

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

BEFORE HIS WORSHIP ZAINAB M SHUAIBU (MRS)

SUIT NO SCC/BH/37/2024

BETWEEN

SALISU MOHAMMED BUBA CLAIMANT

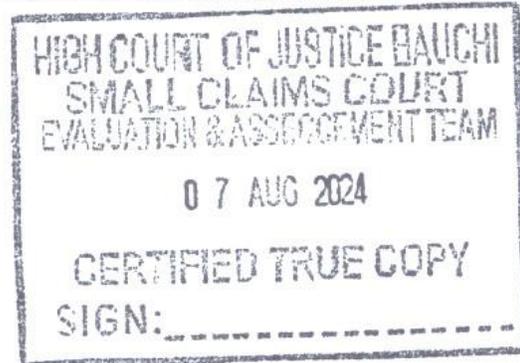
AND

KABIRU MOHAMMED BABAYO DEFENDANT

CLAIMANT PRESENT

DEFENDANT ABSENT

APPEARANCES NONE



JUDGEMENT

The claimant commenced this suit under the Bauchi state practice direction on small claims court no 2 of 2022 he claims against the defendant the sum of N30,000.00 for the purchase of meter, cost of action of N10,000.00.

The claimant filled form SCA 2.

The defendant was served with the originating process of this court as showed on the affidavit of service deposed to by the bailiff of this honorable court ALIYU SALE TAFIDA.

The defendant never appeared in court after being served with the originating process of this honorable court, however he elect or chose not to file or adduce evidence in challenge to the claimants claim.

CW1- by name SALISU MOHAMMEDV BUBA who happens to be the claimant in this case affirm and testified to the effect that the defendant collected the sum of N70,000.00 for the purchase of meter, he never provided the meter nor the money

at long run he was able to pay the sum of N40,000.00 remaining the outstanding balance of N30,000.00 all effort to recover the remaining balance prove abortive.

CW1 tendered the transaction receipt between him and the defendant same was admitted into evidence and marked as EXHIBIT M.

CW1 was stood down for cross examination and defense, on the date slated for cross examination and defense the defendant as usual was absent, the claimant made an oral application that the right of the defendant be foreclosed for cross examination and defense same was granted as prayed by this court.

The case was set down for judgement.

COURT FINDINGS

The principle of law is that civil suit is determined upon preponderance of evidence and balance of probability.

ARTICLE 8 (2) OF THE BAUCHI STATE PRACTICE DIRECTION ON SMALL CLAIMS COURT NO 2 OF 2022 and I quote;

‘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 judgement as far as the claimant can prove his claim.

Based on the above provision as earlier stated the defendant was served with the originating process of this court he is fully aware of the pendency of this suit before the court.

in view of the above judgment is hereby entered in favor of the claimant against the defendant and the following orders are made as follows;

- (1) AN ORDER directing the defendant to pay the remaining balance of N30,000.00 (Thirty thousand naira) being the outstanding balance for the purchase of the meter.
- (2) The sum of N10,000.00 as cost of action

APPEAL: There is a right of appeal to the high court of justice Bauchi (small claims) within 14 days from today.

This case is decided today being the 5th day of august 2024.

HIGH COURT OF JUSTICE BAUCHI
SMALL CLAIMS COURT
EVALUATION & ASSESSMENT TEAM
07 AUG 2024
CERTIFIED TRUE COPY
SIGN: _____

THE CHIEF MAGISTRATE COURT
OF BAUCHI STATE
Z.M. SHUAIBU ESQ
MAGISTRATE
SIGN: _____ DATE: 8/09/2024

ZAINAB M SHUAIBU
(MRS)
SENIOR MAGISTRATES