

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

SUIT NO SCC/BH/20/2024

BEFORE HIS WORSHIP ZAINAB M SHUAIBU (MRS)

BETWEEN

IDRIS MUSA **CLAIMANT**

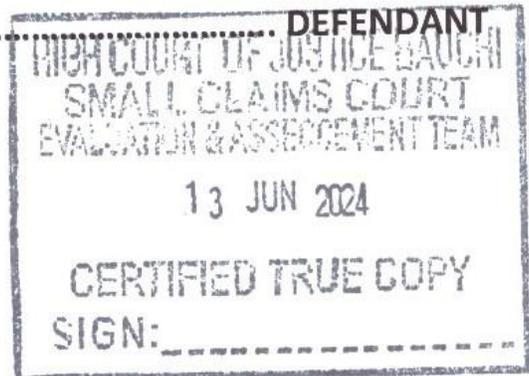
AND

MOHAMMED LAWAL YUSUF..... **DEFENDANT**

Claimant present

Defendant absent

Appearances: none



This suit was brought pursuant to the Bauchi state small claims court practice direction no 2 of 2022 the claimant fill and filled the small claims court forms SCA 2 and 3 the defendant was duly served with the originating process of this court via substituted service evidence by affidavit of service as deposed to by the bailiff of this honorable court ALIYU SALE TAFIDA dated 4th day of April 2024.

The claimant claim against the defendant as follows;

- (1) The sum of N450,000.00 (Four and fifty thousand naira) being the money for the chicken
- (2) Sum of N100,000.00 (One hundred thousand naira) as general damages
- (3) Sum of N50,000.00 (Fifty thousand naira) as cost of action.

On the date fixed for hearing cw1 affirm and testified to the effect that the defendant mate me at my poultry farm located at steel company in the month of December 2023 and pleaded as should give him 80 broilers at the rate of N3,000.00 naira each making the total of N240,000.00 and 35 chicken at the rate of N6,000.00 each making the total of N210,000.00, the sum total of all the broilers is N450,000.00 up till date he is yet to pay the money am pleading to this honorable court to assist me recover back my money from the defendant.

COURT

After the close of the claimant case the matter was adjourned for cross examination and defense I ordered that hearing notice should be served on the defendant and same was affected on him.

On the date slated for cross examination and defense the defendant was absent the claimant made an oral application that his right to cross examine him be close same was granted as prayed.

The defendant in this matter has being giving ample time and opportunity to defend his case, see the case of OKUNAYA VS STATE (2020) 2 NWLR (PART 1709) PAGE 472 AT PAGE 497 PARAS D-E held thus;

'the law is trite that where evidence given by a witness is not challenged by cross examination by the adverse party, the court is entitled to act on such as unchallenged evidence as establishing the truth'

Based on the authorities cited this honorable court hereby enter judgment in favor of the claimant as per his claim as follows;

- (a) The defendant is to pay the sum of N450,000.00 (Four hundred and fifty thousand naira) to the claimant for the chicken he collected
- (b) Sum of N30,000.00 (Thirty thousand naira) as general damages
- (c) Sum of N10,000.00 (Ten 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 BEING THE 9TH DAY OF JUNE 2024



ZAINAB M SHUAIBU (MRS)
SENIOR MAGISTARTE