

**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 SCCBH/116/2025**

**BETWEEN**

**IDRIS I JIBO ..... CLAIMANT**

**AND**

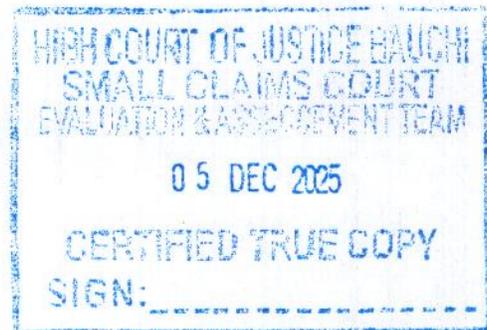
**AHMED AMINU ..... DEFENDANT**

Claimant present

Defendant absent

Appearances – SARAH SUNDAH ESQ for the claimant

No appearance for the defendant



**JUDGEMENT**

The claimant in this suit fill and filled form SCA 2 and 3 dated 8<sup>th</sup> day of October 2025 under the Bauchi state practice direction on small claims court no 2 of 2022, the defendant claim against the defendant is the sum of ₦50,000 (Fifty Thousand Naira) only being the amount he collected from the claimant, the sum of ₦20,000 (Twenty Thousand Naira) as cost of action.

The defendant in this suit was served with the originating process and hearing notice of this court via substituted service as seen of the affidavit of service deposed to by the bailiff of this honorable court ALIYU SALE TAFIDA dated 15<sup>th</sup> day of October 2025.

On the date slated for hearing the defendant was absent despite being served with the originating process and hearing notice of this court hearing commenced, CW1 by name ALIYU MUHAMMAD SANI affirm and testified to the effect that he is a civil servant working with Bauchi state government, the claimant and the defendant entered into an agreement and agreed at a fix amount of ₦150,000 ( One Hundred

and Fifty Thousand Naira) only the defendant was able to pay the claimant the sum of ₦100,000 Naira remaining the outstanding balance of ₦50,000 Naira all effort made by the claimant to get the remaining balance from the defendant prove abortive.

SARAH SUNDAH ESQ – This is the case of the claimant we humbly apply to close our case.

**COURT** – CW1 is hereby stood down for cross examination and defense, I ordered that hearing notice should be served on him.

On the date slated for cross examination and defense the defendant despite being served with the hearing notice was absent and unrepresented learned counsel to the claimant made an oral application that the right of the defendant to cross examine CW1 and defense be foreclosed same was granted as prayed.

The defendant failed to enter or neither fill and filed form SCA 5, furthermore did not cross examine CW1

The matter was set down for judgment.

#### **COURT FINDINGS**

After taking into consideration the evidence adduced by the claimant, the facts and circumstances of this case this Hon court formulate single issue for determination thus;

‘Whether the claimant has proof his case to the balance of probability’

In law the Claimants duty to prove his case remained inviolate, whether or not the defendant defends his case, he must do so with the strength of his own case not the weakness of the defendant.

The facts before this court is an agreement entered between the defendant and the claimant it is obvious that the defendant has paid the sum of 150,000 to the claimant remaining the outstanding balance of ₦50,000 yet to be paid by the defendant.

It is also in the record of this court that the defendant failed to cross examine cw1 the claimant witness, therefore failure to do so is tantamount to admission and the law is equally settled to the effect that failure to cross examine a witness on a particular matter is tacit acceptance of the truth. THIS COURT REFER ITSELF TO THE CASE OF AGBONIFO VS AIWEREOBO (1988)1 NWLR (PT 681).

ARTICLE 6 OF THE BAUCHI STATE PRACTICE DIRECTION ON SMALL CLAIM COURT NO 2 OF 2022 provide that failure to fill form SCA 5 the court should it as if the defendant has admitted the claimants claim.

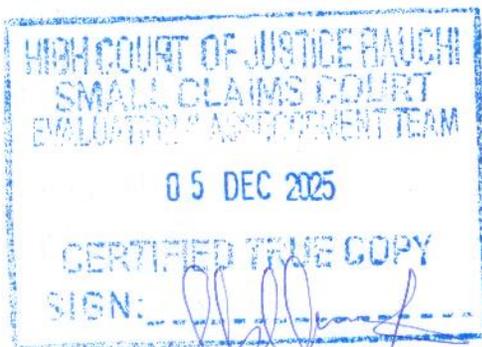
The law is trite that admitted facts need not further proof.

Based on the above I hereby enter judgment against the defendant, and make the following ORDERS;

- AN ORDER of this Hon court against the defendant to pay the sum of **₦50,000** (Fifty Thousand Naira) being the remaining balance
- Cost of Action of **₦20,000** (Twenty Thousand Naira)

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

**DATED 17<sup>TH</sup> DAY OF NOVEMBER 2025**



**ZAINAB M SHUAIBU (MRS)**  
**SENIOR MAGISTRATE I**

