

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

SUIT NO SCC/BH/37/2024

BEFORE HIS WORSHIP ZAINAB M SHUAIBU (MRS)

BETWEEN

SHAMSUDEEN GAMBO CLAIMANT

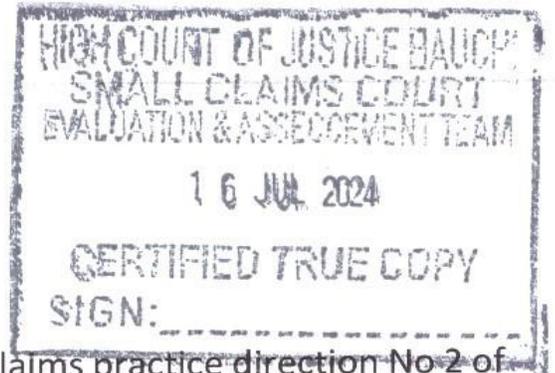
AND

USMAN UMAR DEFENDANT

Claimant present

Defendant absent

Appearances: None



JUDGEMENT

The claimant commenced this suit under the small claims practice direction No 2 of 2022 by filling form SCA 2 and 3 and claim against the defendant as follows;

- (a) The sum of N45,000.00 for the rice
- (b) Sum of N6500,00 (Six thousand five hundred naira) as general damages.
- (c) Sum of N10,000.00 (ten thousand naira) as cost of action.

The defendant was served by substituted means with the originating process of this court as well as the hearing notice evidence by affidavit of service as deposed to by one ALIYU SALE TAFIDA a bailiff of this honorable court

On the date slated for hearing the defendant was absent hearing commence, CW1 affirm and testified to the effect that on the 27th day of February 2024 the

defendant mate me and told me he has some rice for sale at the rate of N45,000.00 I transferred the sum of N20,000.00 to his access account, gave him N18,000.00, N5,000.00 and later N2,000.00 making the total sum of N45,000.00. CW1 tendered the statement of account which was admitted into evidence and MARKED as EXHIBIT A. that is the claimant case, CW1 was stood down.

The matter was adjourned 1st day of July 2024 for cross examination and defense, I ordered that hearing notice should be equally serve on the defendant.

On the date fixed for cross examination and defense the defendant as usual was still absent and unrepresented, the claimant made an application that the right of the defendant to cross examine CW1 be foreclosed and his application was granted as prayed.

It is a well principle of law that civil suits are determined upon the preponderance of evidence and balance of probability.

ARTICLE 8(2) OF THE BAUCHI STATE PRACTICE DIRECTION ON SMALL CLAIMS COURT NO 2 OF 2022 provides thus;

‘where the claim is called for hearing and the claimant appears but the defendant does not appear, provided there is proof of service, the district judge shall proceed with the hearing of the claim and enter judgment as far as the claimant can prove his claim’

Based on the above stated provision it is clear from the record of this court that the defendant is fully aware of this matter before the court he chooses or neglect to appear and defend same, in view of the foregoing this court have no option than to enter judgment as per the claimant claim before the court.

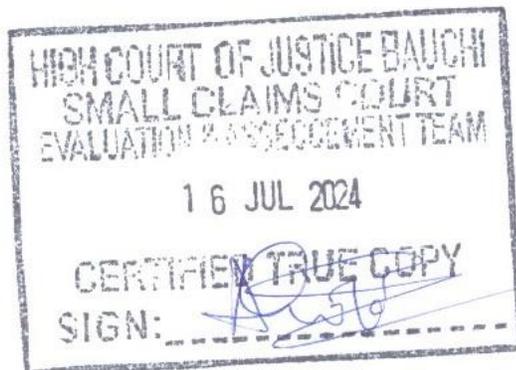
Judgment is hereby entered in favor of the claimant against the defendant and is ordered as follows;

(a) The defendant is ordered to pay the sum of N45,000.00 (forty-five thousand naira) being the money for the rice

(b) Sum of N5,000.00 (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 BEING THE 16TH DAY OF JULY 2024.



ZAINAB M SHUAIBU (MRS)
SENIOR MAGISTRATE