

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

SUIT NO SCCBH/086/2025

BEFORE HIS WORSHIP ZAINAB M SHUAIBU (MRS)

BETWEEN

KEZIAH ADAMS KILONGS ..... CLAIMANT

VS

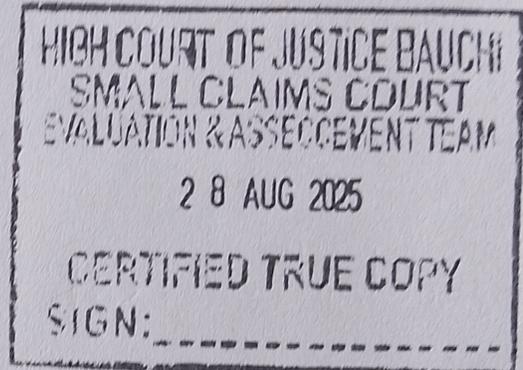
SONNY G LANGSY ..... DEFENDANT

Claimant present speak English

Defendant absent

Appearances – B Y SAMBO ESQ for the claimant

**JUDGEMENT**



The claimant commenced this suit under the Bauchi state practice direction on small claims court No 2 of 2022, he fills and filled form SCA 2 and 3 dated 14<sup>th</sup> day of July 2025, the claimant is seeking for the following reliefs;

(1) AN ORDER of this honorable court directing the defendant to pay the sum of ₦525,000 (Five Hundred and Twenty-Five Thousand Naira) being the money the claimant gave to him for the purchase of maize and rice

(2) Cost of action of ₦50,000 (Fifty Thousand Naira)

The defendant in this suit was served via substituted means as deposed to by the bailiff of this honorable court ALIYU SALE TAFIDA.

On the 21<sup>st</sup> day of July hearing commenced the defendant was absent despite being served with the originating process of this honorable court.

**CLAIMANT WITNESESS BEFORE THE COURT**

CW1- BY NAME KEZIAH ADAMS KOLONGS affirm and testified to the effect that she sent the sum of ₦525,000 for the supply of maize and rice all effort to make the

defendant supply the said items prove abortive, so I decided to contact my lawyer on the issue that is why we are before the court, he then sent a letter of demand to the defendant dated 22<sup>rd</sup> day of February 2025.

**COURT** – The letter of demand from the chamber of O J BISCHI & PARTHNERS is hereby admitted into evidence and MARKED AS EXHIBIT K.

The cw1 was stood down for cross examination I ordered that hearing notice should be served on the defendant.

On the 28<sup>th</sup> day of July 2025 when the matter came up for cross examination of cw1 and continuation of hearing the defendant despite being served was absent learned counsel to the claimant B Y SAMBO applied that the right of the defendant be foreclose after being served with the hearing notice, same was granted as prayed.

**CW2** – BY NAME DORCAS DOUGLAS affirm and testified to the effect that the defendant came to my shop and mate the claimant and ask her to give him some amount of money part of the money was cash the other transferred the sum of ₦300,000 on the ground that he will refund he will refund the said amount by the end of April 2025.

B Y – that is the case of the claimant

**CW1** was stood down for cross examination and defense I ordered that hearing notice should serve on the defendant same was executed.

On the 4<sup>th</sup> day of August when the matter came up fro cross examination and defense the defendant still was absent learned counsel to made an oral application that the right of the defendant be close for cross examining CW1 and defense same was upheld.

Learned counsel to the claimant waived his right for final written address

**COURT** – The matter was adjourned to the 1<sup>st</sup> day of September 2025

## COURT DECISION

Having gone through the evidence of the claimant as well as the fact and circumstances of this case this honorable court formulate lone issue for determination thus;

'Whether or not the claimant has proved his case to the balance of probability and preponderance of evidence'

It is the record of this court that the defendant entered into an agreement with the defendant for the supply of maize and rice at the rate of ₦525,000 (Five Hundred and Twenty-Five Thousand Naira) the claimant fulfilled her own part by giving him the said amount for the business but the defendant didn't not supply the maize rice nor give back the principal sum to the claimant.

The defendant failed to enter his defense or filled form SCA 5 which to my own view is tantamount to an admission.

Under the practice direction of this court when the defendant failed to fill and filled form SCA 5 he may be held to have admitted to the claim of the claimant THIS COURT REFER ITSELF TO ARTICLE 6(3), the defendant despite being served with the originating process did not cross examined the claimant witnesses.

ARTICLE 8(2) OF THE BAUCHI STATE PRACTICE DIRECTION ON SMALL CLAIMS COURT provides thus;' 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 court judge shall proceed with the hearing of the claim and enter judgment as far as the claimant can prove his claim.

In light of the foregoing, I hereby resolve the lone issue for determination in favor of the claimant as she has proof her case to the balance of probability.

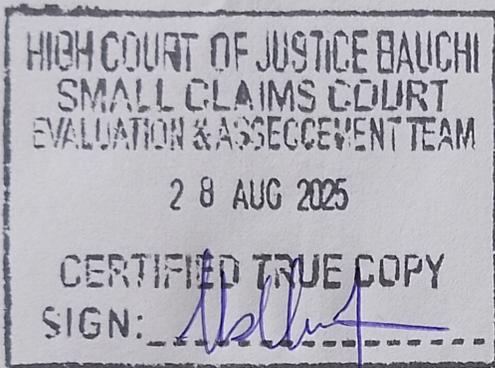
The law is trite in awarding cost the courts in deed this court are enjoined to look at the amount spent in institution of the case, number of witnesses duration of the case, this court refer itself to the case of ONABAJO VS EWETUGA (1993) 4 NWLR (PT 288) 445 at 460.

On the whole I hereby enter judgment against the defendant and make the following orders;

1. The defendant is ordered to pay the sum ₦525,000 (Five Hundred and Twenty-Five Thousand Naira) only being the money for the purchase of rice and maize
2. The sum of ₦30,000 (thirty thousand naira) as cost of action

**APPEAL** – There is right of Appeal to the High Court of Justice Bauchi (Small Claims) within 14 days from today.

THIS CASE IS DECIDED TODAY BEING THE 25<sup>TH</sup> DAY OF AUGUST 2025



ZAINAB M SHUAIBU (MRS)  
SENIOR MAGISTRATE 1

