

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

BEFORE HIS WORSHIP ZAINAB M SHUAIBU (MRS)

SUIT NO SCC/BH/069/2025

BETWEEN

HADIZA UMAR CLAIMANT

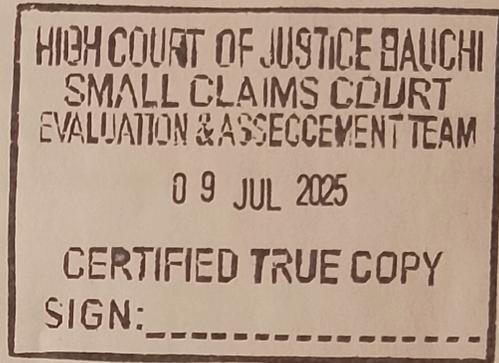
AND

MARIYA IBRAHIM & ONE OR DEFENDANT

Claimant present

Defendant absent

Appearances none



JUDGEMENT

This matter was brought and filled under the Bauchi state practice direction on small claims court no 2 of 2022, the claimant fill and filled form SCA 2 and 3 pursuant to Article 2 (1)(2)(3) dated 20th day of May 2025 and filled on the same date seeking for the following reliefs;

- (1) An order directing the defendant to pay the sum of one Hundred Thousand Naira (₦100,000.00) being the money for the chairs and bed
- (2) Cost of action Twenty Thousand Naira(₦20,000.00)

The originating process of this court has been served on the defendant by substituted means as disclosed on the affidavit of service deposed to ALIYU SALE TAFIDA a bailiff of this Hon. Court.

On the date slated for hearing, hearing commenced

CW1- by name Hadiza Umar the claimant herself affirm and testified to the effect that the marriage of her daughter was almost close by but due to the economic

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situation the marriage has being postponed on several occasion I decided will do my best to see that the marriage take place since she has gotten a suitor.

I was able to source for some money to enable me buy her chairs and bed at Sabon Kasuwa here in Bauchi , my neighbor then introduced me to her friend who is into the business of buying and selling chairs and beds, on our arrival to her house she inform me that the chairs and beds are on ground that is on the 5th day of May 2025 on the agreement that on the next day 6th day of May 2025 the chair and bed will be ready.

On the 6th day of May when I went there to get the items there was no chair bed and no money, she then promise in two weeks time and after the two weeks still the same story at long run she was able to pay the sum of ₦45,000.00 while the case have being brought to court out of ₦100,000.00 remaining the outstanding balance of ₦55,000.00 all effort to recover same prove abortive, this is the case of the claimant.

I humble apply for cost of action of ₦20,000.00.

COURT –After taking into consideration the evidence presented by the claimant in this suit as well as the facts and circumstances of this case this honorable court formulate single issue for determination thus;

‘Whether the claimant in this suit have proof her case to the balance of probability to be entitle to the judgment of this court’

The defendant didn’t cross examined cw1, enter her defense or fill and filled form SCA 5 as required

It is trite law that the plaintiff succeeds by the strength of his case not the weakness of the defendant may I refer myself to the case of LONGE VS CBN (2006)3NWLR (PT967) 228.

the law is quite trite that facts not controverted are deemed admitted and the court is duty bound to accept those facts as established see the case of THE HONDA PLACE LTD VS GLOBE MOTORS HOLDING NIG LTD (2005) NSCQLR VOL 23 PAGE 74 WHERE KATSINA ALU JSC HELD AT PAGES 88-89 THAT;

'The law is that where facts remain unchallenged and uncontroverted the court is bound to accept those facts as established as those facts were deemed to have been admitted.

It is in record of this court that the defendant refuse neglect to cross examined the claimant witness failure to do so amount to an admission.

ARTICLE 6 OF THE BAUCHI STATE PRACTICE DIRECTION PROVIDES AS FOLLOWS AND I QUOTE;

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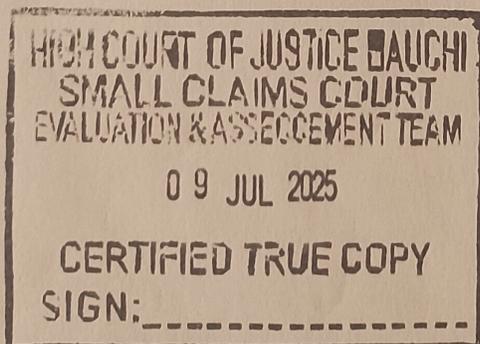
The law is settled that admitted facts required no further proof as provided under section 123 of the EVIDENCE ACT 2011 may I refer myself to the case of SHITTU SANUSI & ANOR VS BURAIMO OBAFUNWA & ANOR (2006) LPELR 11863 (CA) AT PAGE 26.

Based on the above stated authorities coupled with the facts and circumstances if this suit I hereby resolved the sole issue for determination in favor of the claimant as she has proof her case to the balance of probability and preponderance of evidence therefore and I hereby enter judgment against the defendant, the following orders are hereby made;

- (1) AN ORDER of this honorable court against the defendant to pay the sum of ₦55,000.00 (Fifty-five Thousand Naira) only being the remaining money for the chairs and bed.
- (2) Cost of action ₦10,000.00 (Ten Thousand Naira) only

APPEAL – There is a right of appeal to the high court of justice within 14 days from today by any aggrieved party.

THIS CASE IS DECIDED TODAY BEING THE 7TH DAY OF JULY 2025



ZAINAB M SHUAIBU (MRS)
SENIOR MAGISTRATE

