

IN THE PRINCIPAL DISTRICT COURT OF BAUCHI STATE
IN THE SMALL CLAIM COURT
NO.9, TORO LGA, BAUCHI STATE
SUIT NO. SCC/09/010/2026

BEFORE HIS WORSHIP: AMINU UMAR ESQ
TODAY THE 5TH AUGUST, 2026

PARTIES:

ISA ABUBAKAR - CLAIMANT
VS
ALH. SHEHU MAGAMA - DEFENDANT

JUDGEMENT

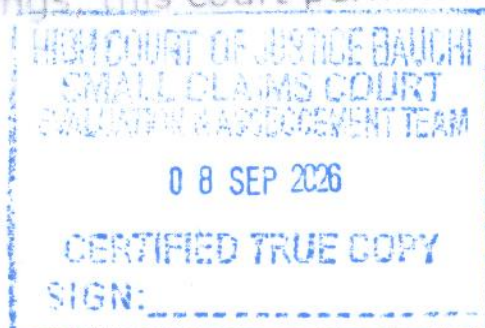
The suit was filed on 07/04/2026 under the small claim procedure for a claim of ₦2,200,000.00 (Two million, two hundred thousand Naira) only. Against the defendant arises from a partnership.

The record shows that the defendant was duly served with the originating processes counsel appeared for the defendant at earlier proceedings and participated in the trial.

The claimant testified as CW1 and was duly cross examined by L.C. for the defendant. Thereafter, the matter was adjourned for continuation of hearing and defense. The date having been taking in open court by counsel for both parties.

On the adjourned date, neither the defendant nor his counsel appeared. Notwithstanding that they had notice of hearing.

Being satisfied that the defendant had due notice of the proceedings, this court permitted the claimant to continue with his case.



The claimant called CW2, who testified in support of the claimant's case. The evidence of CW2 was not challenged under cross examination due to the absence of the defendant and his counsel. The claimant thereafter closed his case.

Learned counsel for the claimant applied for a default judgement in favour of the claimant.

Then the court formulate an issue thus; "whether a claimant is entitled to default judgment against the defendant or not".

The court consulted the oral evidence before it.

The evidence of CW1 was testified under cross examination, but nothing elicited during cross examination materially weakened or contradicted his testimony.

The testimony of CW2 remained unchallenged. The law is settled that where a party fails to challenge evidence by cross examination, the court may accept such evidence if it is credible and consistent with the other evidence before the court.

The court therefore, satisfied that the claimant has proved his claimed on the balance of probability and discharge the burden placed upon him by the Evidence Act.

Also, Article 8 (2) of the practice Direction small claim court of Bauchi State No.2 of 2022 Stated that "Where the claim is called for hearing and the claimant appear, but the defendant does not appear, provided there is a proof of service, the District Judge shall

proceed with the hearing of the claim and enter judgement as far as the claimant can prove his claim"

And the court so hold.

Based on the foregoing, the judgement is hereby entered in favour of the claimant as per the particulars of his claim.

aggrieved parties have 14 days to appeal.


Presiding Judge
Aminu Umar Esq

