

**IN THE DISTRICT COURT OF BAUCHI STATE**  
**(SMALL CLAIMS COURT)**  
**HOLDEN AT BAUCHI**

BEFORE HIS WORSHIP GARBA ABDULLAHI

SUIT NO SCC/BH/21/2023

**BETWEEN**

**PRINCE ILIYA SABO .....CLAIMANT**

**AND**

**UMAR ADAMU UBALE.....DEFENDANT**

CLAIMANTS –PRESENT IN COURT speaks Hausa Language

DEFEENDANT – Absent in court

IGNITIOUS SOLOMON ESQ FOR THE CLAIMANT

N S ILELA ESQ FOR THE DEFENDAN

Abdussalam Abdullahi – Affirmed to Interpret

JUDMENT DELIVERED ON 31/07/2023



**INTRODUCTION**

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 2022 wherein the claimant fill form SCA 2 AND 3 dated 4<sup>th</sup> July 2023 and filed on 5<sup>th</sup> July 2023 seeking for the following reliefs;

1. AN ORDER of this Hon. Court compelling the defendant to pay the amount due to the plaintiff for the remaining balance of N 340,000.00 and the interest of 5% of the judgment sun till final liquidation.
2. AN ORDER directing the defendant to pay the general damages for the breach of contract

3. Cost of this action N90,000.00 only

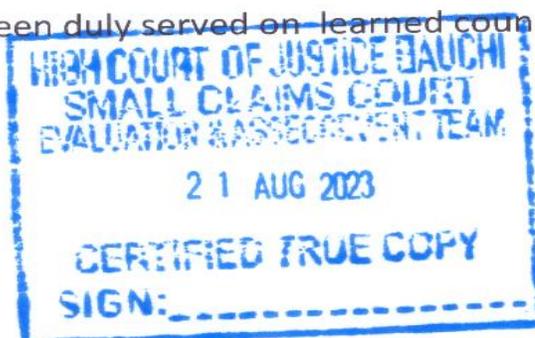
The originating processes of this Hon. Court has been served on defendant by substituted means, as disclosed by affidavit of service deposed to by one Abdussalam Abdullahi a bailiff of this Hon. Court dated 6<sup>th</sup> July 2023 in line with the order of this Hon. Court. On the date fixed for hearing IGNITIOUS SOLOMON Esq appear for the claimant while M O MWOYE Esq holding the brief of N S ELELA Esq appear for defendant and the matter was adjourned at the instance of the defendant.

On 29/7/23 Claimant was absent in court and the claimants in court while defendant absent in court, Ignitious Solomon appear for the claimant, the hearing commenced

CW 1 in person of Emos Kundali Affirmed and testify to the effect that, the claimant logged a complain to him against defendant, claim that, he sold a Rams to defendant and there is outstanding balance of N340,000.00 only, with which defendant refused to pay him despite several demand, in the process of inviting the defendant brought a court order from the Sharia court restraining him from investigation.

CW 2 in person of ADAMU MANU told this Hon. Court that the claimant informed him that he sold his Rams to defendant but he has outstanding balance of N340,000.00 only unpaid, he met the defendant and narrated everything to him he admitted the claims

CW 3 the claimant himself informed this Hon. Court that on 6/7/22 he sold six (6) Rams to defendant at the total cost of N940,000.00 only on 7/7/2023 he gave him the sum of N480,000.00 only and on 14/9/2023 he gave him additional sum of N120,000,00 only remaining the outstanding balance of N340,000.000 only and he refused to pay despite several demand therefore urged the court to grant all his reliefs, the case was further adjourned to 29<sup>th</sup> day of July 2023 for cross examination/defense and hearing notice has been duly served on learned counsel to defendant as order by this Hon court



On 29/7/2023 learned counsel to defendant refused to cross examine the claimant's witnesses and admit the claim to the effect that, defendant will pay the remaining balance of N340,000.00 only and N40 as cost of action, consequent upon which the Claimant agreed and waive his claim of 5% interest and the matter set down for judgment

In the light of the above this Hon court formulate single issue for determination thus;

“Whether the claimant is entitle to judgment based on the totality of evidence placed before this Hon. Court”

It is trite law that claimant succeed by the strength of his case not the weakness of the defendant I refer myself to the case of MRS ROSE MARY ONWUSOR VS YAHI MAINA & ORS (2021) LPELR-11919 C A, LONGE VS CBN (2006) 3 NWLR (PT 11)24

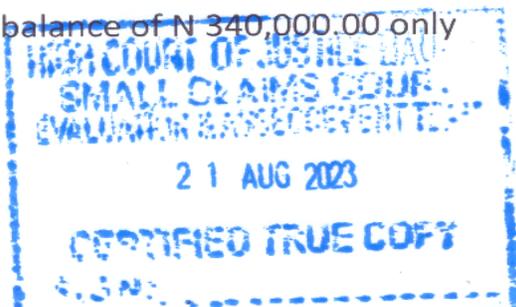
It is also well known principles of law that, courts indeed this court is duty bound to assess unchallenged and uncontroverted evidence along with the claim made in respect of which it was given and be satisfied of its credibility and sufficiency to sustain the claim I refer myself to the case of ARCHIBONG VS UTIN (2012) LPELR - 7907 (CA) and ADELAKUN VS ORUKU (2006) ALL FWLR (308)1360 AT 1373

However, where the defendant admitted the claim of the plaintiff as in the instant case the court will be left with no option that to enter judgment against him base on his admission

the law is trite that admitted facts need not further proof because an onus of proof does not exist in vacuo, I refer myself to section 123 of Evidence act 2011 as amended, and the case of MR KWASI KARI KARI ADUSEI & ANOR VS MR TOYIN ADEBAYO (2012) LPELR-7844 SC-

It is in record of this court that the defendant admitted the claims of the claimant, therefore I resolve the issue formulated in favor of the Claimant and enter judgment in his favor, against the defendant therefore, make the following orders

4. AN ORDER of this Hon. Court compelling the defendant to pay the amount due to the plaintiff for the remaining balance of N 340,000.00 only



5. AN ORDER directing the defendant to pay the sum of N40,000.00 only as cost of this action.

This case is decided today being 30/7/23 there is right of appeal to High Court Bauchi within 14 days by the aggrieved party.

