

**IN THE DISTRICT COURT OF BAUCHI STATE
IN THE BAUCHI JUDICIAL DIVISION
HOLDEN AT SMALL CLAIMS COURT 2 BAUCHI**

BEFORE HIS WORSHIP ZAINAB M SHUAIBU(MRS)

SUIT NO SCCBH/181/2025

BETWEEN

ABDULLAHI YUSUF JIBRIN CLAIMANT

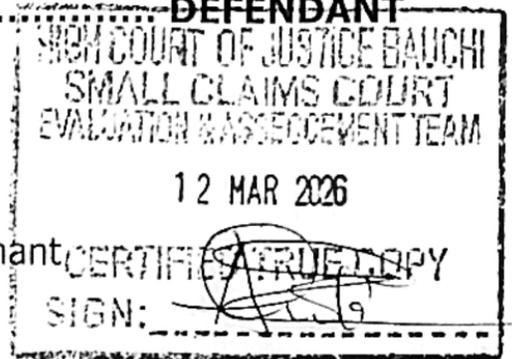
AND

SALLAU DRIVER DEFENDANT

Claimant present speaks Hausa

Defendant Absent

Appearances – RILWAN A JIBRIN ESQ fir the Claimant



JUDGEMENT

The claimant commenced this suit under the Bauchi state practice direction on small claim court non 2 of 2022, he filled and filled form SCA 2 and 3 dated 8th December 2025, the claimant claim is the sum of One Million Three Hundred Thousand Naira ₦1,300,000 for the car, the sum of ₦100,000 as cost of action.

The defendant in this suit was served with the originating process and hearing notice of this court via substituted service dated 12th day of December 2025 as seen of the affidavit of service deposed to by the bailiff of this honorable court ALIYU SALE TAFIDA.

On the date slated for hearing the defendant despite being served with the process of this court was still absent hearing commenced, CW1 – by name ABDULLAHI YUSUF JIBRIN who happens to be the claimant in this suit affirm and testified to the effect that a year ago while at my shop a car was brought to me for auctioning, from the beginning I was not interested, but later create interest in the car, I paid an adverse of ₦2,300.000 (Two Million Three Thousand Naira Only), all effort to get the car or my money

back prove abortive, the sum of One Million Naira was later refunded to me remaining the sum of ₦1,300,00.

RILWAN A JIBRIN – That is the case of the claimant.

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

On the 30th day of December 2025 when the matter came up for cross examination of cw1 the defendant as usual was absent and unrepresented learned counsel to the claimant applied that the right of the defendant to cross examine cw1 be foreclosed same granted as prayed.

COURT – The matter was adjourned for defense I ordered that hearing notice should be served on the defendant via substituted means

On the 6th day of January 2026 when the matter was slated for defense the defendant was still absent learned counsel to the claimant humble apply that his right be close for defense as well since he has been duly served with the hearing notice of this court.

COURT – Application upheld; the matter was set down for judgment.

COURT In civil case, the burden of proof is on the party who substantially asserts the affirmation of an issue and would fail if no evidence were adduced, the burden remains fixed throughout the trial and never shifts. This court refer itself to SECTION 131(1) OF THE EVIDENCE ACT 2011 and the case of MOSES OLA AND SONS LTD (1992)3 NWLR (PT229) 377 AT 390.

It is equally clear from the record that the defendant in this suit is fully aware of the pendency of this suit before the court.

There is always an end to litigation a court of justice in deed this court will not wait forever for any party who is aware of the pendency of an action against him or her but refuse to appear or fail to file a defense or respond

to same as such cannot complain of not being given fair hearing as provided under section 26 of the 1999 constitution as amended.

ARTICLE 8 (2) OF THE BAUCHI STATE PRACTICE DIRECTION ON SMALL CLAIM COURT NO OF 2022 provide and I quote" where the claim is called for hearing and the claimant appears but the defendant does not appear, provided there is proof of service, the district court judge shall proceed with the hearing of the claim and enter judgment as far as the claimant can prove his claim.

The law is certain that where the evidence before a trial court is unchallenged it is the duty of the court to accept and act on it as it constitutes sufficient proof of a parties claim.

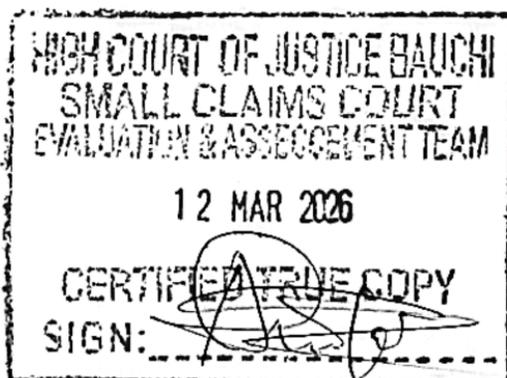
Based on the evidence of the claimant witnesses coupled with the above stated authorities this court have no option than to enter judgment in favor of the claimant

Accordingly, judgment is hereby entered in favor of the claimant and I hereby make the following orders;

1. AN ORDER directing the defendant to pay the sun of ₦1,300,000.00 (One Million Three Hundred Thousand Naira) being the amount for the car
2. The 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 CASEC IS DECIDED TODAY BEING THE 9TH DAY OF FEBRUARY 2025



**ZAINAB M SHUAIBU
(MRS)
CHIEF MAGISTRATE
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