and keeping some items to for her younger brother who is also getting married ant time soon.

I transferred the sum of ₦230,000.00 to her, she could not supply me with the said items she was able to pay me the ₦85,000.00 remaining the outstanding balance of ₦145,000.00.

Learned counsel to the defendant FW GALADIMA admitted to all the claim of the claimant

This matter was adjourned for judgement.

COURT DECISION

It is settled law in civil cases, the burden of proof is on he who assert must proof same may I refer the court to the case of FEDERAL MORTGAGE FINANCE LTD VS HOPE OFFIONG EKPO (2003) LPELR 5627 (C A AT 23-24) (2004) 2NWLR (PT 856) 100.

It is a well settled law that admitted facts required no further proof as provided under SECTION 123 OF THE EVIDENCE ACT 2011.

It is in record of this Hon court that learned counsel to the defendant admitted to all the claim of the claimant during hearing.

The onus or burden of proof is merely an onus to prove or establish an issue there cannot be any burden of proof where there are no issues in dispute between the parties, if the claimant claim is admitted there will no longer be an onus to prove what has been admitted by the opposite party. In summary what is not denied is deemed admitted and what is admitted need not be proved.

There for I have no option than to enter judgement as per the claimant claim in his originating process.

On the whole judgement is hereby entered in favour of the claimant against the defendant as per his claim and all the relief is hereby granted as prayed.

This case is decided today being the 9th day of May 2024.

HIGH COURT OF JUSTICE BAUCHI
SMALL CLAIMS COURT
EVALUATION & ASSESSMENT TEAM
09 MAY 2024
CERTIFIED TRUE COPY
SIGN: 

THE CHIEF MAGISTRATE COURT
OF BAUCHI STATE
Z.M. SHUAIBU ESQ
MAGISTRATE
SIGN:  DATE: 09/05/2024

ZAINAB M SHUAIBU
(MRS)
SENIOR MAGISTRATE