

IN THE PRINCIPAL DISTRICT COURT OF BAUCHI STATE OF NIGERIA
IN THE SMALL CLAIMS COURT NO. 1 OF BAUCHI STATE
HOLDEN AT BAUCHI,
ON WEDNESDAY THE 11TH DAY OF FEBRUARY, 2026

BEFORE HIS HONOUR
ABDULMUMINI ADAMU ESQ.

COURT CLEARK:

ABDULSALAM ABDULLAHI

CLAIM NO: SCCBH/195/2025

BETWEEN:
ABDULRAHMAN MUHD SALISU CLAIMANT

AND

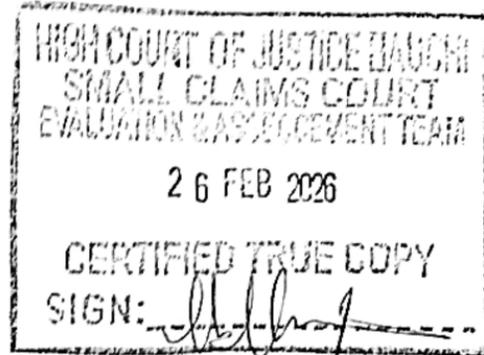
MADAM HELEN } DEFENDANTS

HAUWA IBRAHIM }

Claimant: present

Defendants: absent

Appearance: None.



JUDGMENT

BRIEF FACTS OF THE CASE

The claimant in this suit is filed a claim against the defendants for the sum of **One Million Four Hundred and Thirty Thousand Naira (N 1,437,000:00) only**. The claimant also demanded for the sum **Fifty Thousand Naira (N 50,000:00) only** as cost of this action and the sum of **Four Thousand Five Hundred Naira (4,500:00) only** against the defendants as cost of filing this suit. All efforts to serve the defendants personally proved abortive as deposed to the affidavit of non-service by the court's official in person of Abdulsalam Abdullahi as provided in Form SCA 4 dated 23rd December, 2025. The claimant fill and filed *motion ex parte* as provided in Form SCA 7 dated the 23rd day of December, 2025. The defendants were duly served with the requisite processes of this suit namely, the letter of demand, complaint form and summons as provided in Form SCA 1, 2 and 3 respectively via submitted means pursuant to the order of this Honourable Court made on the 24th day of December, 2025.

The defendants failed to fill and file the requisite Form for Admission, Defence and Counter Claim as provided in Form SCA 5. However, *H.M. Mu'izzudeen Esq.*, put appearance on behalf of the defendants on the 21st day of January, 2025. The matter proceeded to hearing for the claimant to proof his claim as required by the law. The claimant presented himself as the sole witness and closed his case. The learned counsel for the defendants applied for a date open his defence but failed to appear. This Honourable Court foreclosed the defendants' right of defence and the matter was adjourned for judgment.

THE EVIDENCE LED BY THE CLAIMANT.

The claimant testified as Cw 1, he stated in the examination in chief that he defendants have collected palm oil and groundnut oil from him on credit for the sum of **One Million Four Hundred and Thirty Thousand Naira (N 1,437,000:00) only**.

They agreed with the defendants that the purchase price would be paid to him within two days after the transaction. Under cross examination, this witness stated that for the first transaction he gave the defendants eight jercans of palm oil and one groundnut oil. The defendants further collected seven (7) groundnut oil and three (3) palm oil. There was previous outstanding balance of **One Hundred Naira (N 100,000:00) only** on the defendants. The agreed price for each container of palm oil was **Sixty Four Thousand (N 64,000:00) while the sum of Seventy Five Thousand Naira (N 75,000:00) only** for the groundnut oil. The amount he is claiming from the defendants is the sum of **One Million Four Hundred and Thirty Thousand Naira (N 1,437,000:00) only**. He had several transactions with the defendants in the past. They used to pay him the money within two to three days after the supplied of the items. The previous transactions were paid without delay and therefore he cannot forget anything done in the past.

APPLICABLE LAW

I have carefully considered the content of the letter of demand, the complaint and summons filed in this suit as provided in Form SCA 1, 2 and 3 respectively. I also considered the evidence adduced by the claimant in this matter. It is the opinion of this Honourable Court that there is a sole issue for determination in this suit as follow:

“Whether the claimant made out a case against the defendants supported by credible evidence to be entitled to the reliefs sought”.

