

**IN THE DISTRICT COURT OF BAUCHI STATE  
IN THE BAUCHI JUDICIAL DIVISION  
HOLDEN AT SMALL CLAIMS COURT NO. 1 BAUCHI  
SUIT NO. SCCBH/46/2024**

BEFORE HIS WORSHIP- GARBA ABDULLAHI

**BETWEEN**

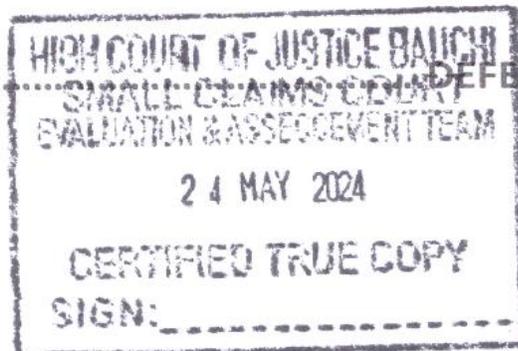
**MANSUR ABUBAKAR.....CLAIMANT**

**AND**

**SANI BASHIR.....DEFENDANT**

CLAIMANT –Absent

DEFENDANT – Absent



**JUDGEMENT**

This small claim matter brought and filed by the claimant pursuant to Article 2 (1) (2) and (3) of small claims court practice direction N0 2 of 2022, wherein the claimant fill form SCA 2 and 3 dated 4<sup>TH</sup> February, 2024 and filed on the same date seeking for the following reliefs;

1. AN ORDER of this Hon. Court against the defendants to pay the sum of N500,000 only being the money collected for the supplied of herbicide and fertilizer owing the claimant
2. N350,000 as damage and
3. Cost of this action

The originating processes of this Hon. Court has been served on defendant as disclosed by affidavit of service deposed to by one Abdulsalam Abdullahi a bailiff of this Hon. Court. Dated 10/2/24 thereafter hearing commenced.

PW 1 in person of Mansur Abubakar (claimant) affirmed and informed this Hon. court that, defendant has collected the sum of N500,000 only from him on

agreement that he will supplied fertilizer and herbicide to the claimant within 24hrs, he kept deceiving him up to date he neither bring the good and nor refund the money back to the claimant

During cross examination he told this court that, defendant promise to give him the said goods within 24hrs, his friend was the one that introduce him to defendant, he send the money via P.O.S agent in the account Number 0001303459 of Taj Bank PLC THE ACCOUNT Name is Hasibal integrated farmers which was given to him by the defendant.

He further told the court that defendant always asked them to go to his shop and carry the goods but, if they went, he told them that the goods are not available

On the process he reported the matter to police at Zone 12, where the defendant promises to pay the sum N250,000 by the end of the month and the remaining balance of N250,00k by the end of another month but he failed, he gave the money to defendant since May 2023

CW 2 affirmed in person of Sani Isa and told the court that defendant had collected the sum of N500,000 only from the claimant on condition that he will supply herbicide and fertilizer to him within 24hrs in his present, defendant gave the claimant an account Number of Taj BANK PLC and the defendant told the claimant that he acknowledge the receive of that amount, up to now the said goods were not given to the claimant likewise the money given to him.

During cross examination he informed this Hon. court that, he doesn't know the name of the account, the claimant was his business partner

CW 3 in person of Bashir Bala affirmed and told the court that, the claimant brought an account number to him being a P O S agent and asked him to send the sum of N500,000 only to the said account and he did so, a receipt to that effect has been admitted in evidence and marked as Exh. A,

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Evidence of PW 2 and PW 3 corroborate the testimony of the claimant (PW 1)

It is in record that the defendant did not enter a defense nor fill and file form SCA 5 which to view his action is tantamount to admission

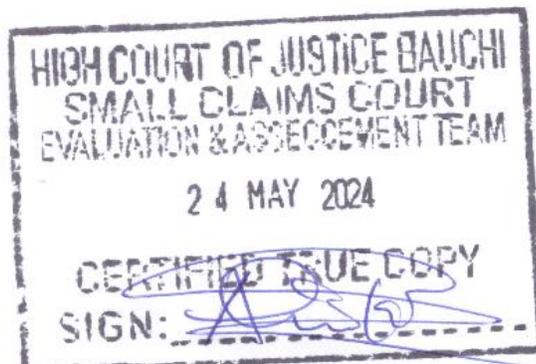
Article 6 of SCC practice direction provide that, failure by the defendant to fill form SSC 5 the court should consider it as admission

Therefore, the act of the defendant to neglect or refuse to file form SSC 5 and enter his defense to my humble view is tantamount to admission and I so hold.

On the whole its beyond argument that the scale of justice tilt to claimant side as he proof his case to the balance of probability, therefore judgment is hereby enter against the defendant and the following order is hereby make against him.

1. AN ORDER of this Hon. Court against the defendants to pay the sum of N500,000 only being the money collected for the supplied of herbicide and fertilizer owing the claimant
2. N100,000 as damage and
2. N 5000 as cost of this action

This case is decided today being 22/5/24 there is right of appeal to High Court Bauchi within 14 days by the aggrieved party.



THE HIGH COURT OF JUSTICE BAUCHI  
BY: \_\_\_\_\_  
GARBA ABDULLAHI  
SIGN: CHIEF MAGISTRATE