

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

SUIT NO SCC/BH/22/2024

BEFORE HIS WORSHIP ZAINAB M SHUAIBU (MRS)

BETWEEN

POLARIS BANK PLC CLAIMANT

AND

ABDULKADIR DEWU UMAR DEFENDANT

JUDGEMENT

The claimant herein filed form SCA2 under the Bauchi state practice direction on small claims court no 2 of 2022 informed the court that the defendant collected a loan of N1,702,022.52(One million seven hundred and two thousand twenty-two naira fifty-two kobo) from the claimant (i.e. Polaris bank plc), sum of N150,000.00 as general damages and the sum of N300,000.00 as cost of action.

The proof of service of the originating process and hearing notice issued to the defendant by substituted means dated 24th day of April 2024 hence this honorable court is satisfied that the defendant was served and aware of the pendency of this suit before the court, the defendant neither appeared in court nor file any defense to this suit.

At the hearing of this matter CW1 by name Obit Ezekeil a litigation secretary affirm and testified to the effect that the defendant collected loan at Polaris bank plc the bank then brief our law to liquidate the sum and letter of demand was serve to the

defendant, in his respond he wrote a reply to the bank to waive 60% of which the bank refuse and granted to him 80% of the total amount to pay on or before 5th day of April 2024 but neglect or refuse to pay same that is why we are in court.

The above evidence and facts adduced in evidence remain unchallenged by reason of the defendant's failure to file a defense to this suit.

The law is trite that evidence that is neither challenged nor debunked remains good and credible evidence which should be relied upon by the trial judge who would in turn ascribe probative value to it. May I refer OLUDE VS STATE (2018) LPELR 44070 (SC)

Having considered the evidence proffered by the claimant's witness, this honorable court is satisfied that the claimant has adduced sufficient evidence in proof of his claim.

However, ARTCILE 8(2) OF THE BAUCHI STATE PRACTICE DIRECTION ON SMALL CLAIMS COURT NO 2 OF 2022 empowers this honorable court to enter judgment in favor of the claimant where the defendant fails to appear and there is a proof of service and the claimant has proved his claim.

Judgment is therefore entered in favor of the claimant and I hereby ordered as follows;

(a) AN ORDER directing the defendant to pay the sum of N1,702,022.52 (One million seven hundred and two thousand twenty two naira fifty two kobo) to the claimant being the money for the loan 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 TO BAING THE 16TH DAY OF JULY 2024

THE CHIEF MAGISTRATE COURT
OF BAUCHI STATE
Z.M. SHUAIBU ESQ
MAGISTRATE
SIGN  DATE 16/07/2024

**ZAINAB M SHUAIBU
(MRS)
SENIOR MAGISTRATE**

HIGH COURT OF JUSTICE BAUCHI
SMALL CLAIMS COURT
EVALUATION & ASSESSMENT TEAM
17 JUL 2024
CERTIFIED TRUE COPY
SIGN 