

**IN THE DISTRICT COURT OF BAUCHI STATE
IN THE BAUCHI JUDICIAL DIVISION
HOLDEN AT SMALL CLAIMS COURT NO. 1 BAUCHI**

SUIT NO SCC/BH/1.2/2025

Before His worship- GARBA ABDULLAHI

BETWEEN

AISHA ADAMU.....CLAIMANT

AND

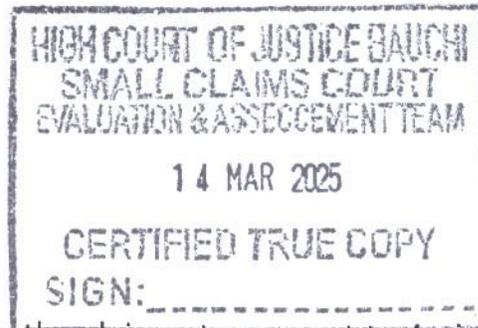
HASANA (MAMAN BARA'ATU)DEFENDANT

CLAIMANT –Absent

DEFENDANT – Absent

B P Elesha Esq for the claimant

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 N02 of 2022, wherein the claimant fill form SCA 2 and 3 dated 26TH February, 2025 and filed on the same date seeking for the following reliefs;

1. AN ORDER of this Hon. Court against the defendant to pay the sum of ₦1,345,000 only being the money for supply of cassava to the claimant
2. Cost of this action the sum of ₦50,000 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 Abdulsalam Abdullahi a bailiff of this Hon. Court. Dated 24/2/2025 thereafter hearing commenced

Reviews of testimony of witness are as follows

CW 1 in person of Aisha Adamu (claimant) affirmed and told this Hon. court that she went to Duguri town and gave the defendant the sum of N400,000 on 5/12/24 to buy Maize, Rice and guinecorn, on 12/12/24 she went to collect the said grains and to buy cassava, the defendant collected the sum of N1.100.000 only for the cassava, on that day defendant gave her Rice, & G/Nut worth N200,000 only on condition that the following day she will provide the remaining goods include the cassava

He further informed this court that as she went back the following the day defendant told her that the goods were not ready and asked for additional one week to provide the goods finally, she told us that there is no goods on ground and she spent the money, she refuse to supply the good neither refund the money despite several oral demand finally urged the court to help her to recover the money.

Defendant neither enter his defense, nor fill and file form SCA 5, furthermore did not cross examined CW1

After taken into consideration the evidence adduced by the claimant, the facts and circumstances of this case this Hon. Court formulate single issue for determination thus

“Whether the claimant proof her case to the balance of probability to be entitle to Judgment”

In law the claimant’s duty to prove his case remained in violent, whether or not the defendant defend his case and he must do so the strength of his own case and not on the weakness of the defendant. See 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 facts before this Hon court is obvious that, the claimant has entered in to the contract with the defendant for the supply of Rice, guinecorn and cassava she gave her Guinecorn and Rice worth N200,000 only now there is remaining balance of N1,134,000 only not refund to the claimant despite several demand.

It is in record that the defendant failed to cross examined the testimony of claimant's witness, therefore failure to do so is tantamount to admission, It is settled law that the effect of failure to cross examine the witness upon a particular matter is a tacit acceptance of a truth of the evidence of the witness I refer myself to the case of OFORLETE VS STTE (2000) 12 NWLR(PT681) 415 AT 436 and AGBONIFO VS AIWEREOBO (1988)1 NWLR (PT681)

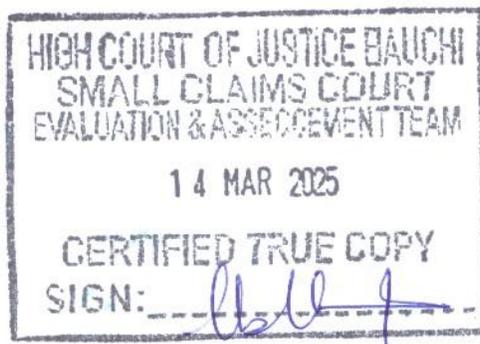
Furthermore, the defendants failed to enter defense neither fill and filed form SCA 5 which is tantamount to admission

Article 6 of small claims court practice direction 2022 provide that failure to fill form SCA 5 the court should consider it as the defendant have admitted the claim of the claimant.

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-, therefore I resolve the issue formulated in favor of the Claimant as he proof this case to the balance of probability, therefore and i hereby enter judgment against the defendants , consequent upon I make the following order;

- 1.AN ORDER of this Hon. Court against the defendants to pay the sum of ₦1,134,000.00 only being the money collected from the claimant for the supply of grains and cassava
- 2.Cost of this action the sum of N20,000 only

This case is decided today being 12th March, 2024 there is right of appeal to High Court Bauchi within 14 days by the aggrieved party.



THE CHIEF JUSTICE BAUCHI
GARBA ABDULLAHI
SIC CHIEF MAGISTRATE