

**IN TNHE 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)

SCC/BH/20/2024

**BETWEEN**

**YAKUBU YAHAYA ZAGI ..... CLAIMANT**

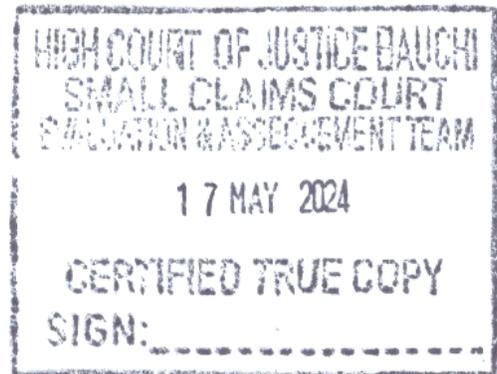
**AND**

**DANJUMA WAZIRI PADA & 1OR ..... DEFENDANT**

Claimant: Present

Defendant: Absent

Appearances: None



**JUDGEMENT**

The claimant commences this suit under the Bauchi state practice direction no 2 of 2022 dated 15<sup>th</sup> day of April 2024, the claimant claim as follows;

- The sum of ₦135,000.00 for the supply of iron and groundnut
- The sum of ₦15, 000.00 as general damages
- The Sum of ₦10, 000.00 as cost of action

The defendant was duly served with the originating process and hearing notice of this court dated 17<sup>th</sup> day of April 2024 as seen on the affidavit of service deposed to by the bailiff of this Hon court Aliyu Sale Tafida.

On the 25<sup>th</sup> day of April 2024 for the matter came up for hearing the defendant was absent and unrepresented trial commence.

CW1- YAKUBU YAHAYA who happen to be the claimant in this matter affirm and testified to the effect that he entered into a business transaction with the claimant for the supply of iron and groundnut, I gave him the sum of ₦120,000.00 (One hundred and twenty thousand Naira only) in cash and later transferred the sum of ₦135,000.00 to his account, he could only pay the sum of ₦120,000.00 remaining the outstanding balance of ₦135,000.00 all effort to recover the remaining sum prove abortive.

This matter was later adjourned to the 30<sup>th</sup> day of April 2024 for cross examination and defense.

On the 30<sup>th</sup> day of April 2024 for the matter was slated for cross examination and defense the defendant was still absent no message or correspondence for his absent.

The claimant made an oral application to foreclose the right of the defendant for cross examination and defense same was upheld.

These Hon. court have no option than to adjourn the matter for judgement.

## **COURT DECISION**

The defendant was served with the hearing notice to come and cross examine CW1 and enter his defense.

ARTICLE 8(2) OF THE BAUCHI STATE PRACTICE DIRECTION NO 2 OF 2022 PROVIDES AS FOLLWS AND I QUOTE;

“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 as far as the claimant can prove his claim”

In the instant case the defendant was duly serve with the hearing notice as seen on the affidavit of service, as such this court is fully satisfied that the defendant is aware of the pendency of this suit choose not to defend same.

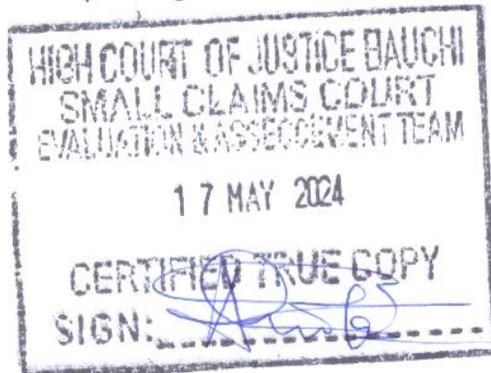
Based on the evidence of the claimant before this court being satisfied with the fact and circumstances of his claim judgement is hereby entered in favour of the claimant and the following orders are hereby made;

- (a) The claimant is entitled to recover the sum of ₦135,000.00 (One hundred and thirty-five thousand naira only from the defendant being the outstanding balance of the iron and groundnut.
- (b) Sum of ₦5, 000.00 as damages
- (c) Sum of ₦10,000 as cost of action

#### APPEAL

There is a right of appeal to the Bauchi State High Court on Small Claims Court with 14 days from today.

This case is decided today being the 16<sup>th</sup> May, 2024



ZAINAB M SHUAIBU  
(MRS)  
SENIOR MAGISTRATE