

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

Before His Worship- GARBA ABDULLAHI

SUIT NO SCCBH/33/2023

BETWEEN

AMANA CO-OPERATIVE..... CLAIMANT

AND

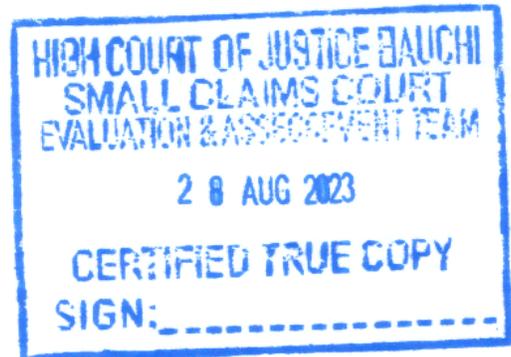
BALKISU ADAMU.....DEFENDANT

CLAIMANTS –Absent

DEFENDANT – Present in court speaks English

Patriarch Owoicho Esq for the Claimant

JUDGEMENT DELIVERED ON 14/8/23



INTRODUCTION

This case brought pursuant to small claims court practice direction NO 2 of 2022, the claimants has fill and filed small claims Court forms SCA 2 & SCA 3 dated 4th day of August 2023, and the defendant were duly served with the process of this court as evidenced by affidavit of serviced dated 5th August 2023 deposed to by one Abdussalam Abdullahi a bailiff of this Court

Before the commencement of hearing parties have amicably settled the matter out of court, consequent upon which they filed a terms of settlement on 10th day of August 2023 duly sign by the counsel to the claimant and the defendant in presence of their witnesses, they adopt same and urged the court consider it and enter consent judgment as per the terms.

It is settled law beyond controversy that, where a person has given his counsel a general authority without limitation to act on his behalf and to represent him in an

action, the fact that the terms of agreement were negotiated and judgment entered by a counsel on behalf of his client and not by the client will not affect the validity of the judgment. The consent judgment so entered will be valid and enforceable see the case of AFEGBAI VS A G EDO STATE (2001) 14 NWLR (PT 733) P 425

It is in record that the claimant engage the service of a counsel to represent him in this case, he negotiated the settlement and signed the terms on his behalf therefore the terms is valid and enforceable in the eyes of law and I so hold.

The law is trite that in order to have a consent judgment the parties must be ad idem as far as the agreement is concern, there consent must be free and voluntary and the terms of settlement must be filed, I refer myself to the case of Woluchem vs Wokama (1974) ALL NLR 54

It is in record that the counsel to the claimant and the defendant have agreed with the term before append their signatures

In the light of the above and having gone through the content of the afore mentioned terms properly executed by the parties, therefore and I hereby enter judgment as per the terms of settlement herein attached against the parties.

This case is decided today being 14/8/23

HIGH COURT OF JUSTICE BAUCHI
SMALL CLAIMS COURT
EVALUATION & ASSESSMENT TEAM
28 AUG 2023
CERTIFIED TRUE COPY
SIGN: _____

THE CHIEF MAGISTRATE
GARBA ABDULLAH
SIGN: _____