

**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/162/2025

BETWEEN

MR EDWIN NWABIA CLAIMANT

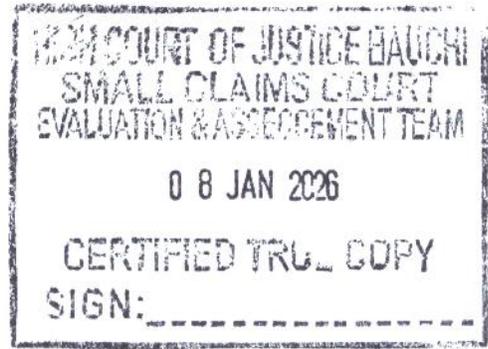
AND

MUSA FISHERIES DEFENDANT

Claimant present

Defendant absent

Appearances – RILWAN JIBRIN for the claimant



JUDGEMENT

The claimant commenced this suit under the Bauchi state practice direction on small claims court no 2 of 2022, he fill and filled form SCA 2 and 3 dated 11th day of November 2025, the defendant in this suit was served with the originating process and hearing notice of this court via substituted means as deposed to by the bailiff of this honorable court ALIYU SALE TAFIDA dated 20th November 2025

The claimant claims is as follows;

- The sum of One Million one Hundred and Twenty Thousand Naira (₦1,120,000) being the money for the business transaction
- The sum of ₦100,000 (One Hundred Thousand Naira) as cost of action.

On the date slated for hearing the defendant was absent hearing commence CW1- by name EDWIN NWABIA affirm and testified to the effect that am into the business of selling frozen fish, the defendant collected some fish on credit after some time he defaulted in paying me, I contacted him but he

pleaded that I should give him some time, the total sum is ₦1,120,000 all effort to get back my money prove abortive.

RILWAN – That is all for the witness.

COURT – CW1 was stood down for cross examination by the defendant I order that hearing notice should be served on him

RILWAN – That is the case of the claimant.

On the date slated for cross examination of cw1 the defendant was absent learned counsel to the claimant made an oral application that since the defendant has being duly served and he choose not to be in court I humble apply that his right to cross examine cw1 be foreclosed, same was granted as prayed.

COURT – case adjourned for defense I ordered that hearing notice should be served on the defendant.

On the dated when the matter came up for defense the defendant was still absent no reason whatsoever for his absent based on that his right for defense was closed, learned counsel to the claimant inform the court that they have waived their right of final written address.

The matter was set down for judgment.

COURT - From the record of this court, the defendant was duly served with the originating process of this court as deposed to by the bailiff of this honorable court, the defendant never appeared in court at any time all through the course of this proceedings.

The law is well settled that where there is unchallenged and contradicted evidence adduced by a party, the court must act on such evidence except where the evidence in itself is self- defeating and unacceptable THIS COURT REFER ITSELF TO THE CASE OF DAN A .D PETROLEUM GAS LTD ANOR VS JIGAWA STATE GOVT &ORS (2022) LPELR – 57334 thus the court is still

under a duty to examine the facts of the case and then see whether it entitles the claimant to the relief(s) sought.

However, when the claimant close his case, no defense had been filed in response to the claimants claim having regard to ARTICLE 6(3) OF THE BAUCHI STATE PRACTICE DIRECTION ON SMALL CLAIMS COURT 2022 the defendant in this suit have deemed not to have a defense to this suit more so since they have ample opportunity to defend this matter but failed/neglected to do so.

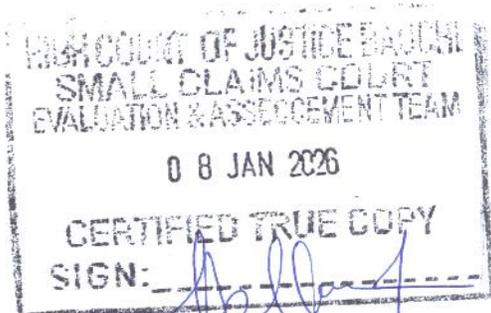
Having duly considered the evidence presented in support of the claimant's claim this honorable court hold that the claimant has proffered sufficient evidence in proof of its claim against the defendant and thereby entitled to recover its claim for the sum of ₦1,120,000(One Million One Hundred and Twenty Thousand Naira).

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

- THE DEFENDANT IS ORDERED to pay the sum of ₦1,120,000(One Million One Hundred and Twenty Thousand Naira) being the amount for the frozen fish.
- Sum of ₦50,000 (Fifty Thousand Naira) 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 6TH DAY OF JANUARY 2026



**ZAINAB M SHUAIBU
(MRS)
SENIOR MAGISTRATE 1**

