

IN THE DISTRICT COURT OF BAUCHI STATE
THE BAUCHI JUDICIAL DIVISION
HOLDEN AT SMALL CLAIMS COURT NO 2 BAUCHI
BEFORE HIS WORSHIP ZAINAB M SHUAIBU (MRS)

SUIT NO SCC/BH/127/2025

BETWEEN

BELLO ABDULLAHI SESON CLAIMANT

AND

SHAMSU MOH'D SHUAIBU & 1 OR DEFENDANT

Claimant present speaks Hausa

Defendant absent

Aliyu sale Tafida affirm to interpret the court proceedings from English to Hausa

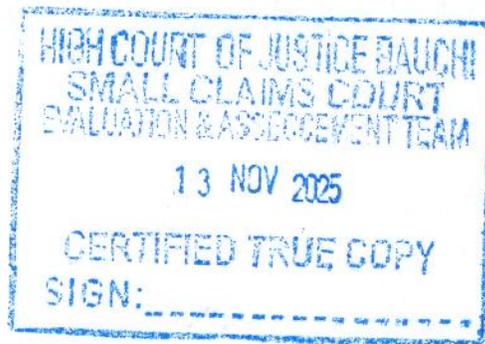
Appearances - None

JUDGEMENT

The claimant commenced this suit under the Bauchi state practice direction on small claims court no 2 of 2022 by filling form SCA 2 and 3 dated 10th day of October 2025 against the defendant as follows';

- 1- The sum of One Million Six Hundred Thousand Naira Only (₦1,600,000) being the amount for the transaction
- 2- The sum of Forty Thousand Naira (₦40,000.00) as cost of action

The originating process filed as well as the hearing notice issued in respect of this matter were served on the defendant via substituted means by pasting pursuant to an order of this honorable court as seen of the evidence of service deposed to by the bailiff of this honorable court ALIYU SALE TAFIDA dated 20th day of October 2025. Hence this honorable court is duly satisfied that the defendant was served and notified of the pendency of this suit.



However, despite being served the defendant neglected/ failed to enter appearance or file any response to this suit.

On the 14th day of October 2025 hearing commence CW1 MUHAMMAD BELLO ABDULLAHI affirm and testified to the effect that on day the defendant mate my father with the intention that he has a plot of land for sale, but my dad told him he is not interested, he still came back the next day and pleaded to my dad that he intend to go into a business he kindly need his assistance, my dad finally agreed, from the beginning he gave him the sum of #50,000 twice making the sum of one hundred thousand for him to rent the shop, on the agreement that the next day he will give him the sum of one million naira only.

The defendant then brought the document for the said plot of land, we also have a place I e document where we give to people to sign I respect of such agreement, after he has signed everything m dad gave him the sum of one million naira.

We agreed on a monthly profit that will be giving by the defendant to my father I e the sun of one hundred thousand naira only, the first month he was able to remit the profit of one hundred thousand while for about three month we didn't hear from him at all, I contact him but his reason was that the business is not moving as expected, we decided to develop the plot the defendant sold to us to replace our money he told us the land belong to him, that my dad should add the sum of one million making the total sum of two million but my dad insisted that he can only give him the sum of five hundred thousand naira making the total sum of one million six hundred thousand naira my dad said he should get a witness to enable him present the balance of five hundred naira and everyone should as well sign, he then brought one person by name Ibrahim.

On the next day we wanted starting working on the land sold to us by the defendant, we then mate some people on the said land that the land belong to them the same land is under litigation before a court of law, my dad then contacted the defendant, then my dad insisted that he should refund back his money to him together with the profits, he then stopped picking our calls completely.

The total sum of money giving to the defendant is the sum of One Million Six Hundred Thousand Naira Only (₦1,600,000).

exhibit was admitted into evidence'

- Sale agreement between Dr Wada Abdullahi Sec and Shamsudeen Mohammed Shu'aibu MARKED as EXHIBIT K

The claimant made an orally application that the right of the defendant to cross examine CW1 and defense be foreclosed same was upheld.

Claimant – This is the case of the claimant we humble apply to close my case

CW1 was stood down for cross examination and defense I ordered that hearing notice should be served on the defendant against the next adjourned date.

On the 21st day of October 2025 when the matter came up for cross examination and defense the defendant despite being served with the hearing notice of this court via substituted service refused to appear before the court.

COURT FINDINGS/ DECISIONS

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

'Whether or not the claimant has proved his case to the balance of probability to be entitled to judgment'

In law is the claimant's 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 the weakness of the defendant therefore the claimant must proof his case to the balance of probabilities this court refer itself to the case of LONGE VS CBN (2006)3 NWLR (PT1967) 228.

In this instant suit in addition to the evidence proffered by CW1, he also tendered a document to corroborate his assertion regarding their agreement between the claimant and the defendant.

Where a claimant has produced evidence in support of his case which will entitle him to judgment, the defendant will need to lead some evidence to enable the court to consider on whose side the case preponderate....it is a well settled principle of law that civil cases generally are decided on the balance of probabilities.

In this instant suit before the court the defendant failed to appear to defend this suit thereby leaving this court with no other evidence with which to preponderate the evidence proffered by the claimant.

The balance of probabilities therefore tilt in favor of the claimant who has adduced evidence in support of its claim.

It is trite that evidence that is neither challenge nor debunked remains good and credible evidence which should be relied upon by the trial judge who would in turn ascribe probative value to it. This court refer itself to the case of EBEINWE VS STATE (2011)7NWLR PT 1246 402 AT 416 PARA D

Having duly considered the evidence presented in support of the claimants claim and being satisfied with the facts and document presented this honorable court therefore finds that the claimant has adduced sufficient evidence to entitle him to a grant of its claim.

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

- AN ORDER of this Hon court directing the defendant to pay the sum of ₦1,600,000 (One Million Six Hundred Thousand Naira being the amount for the business transaction.
- AN ORDER against the defendant to pay the sum of ₦40,000 as cost of action

APPEAL – There is a right of appeal to the high court of justice Bauchi within 14 days from today

THIS CASE IS DECIDED TODAY BEING THE 10TH DAY OF NOVEMBER 2025

ZAINAB MOHAMMED
SHUAIBU(MRS)
SENIOR MAGISTRATE 1

HIGH COURT OF JUSTICE BAUCHI
SMALL CLAIMS COURT
EVALUATION & ASSESSMENT TEAM
13 NOV 2025
CERTIFIED TRUE COPY
SIGN: *[Signature]*

THE CHIEF MAGISTRATE COURT
OF BAUCHI STATE
Z.M. SHUAIBU ESQ
SIGN: *[Signature]* DATE: *10/11/2025*