

**IN THE DISTRICT COURT OF BAUCHI STATE  
IN THE BAUCHI JUDICIAL DIVISION  
HOLDEN AT SMALL CLAIMS COURT NO. 1 BAUCHI  
SUIT NO SCC/BH/134/2024**

Before His worship- GARBA ABDULLAHI

**BETWEEN**

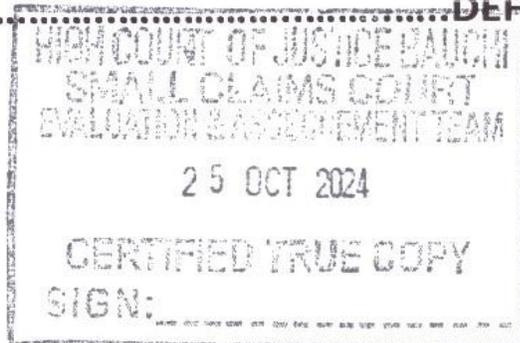
**KHADIJA UMAR.....CLAIMANT**

**AND**

**MALAM DALHA.....DEFENDANT**

CLAIMANT –Absent

DEFENDANT – Absent



**JUDGEMENT**

This small claim matter brought and filed by the claimant pursuant to Article 2 (1) (2) and (3) of small claims court practice direction NO 2 of 2022, wherein the claimant fill form SCA 2 and 3 dated 14<sup>TH</sup> August, 2024 and filed on the same date seeking for the following reliefs;

1. AN ORDER of this Hon. Court against the defendants to pay the sum of ₦300,000 only being the money owing the claimant for business.
2. Cost of this action.

The originating processes of this Hon. Court has been served on defendant by substituted means as disclosed by affidavit of service deposed to by one Sharifa Ibrahim Gital a bailiff of this Hon. Court. Dated 16/8/24 thereafter hearing commenced, in her effort to proof his case the claimant testified alone thereafter close her case. Defendant refuse to enter his defense this court foreclose his right of defense, both parties did not file final written address.

Review of the witnesses' testimony

CW 1 in person of Khadija Umar affirmed and testified to the effect that she bought goods for the defendant worth N700,000,00 only which include wrappers (less) shoes jewelries, boxes hand bags, cosmetics and inner wires e t c, he deposited the sum of N400,000 only remaining the balance of N300,000 only on conditions that he will upset by the end of April 2025 but failed refuse and neglect to do so

She further told the court that upon service of court process on him he paid the sum of N50, 000 now remaining the balance of N250,000 only. unpaid

After taken into consideration the evidence of the claimant as well as the circumstances of this case, this Hon. court formulate lone issue for determination thus

**“Whether the claimant proof his case by preponderance of evidence to be entitle to judgment”**

By law the claimant's duty to proof his claim ,remains inviolate, whether or not the case is defended by the defendant and the claimant is expected to succeed on the strength of his own case not on the weakness of the defendant, therefore claimant must proof his case to the balance of probabilities I refer myself to the case of LONGE VS C B N (2006)3 NWLR (PT967) 228 ITAUMA VS AKPA-IME (2000) 7 SC (PT 11)24, and IMAM VS SHERIFF (2005)4 NWLR (PT 914)80

The genesis of this matter is contract for the supply of mining material (liteum) entered into by the parties

It is in record of this Hon. court that CW 1 testified to the effect that they have entered into the contract with the defendant for the supply of goods, she performed her own part but defendant breach the contract refused to pay the remaining balance of N250,000 for the goods supplied to him despite several oral demand,

Defendant did not cross examine CW 1 and neither enter his defense, the law is settled that failure to cross examine the testimony of witness is tantamount to admission see the case of MANTED WATER TREATMENT NIG. LTD VS PTF (2007)3 FWLR PG 4330 AT 4344 and BOLANKE VS ABEKE (2007) 3 FWLR PG 5037 at 5039 where the apex court held thus

“Where evidence of the party in a suit is not challenge or debunked by the opposite party which had the opportunity to do so, the trial court or tribunal seized of the proceeding ought to accept and act on it”

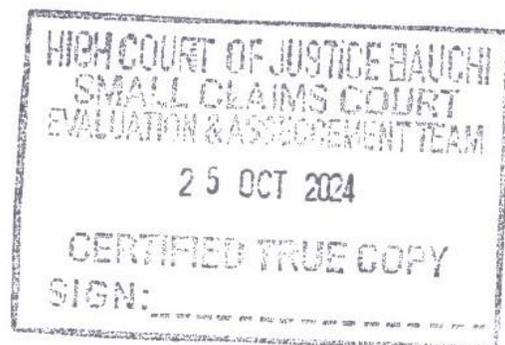
Defendant neither defend himself nor file form SCC 5, Article 6 of practice direction of this court provide that, if defendant refuse to fill form SCC 6 it should be considered as admission.

Therefore, in the light of the above I hereby resolved the lone issue for determination in favor of the claimant as she proved her case by preponderance of evidence

On the whole judgment is hereby enter against the defendant in favor of the claimant and the following orders are hereby make

1. AN ORDER be and hereby make directing the defendant to pay the sum of ₦250,000 only being the remaining balance money for the goods supplied to defendant
2. AND the sum of ₦ 30,000 only as cost of this action

This case is decide today being 22<sup>nd</sup> October, 2024 there is right of appeal to High Court of justice Bauchi within 14 days by the aggrieved party.



  
**GARBA ABDULLAHI**  
**CHIEF MAGISTRATE**