

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

SUIT NO SCCBH/43/2025

BEFORE HIS WORSHIP ZAINAB M SHUAIBU (MRS)

BETWEEN

MARYAM ABDULRAHMAN SALIHU CLAIMANT

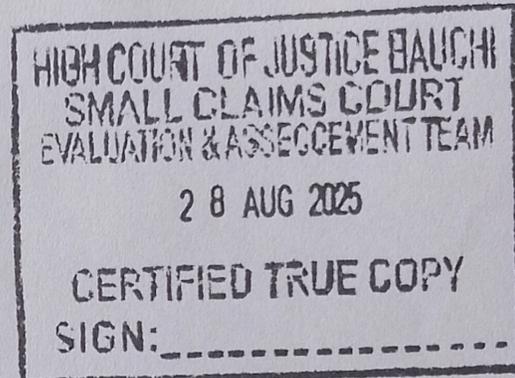
AND

AHMADU GAMBO DEFENDANT

Claimant present (speaks English language)

Defendant absent

Appearances – No appearances



JUDGEMENT

The claimant commenced this suit under the Bauchi state practice direction on small claims no 2 of 2022, the claimant fill form SCA 2 and 3 dated 24th day of August 2025 and filled on the same date seeking the following reliefs from the defendant;

- (1) AN ORDER directing the defendant to pay the sum of ₦485,000 (Four Hundred and Eight Five Thousand Naira only) being the principal sum of the contract
- (2) Cost of action of ₦20,000 (Twenty Thousand Naira)

The originating process of this Honorable court was duly served on the defendant via substituted means as disclosed by the affidavit of service deposed to by the bailiff of this court ALIYU SALE TAFIDA.

CLAIMANT WITNESESS

CW1 – in person of Maryam Abdulrahman Salihu (The claimant) affirm and testified to the effect that she gave the sum of ₦485,000 to the defendant for a business transaction, he promises to be giving me the sum of ₦20,000 as profit monthly.

He was only able to give me the sum of ₦100,000 for five months as profit, because he complains to me that during reasoning the business is always low, I was not worried when he told me.

It took so long I didn't hear from the defendant; it took him about four months to come and see me that was in the year 2024 in February, he gave me the sum of ₦10,000 Naira then he stopped that was in June 2024, I raised an alarm I need my money.

At long run he was able to refund the sum of ₦35,000 remaining the outstanding balance of ₦450,000 all effort to get the remaining balance prove abortive.

COURT – CW1 was stood down for cross examination.

CW2 – in person of Muhammad Hamis affirm and told the court what transpired between the claimant and defendant is that the claimant gave the sum of ₦485,000 to the defendant for a business transaction on the agreement that he will be giving her a profit of ₦20,000 Naira monthly, after like five month he stopped giving her the profit as agreed.

She made all effort to get back her principal sum from the defendant failed, that is all I know.

Claimant – that is the case of the defendant,

COURT CW1 is hereby stood down for cross examination.

Upon conclusion of cw1 and cw2 evidence in chief this matter was adjourned to the 29th day of July 2025 for cross examination of CW1 CW2 and defense I ordered hearing notice should be served on the defendant.

However, on the 29th day of July 2025 when the matter came up for cross examination and defense the defendant still fail to appear in court to defend this suit hence this court being satisfied that the hearing notice was served on the defendant as evidenced in the affidavit of service the defendant's right for cross cw1 cw2 was foreclosed and since no defense was filed to this suit the defense of the defendant was also close.

This case was set down for judgment.

COURT DECISION – Having taking into consideration the evidence before the court, the facts and circumstances of this case this honorable court formulate one issue for determination thus;

‘Whether the claimant in this suit have proved her case to the balance of probability and preponderance of evidence to entitle her to the judgment of this court’

It is an elementary principle of the law that civil suit is determined upon preponderance of evidence and balance of probability. He who assert must proof

It is in record of this court cw1 and cw2 testified to the effect that the defendant collected the sum of ₦485,000 from the claimant he was only able to refund the sum of ₦35,000 the above piece of evidence is deem admitted since the defendant purposely refuse to come and cross examine the claimant witness despite being served with the hearing notice of this court.

The position of the law is quite clear that un discredited evidence the court can safely rely on it for just determination of a matter before it this court refer itself to the case of *NASIR VS KANO STATE* (2010)6 NWLR (PT 1190) P253 AT 267 PARAS C-F.

ARTICLE 8(2) OF THE BAUCHI STATE PRACTICE DIRECTION ON SMALL CLAIM 2022 empower this honorable court to enter judgment if the claimant can prove his case an

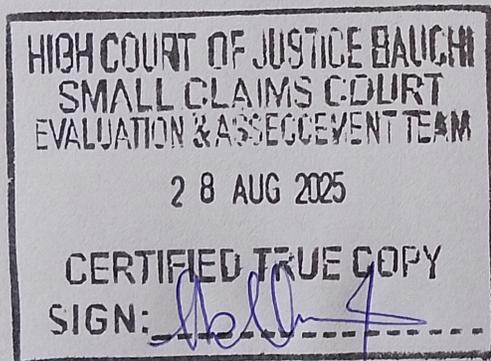
Having duly considered the evidence presented in support of the claimant's claim and being satisfied with the facts presented this honorable court therefore find that the claimant has adduced sufficient evidence to entitle her to the grant of her claim before the court.

In conclusion judgment is entered in favor of the claimant and I hereby ordered as follows;

- THE DEFENDANT IS HEREBY ORDERED to pay the sum of ₦450,000 (Four Hundred and Fifty Thousand Naira) only being the principal sum giving to him for a business transaction
- THE SUM OF ₦20,000 (Twenty Thousand Naira) only is awarded in favor of the claimant as cost of action

APPEAL – There is a right of appeal to the High Court of Justice Bauchi (small Claims) within 14 days from today by any aggrieved party.

THIS CASE IS DECIDED TODAY BEING 18TH DAY OF AUGUST 2025



ZAINAB M SHUAIBU (MRS)
SENIOR MAGISTRATE 1