The position of the law is well settled that the defendants that were accorded notices to defend a suit against them but failed to utilise the ample opportunities accorded to them cannot turn around to alleged denial of fair hearing after hearing notices were duly served on them as in the instant suit. The Supreme Court held that, fair hearing in essence, means giving equal opportunity to the parties to be heard in the litigation process before the court. Where parties are given opportunity to be heard, they cannot complain of breach of the fair hearing principles as held in the case of *Ojo v Abdulazeez* (2024) 6 NWLR (Part1934) at 363, E-H. The defendants’ counsel had

cross examined the sole witness presented by claimant. The defendants failed to present any witness in their defence and or to produce contrary evidence.

The Supreme Court of Nigeria defined the term “liquidated money demand or liquidated sum” in the case of *Akpan v Akwa Ibom Property & Investment Company Ltd.*, (2013) LPELR-20753 (SC), (2013) 12 NWLR (Part 1368) 377 at 400 as follows:

Liquidated money demand or liquidated sum means a debt or other specific sum of money usually due and payable, which amount must have already been ascertained or capable of being ascertained as a mere matter of arithmetic without any other further investigation. Therefore, whenever the amount being claimed by the claimant can be ascertained by calculation or fixed by any scale of charges or other positive data, it is said to be liquidated.

The position of the law is trite that civil matters are generally decided on the preponderance of evidence. However, the burden of proof on a party whose evidence is unchallenged is to establish on minimal proof if such evidence is accepted and believed by the trial court as it was held in the case of *Intl. Offshore Const. Ltd., v S.L.N Ltd.*, (2003) 16 NWLR (Part 845) 157 at Pp. 180-181, H-A. The claimant in this suit produced unchallenged or uncontroverted evidence. The unchallenged or uncontroverted evidence might be worthless or might fall far short of tilting the imaginary scale of justice in favour of a party relying on such unchallenged or uncontroverted evidence. The authorities to this effect are among other cases include, *Maidara v Halilu* (2000) 13 NWLR (Part 684) 257 at 268 F-F, *Lufthansa Airlines v Odiese* (2006) 7 NWLR (Part978) 34, *Consolidated Res., Ltd., v Abofar Ven. (Nig) Ltd.*, (2007) 6 NWLR (Part 1030) 221 at236.

This Honourable Court would only determine whether the claimant adduce minimal evidence in support of his claim. This is because the claimant shall only succeed on the strength of his case and not on the weakness of the defendant’s case. The claimant has a duty to proof his claim by credible evidence for him to succeed as decided in

the case of *Mr. Muhammed Dungus & Ors v ENL Consortium Ltd.*, (2015) NLLR (Part208) 39.

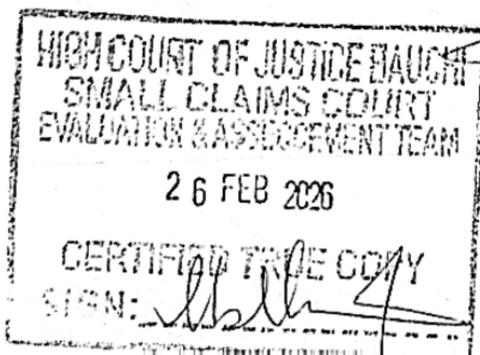
The position of the law is also trite that where the evidence before the court on material fact was not challenge or controverted or discredited by the adverse party in the process of cross examination, the court is bound to accept such testimony as true. This position of the law was established in the plethora of cases, *Airtel Network Ltd., v Plus Ltd.*, (2020) 15 NWLR (Part1747) 235, *SPDCN Ltd., v Esowe* (2008) 4 NWLR (Part 1076) 72 at 88.

FINDINGS AND DECISION

In light of the apex court decision in the case of *Akpan v Akwa Ibom Property & Investment Company Ltd.*,(supra cited), the nature of the claimant's claim is for liquidated sum of money being a debt on the defendants and I so hold. The claimant in this suit established his claim by credible and convincing evidence as required by the law. This Honourable Court hereby entered a judgment in favour of the claimant with the following orders:

1. The defendants shall jointly pay the claimant the sum of **One Million Four Hundred and Thirty Thousand Naira (N 1,437,000:00)** only, being the debt for the items supplied to them by the claimant.
2. The defendants shall pay the claimant the sum of **Four Thousand Five Hundred Naira (N 4,500:00)** as cost of filing this suit as contained in the official receipt.
3. The defendants shall also jointly pay the sum **Thirty Thousand Naira (N 30,000:00)** only as cost of this action.

There is right to appeal to High Court of Justice of Bauchi State within 14 days by any of the aggrieved party as provided in **Article 14 (2) of the Practice Direction on Small Claims Court No. 2 of Bauchi State, 2022.**



[Signature]
Abdulmumini Adamu Esq.,
Principal District Judge I.