

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

Before His worship- GARBA ABDULLAHI

**SUIT NO SCCBH/13/2023**

**BETWEEN**

**MARYAM UMAR (MAMAN AMABUWA) .....CLAIMANT**

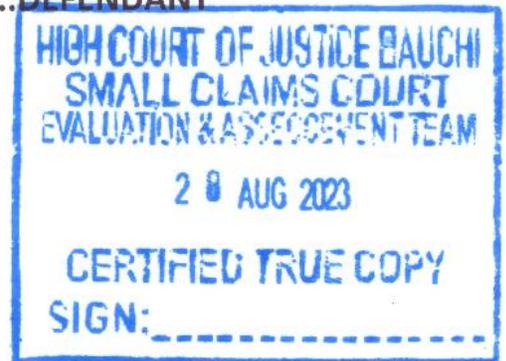
**AND**

**MAMAN NANA.....DEFENDANT**

CLAIMANT –Represent in speaks Hausa Language

DEFENDANT – Present in court speaks Hausa Language

JUDGMENT DELIVERED ON 21/8/23



This small claim matter brought and filed by the claimant pursuant to Article 2 (1) (2) and (3) of small claims court practice direction NO 2 of 2022, wherein the claimant fill form SCA 2 and 3 dated 10<sup>TH</sup> August 2023 and filed on the same date seeking for the following reliefs;

1. AN ORDER of this Hon. Court against the defendants to pay the sum of N202,000 only being the money for the supply of goods to defendant
2. sum of N2,500. 00 as general damages and
3. Cost of this action N30,.000 only

The originating processes of this Hon. Court has been served on defendant as disclosed by affidavit of service deposed to by one Aliyu Tafida a bailiff of this Hon. Court. Dated 11/8/23 both parties were in court and hearing commenced

CW 1 in person of Maryam Umar (Maman Amabuaw) (claimant) Affirmed and testify to the effect that, she supplied goods to the defendant (chairs and Bed) at the cost of N202,000 only on condition that she will pay the money by the end of January 2023, but she refuse to pay despite several demand, that is why she approach this Hon. Court seeking for the above stated relieves.

The defendant failed or refused to cross examine the claimant (CW 1) and she finally admit the claim of the claimant and the matter was set down for judgment.

After taken 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 her case by preponderance of evidence to entitle to judgment”

It is an elementary principles of law for which a citation the authority is not necessary, that the onus is on the plaintiff to prove his case and he must do so the strength of his own case and not on the weakness of the defendant.

The court of law act on fact not guess or speculation I refer myself to the case of Ferdinand George vs UBA LTD (1994).1 NWLR (PT323) 639 at 668, and A. I. C Limited vs NNPC (2005) LPELR 6 SC,

The facts before this Hon court is apparent that there is a traction for the supply of chairs and Bed between the claimant and the defendant worth N202, 000 only, the claimant has procured the goods to the defendant but the defendant refused to pay the money despite several demand, and that facts has been supported by evidence of CW 1 and I so hold

It is in record that the defendant failed to cross examined the testimony of claimant’s witness, therefore failure to do so is tantamount to admission, it is settled law that the effect of failure to cross examine the witness upon a particular matter is a tacit acceptance of a truth of the evidence of the witness I refer myself to the case of OFORLETE VS STTE (2000) 12 NWLR(PT681) 415 AT 436 and AGBONIFO VS AIWEREOBO (1988)1 NWLR (PT681)

furthermore, the defendant admitted the claim of the claimant in this case on condition that she will upset the debt by installment payment, she pay the sum of N50,000 only by the end of September and October 2023 making one Hundred thousand thereafter she will continue paying N30,000 only every month up to the final liquidation of the total debt, which the claimant agree.

The law is trite that admitted facts need not further proof because an onus of proof does not exist in vacuo, I refer myself to section 123 of Evidence act 2011 as amended , and the case of MR KWASI KARI KARI ADUSEI & ANOR VS MR TOYIN ADEBAYO (2012) LPELR-7844 SC-, It is in record of this court that the defendant admitted the claims of the claimant, therefore I resolve the issue formulated in favor of the Claimant and enter judgment in her favor, against the defendant , make the following order;

1. AN ORDER be and hereby made compelling the defendant to pay the amount due to the claimant the sum of N202,000.00 only
2. AN ORDER be and hereby made directing the defendant to pay the sum of N2,500.00 only as damages and cost of this action N5,500 only

This case is decided today being 21/8/23 there is right of appeal to High Court Bauchi within 14 days by the aggrieved party.

