

**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/2024

BETWEEN

ABUBAKAR SADIQ ABUBAKAR CLAIMANT

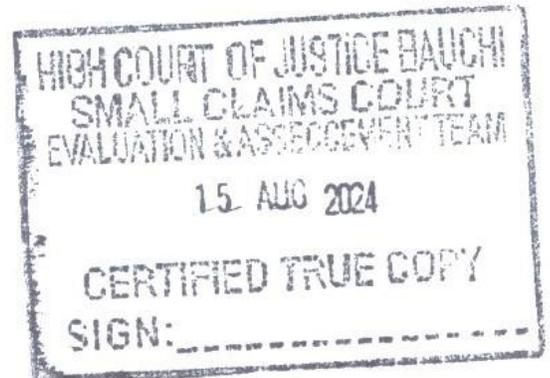
AND

IBRAHIM UMAR DEFENDANT

Claimant present

Defendant absent

Appearances M A ALHASSAN ESQ for the claimant



JUDGEMENT

The claimant commenced this suit under the small claims procedure by filling form SCA2 and claim against the defendant as follows;

- (a) The sum of N1,708,000.00 (One million seven hundred and eight thousand naira only) being the money for the aluminum zinc.
- (b) Sum of N500,000.00 (Five hundred thousand naira as general damages).
- (c) Cost of action of N200,000.00 (Two hundred thousand naira)

The defendant was served with the originating process of this honorable court via substituted means as deposed to by the bailiff of this honorable court ALIYU SALE TAFIDA dated 16th day of July 2024.

CW1 – ABUBAKAR SADIQ ABUBAKAR of Kobi Street Bauchi affirm and testified to the effect that we entered into a business transaction with the defendant for the supply of zinc of 141 square meter at the rate of #2800,000 he was able to supply part of the zinc remaining the out standing balance of #1,708.000.00 all effort to

recover the remaining balance prove abortive, this is the case of the claimant we humble apply to close our case.

CW1 was stood down for cross examination and defense I ordered that hearing notice should be served on the defendant.

COURT DECISION AND FINDINGS

On the date slated for cross examination and defense the defendant was absent having being duly served with the originating process of this court the case learned counsel to the defendant M A ALHASSAN ESQ made an oral application before the court that the right of the defendant be close for cross examination and defense same was granted as prayed.

After taking into consideration the evidence before the court this honorable court formulate lone issue for determination thus;

‘Whether the claimant has succeeded in establishing his claim against the defendant’

In civil suit the onus to prove a particular fact or case is on the party who assert civil suit are determine on the balance of probability and preponderance of evidence.

It is note worthy that the defendant was put on notice of the pendency of this suit as evidenced on the affidavit of service before the court. It is trite law that an affidavit of service is a prima facie proof of service and notification to the other party.

the law is settled that facts not challenged, contradicted nor controverted by a party are deemed to be admitted by him unless such facts on the face of it will lead to absurdity if it is being sought to be established such admission required no further proof SEE THE CASE

(A) MAISAJE VS HASSAN (2004)11 NWLR (PT 883) 181

(B) EZEANNAH VS ATTAH (2004) 7 NWLR (PT 873) 648

In view of the forgoing, I hereby enter judgment in favor of the claimant against the defendant and the following orders are made;

- (a) AN ORDER DIRECTING the defendant to pay the claimant the sum of N1,708,000.00 (One million seven hundred and eight thousand naira) being the money for the balance of the zinc
- (b) Sum of N150,000.00 (One hundred and fifty thousand naira) as general damages
- (c) Sum of N50,000.00 (Fifty thousand naira) as cost of action

APPEAL

There is right of appeal to the high court of justice Bauchi (small claims) within 14 days from today

THIS CASE IS DECIDED TODAY BEING THE 13TH DAY OF AUGUST 2024.

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

THE CHIEF MAGISTRATE COURT
BAUCHI STATE
Z.M. SHUAIBU ESQ
MAGISTRATE
SIGN:  DATE: 13/09/2024

ZAINAB M SHUAIBU
(MRS)
SENIOR MAGISTRATE