

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

SUIT NO SCC/BH/17/2024

BEFORE HER WORSHIP ZAINAB M SHUAIBU (MRS)

BETWEEN

IDRIS MUSA CLAIMANT

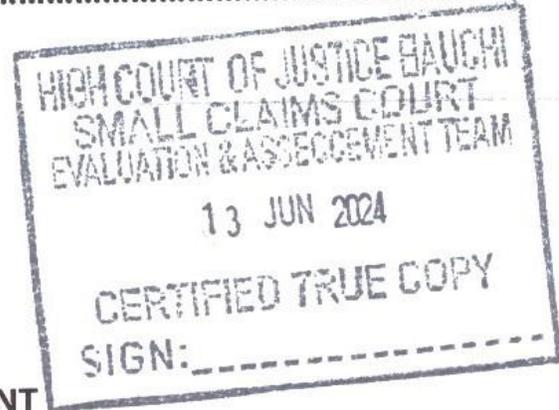
AND

DAN AZUMI MOHAMMED DDEFENDANT

Claimant present

Defendant absent

Appearances: None



JUDGEMENT

The claimant commenced this suit under the Bauchi state practice direction on small claims court no 2 of 2022 against the defendant by filling form SCA 2 and 3 dated 22rd day of February 2024 and claim against the defendant as follows;

- (a) The sum of N153,000.00 (one hundred and fifty-three thousand naira being the money for the chicken
- (b) Sum of N100,000.00 (hundred thousand naira) as general damages
- (c) Sum of N50,000.00 (fifty thousand naira) as general damages.

The defendant was serve with the originating process of this court evidence by affidavit of service dated 4th day of April 2024 deposed to by one ALIYU SALE TAFIDA a bailiff of this honorable court.

On the date fixed for hearing, hearing commence CW1 who happens to be the claimant and the sole witness affirmed and testified to the effect that came to my poultry farm and collected 25 chicken at the rate of N6,100.00 each making the total sum of N153,000.00, he promises to pay at the month of January 2023 but fail to pay same, I humble urge the court assist me in collecting the said amount.

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

On the date when the matter was slated for cross examination and defense the defendant was usual was still absent and unrepresented having being served with the hearing notice of this honorable court.

The defendant applies to the court that the right of the defendant for cross examination and defense be foreclose same was upheld.

The matter was set down for trial.

COURT DECISION

The principle of which states that every claimant must succeed on the strength of his own case and not on the weakness of the defendant's case this honorable court refer itself to the case of EZE VS APGA (2020) 4 NWLR (PART 1712) PAGE 413 AT 445 PARAS D-E.

It is clear from the record of this court that the defendant is full aware of the pendency of this case before the court he choose not to defend same, the law is trite that fact not controverted are deemed admitted and should be acted upon by the court this court refer itself to the case of MTN (NIG) COMM LTD VS CORPORATE COMM INV LTD (2019)9 NWLR (PART 1678) PAGE 427 AT PAGES 461 PARAS A-B where the apex court held as follows;

'where the claimant pleads and gives evidence in support of his claim and his evidence is uncontradicted, the trial court is bound to accept the evidence unless

there is something inherent in the evidence which disproves it the facts on which the evidence of CW1 was predicated were not traversed.

Based on the above cited authorities these Court have no option than to enter judgment based on the claimant claim.

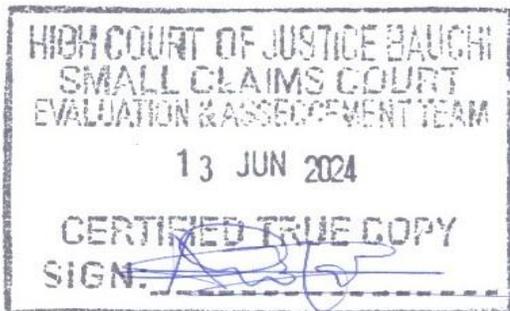
Judgment is hereby entered in favor of the claimant and the following orders are made as follows;

- (a) The defendant is ordered to pay the sum of N153,000.00 (one hundred and fifty-three thousand) to the defendant for the broiler chickens
- (b) Sum of N20,000 (twenty thousand naira) as general damages
- (c) Sum of N5000.00 (five thousand naira) as cost of action.

APPEAL

There is a right of appeal to the high court of justice Bauchi within 14 days from today.

This case is decided today 9th day of June 2024.



ZAINAB M SHUAIBU (MRS)
SENIOR MAGISTRATE