



IN THE DISTRICT COURT OF BAUCHI STATE
IN THE SMALL CLAIM COURT (NO TWO)
HOLDEN AT BAUCHI

BEFORE HIS WORSHIP ZAINAB M SHUAIBU (MRS)

SUIT NO SCC/BH/02/2023

BETWEEN

ABBAS MUSA.....CLAIMANT

AND

SULIEMAN DANMALIKI.....DEFENDANT

Parties present Speaks Hausa

Aliyu Sale Tafida Affirmed to Interpret the Court Proceedings from English to Hausa

Appearances Muawiya Bala (for the claimant)

No appearance for the defendant

JUDGEMENT

The claimant commenced this suit under the small claim procedure by filling form SCA 2 and the claim against the defendant as follows

1- The sum of **₦400.000.00 (Four Hundred Thousand Naira)** being the remaining principal sum of the joint venture partnership between him and the defendant

2- Cost of action the sum of **₦6.500.00**

COURT

It is a settled law that in civil cases, the burden of proof is on he who asserts same section 131(1) and section 132 of the evidence Act 2011, and the case of FEDERAL MORTAGAGE FINANCE LTD VS HOPE OFFIONG EKPO (2003) LPELR 5627 (C A AT 23-24 (2004) 2 NWLR (PT 856) 100.

It is in record of this honorable court that the defendant admitted liability of the claimant claims during pre trial conference before the commencement of hearing.

However it is a settled law that admitted facts required no further proof as provided under section 123 of the evidence Act 2011 may I refer myself to the case of SHITTU SANUSI & ANOR VS BURAIMO OBAFUNWA & ANOR (2006) LPELR -11863 (CA) AT PAGE 26.

Where AUJIE JCA (as he then was held) and I quote,
“ it is trite law that facts admitted required no proof because the onus of proof dose not exist in vacuo. The onus or burden of proof is merely an onus to prove or establish an issue there cannot be any burden of proof where there are no issues in dispute between the parties. If the plaintiff claim is admitted, that will be the end, similarly if a particular averment of the plaintiff is admitted, there will no longer be an onus to prove what has been admitted by the opposite party. In summary what is not denied is deemed admitted and what is admitted need not be proved.”

Therefore this court has no option than to enter judgement as per the claimant claim in his originating process.

In line of the above judgement is hereby entered in favour of the claimant against the defendant as per his claim and all his reliefs are hereby granted as prayed.

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

DATED 13 DAY OF JULY 2023



ZAINAB M SHUAIBU (MRS)
MAGISTRATE