

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

**SUIT NO SCC/BH/16/2025**

Before His worship- GARBA ABDULLAHI

**BETWEEN**

**MAIZE FARMERS ASSOCIATION OF NIGERIA.....CLAIMANT**

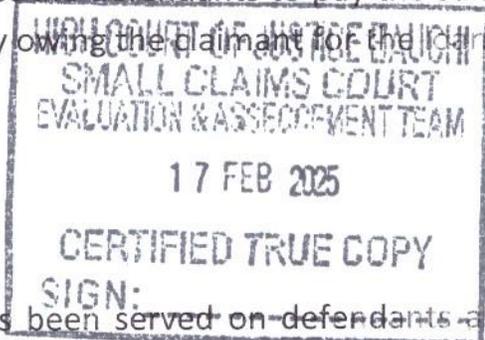
**AND**

**ABDUSSALAM MUHAMMED.....DEFENDANTS**

**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 25<sup>TH</sup> January,, 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 N3,000,000 only being the money owing the claimant for the claim
2. Cost of this action N5000
3. Filing fees N2,500.00k only



The originating processes of this Hon. Court has been served on defendants as disclosed by affidavit of service deposed to by one Abdulsalam Abdullahi a bailiff of this Hon. Court. Dated 5/3/24 thereafter hearing commenced, in his effort to proof his case the claimant has called lone witness and tender 4 Exh. i.e. the expression of interest form, input collection form, letter of undertaking and certificate of registration, which have been admitted in evidence and marked as Exh. A, B, C, & D. Respectively, thereafter close his case. Defendants have called one witness thereafter close his defense, both parties filed and adopted their final address.

Review of the witnesses' testimony

**CW 1 in person of Ahmed Jibrin Affirmed and told this Hon. court that they advertised the activities of their association to defendant of which he accepted, therefore he collected forms fill and return it, claimant gave him loan off arm implements.**

**He further told the court that at the time of collecting the forms he promises to photocopy it and give to their members, the good collected by the defendants as loan include fertilizer, herbicide, and he is the one that handed over the said goods to defendant**

**Defendants refuse to appear and cross examine the testimony of CW 1 despite the hearing notice given to him, the record of this court disclosed that defendant were served with the hearing notice as deposed to by the bailiff of this Hon. court dated .....day of.....2025 but chose not to appear and reason given to that effect, there after his right of cross examination/defense were close base on the application made by the learned counsel to the claimant hereafter the claimant waive his right of final address and the matter adjourn for judgment.**

**Having taken into consideration, evidence before the court, the facts and circumstances of this case this Hon. court formulate single issue for determination thus,**

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

By law the claimant 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

It is in record that PW 1 in person of Ahmad Jibrin (representative of the claimant) testify to the effect that, defendant has apply for loan of farm input from the

claimant, forms has been given to him fulfill and returned to the claimant as part of the conditions for granting the application and the defendant had comply, expression of interest form, input collection form, letter of undertaking and certificate of registration, having not objected, were admitted in evidence and marked as Exh. A, B, C, & D. Respectively.

The law is trite that admissibility of document is one thing and the probative value of the document admitted is another thing, I had the opportunity to peruse the content of the said exhibits it contain the Bio data of the applicant (defendant), special farm group information and guarantee dated and duly signed by the defendants therefore to me the said exhibits satisfied the requirement of the law and deserved to be given probative value and I so hold.

It is clear from the record that the said exhibits have then tendered through PW 1 and he testified as to it content and relevancy to this case at hand, therefore the said document not only speaks to itself but the witness speaks to it in line with the laid down procedure and more than practice.

It is trite law, documentary evidence, no matter its relevance, cannot on its own speaks for itself without the aid of an explanation relating to its existence.

The validity and relevance of documents to admitted facts or evidence is when it is done in an open court and not the matter of counsel address, I refer myself to the case of DAME PAULINE K. TALLEN & ORS VS DAVID JONAH JANG 7 ORS (2011) LPELR-9231 C A

It in record the evidence of PW1 to the effect that loan of farm implement has been given to defendant worth N3,000,000 ONLY and defendant did not refund it that piece deem admitted since defendant reuse to come and cross examine the claimant.

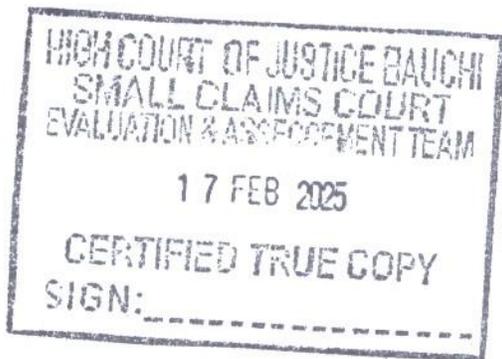
The position of the law is trite that un discredited evidence the court can safely rely on it for just determination of a matter, I refer myself to the case of **NASIR VS KANO STATE (2010)6 NWLR (PT1190) P 253 at 267 paras. C-F (supra)**

he discharges the burden place on him by the law and deserved to have the judgment of this court in his favor.

Therefore, and I hereby enter judgment against the defendant and make the following order

1. AN ORDER of this Hon. Court against the defendant to pay the sum of ₦3,000,000 only being the money owing to the claimant for the loan.
2. Cost of this action ₦5,000.00
3. Filing fees ₦2,500.00k only

This case is decide today being 12/2/25 there is right of appeal to H C Bauchi within 14 days by the aggrieved party



GARBA ABDULLAHI  
CHIEF MAGISTRATE