

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

BEFORE HIS WORSHIP ZAINAB M SHUAIBU (MRS)

SUIT NO SCC/BH/40/2024

BETWEEN

IDRIS MUSA **CLAIMANT**

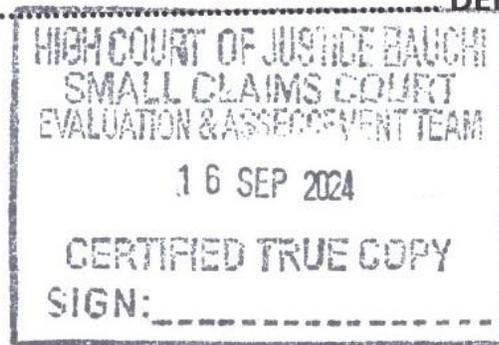
AND

USMAN TAMBARI..... **DEFENDANT**

Claimant present

Defendant absent

Appearances none



JUDGEMENT

The claimant commenced this claim under the Bauchi state practice direction on small claim court by filling form SCA 2 and 3 dated 2 day of July 2024, the claimant claim for the following reliefs;

- (a) The sum of N266,000.00 (Two hundred and sixty-six thousand naira) for the chicken
- (b) Sum of N50,000.00 (Fifty thousand naira) as damages
- (c) Sum of N30,000.00 as cost of action

The defendant was duly served with the originating process of this court as seen on the affidavit of service deposed to by the bailiff of this Hon court ALIYU SALE TAFIDA. On the date fixed for hearing the defendant was absent and unrepresented, hearing commenced.

CW1 by name Idris Musa the claimant in this matter affirms and testified to the effect that the defendant mate him at his farm and collect broiler worth N266,000.00 and promise to pay back at the end of February 2024, all effort to recover the said amount failed.

This is the case of claimant the matter was adjourned to the 30th day of July 2024 for cross examination and defense.

On the date slated from cross examination and defense the defendant was still absent and unrepresented.

The claimant apply that since the defendant was served with the hearing notice against today's date but he is absent no reason what so ever for his absent his right to cross examine the claimant witness be foreclosed and same was granted as prayed.

The case was adjourned for judgment I ordered that hearing notice should be serve on the defendant.

COURT DECISION

In civil suits for example the claimant bears the burden of proof that the defendant action or in action caused injury to the plaintiff and the defendant bears the burden of proving an affirmative defense.

In the instant case the defendant was fully aware of the pendency of this suit before the court he chose not to fill any defense to the claimant case.

Having considered the evidence presented in support of the claimant claim and being satisfied with the facts this Honorable court finds out that the defendant has adduced sufficient evidence to entitle him to the judgment of this court.

Based on the above judgment is entered in favor of the claimant and the following orders are hereby made;

- (a) The defendant is to pay the sum of N266,000.00 (Two hundred sixty thousand naira) being the money for the broilers chicken
- (b) The sum of N30,000.00 (Thirty thousand naira) as cost of action

There is a right of appeal to the high court of justice Bauchi within 30 days from today.

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

THE CHIEF MAGISTRATE COURT
OF BAUCHI STATE
Z.M. SHUAIBU ESQ
MAGISTRATE
SIGN: [Signature] DATE: 13/08/2024

ZAINAB M SHUAIBU
(MRS)
SENIOR MAGISTRATE

HIGH COURT OF JUSTICE BAUCHI
SMALL CLAIMS COURT
EVALUATION & ASSESSMENT TEAM
16 SEP 2024
CERTIFIED TRUE COPY
SIGN: [Signature]