

**IN THE DISTRICT COURT OF BAUCHI STATE**  
**(SMALL CLAIMS COURT)**  
**HOLDEN AT BAUCHI**

BEFORE HIS WORSHIP GARBA ABDULLAHI

SUIT NO SCC/BH/06/2023

**BETWEEN**

**AMMAR MUHAMMAD SAFIYANU .....CLAIMANT**

**AND**

**ALIYU MAI JAMA'A.....DEFENDANT**

JUDGEMENT DELIVERED ON 7/06/2023

Claimant present in court and speaks hausa language

Defendant – present in court speaks Hausa Language

Abdussalam Aliyu – Affirmed and interpret.



**INTRODUCTION**

This case has been initiated via a small claims court practice direction NO 2 of 2022, wherein the claimant cause a letter of demand to be issued and served on the defendant in line with Article 2 (1)

The claimant has fill and filed his particulars of claim and the court issued and served a summons on the defendant in accordance with Article 2(2) & (3) of the practice directions of this Hon. Court, affidavit of service has been duly file and signed by the bailiff of this Hon. Court to that effect.

## **BRIEF FACTS OF THE CASE**

The claimant entered into transaction with defendant for the supply of chickens at the cost of N532,100.00 only, and defendant paid the sum of n341,200.00 only to the claimant, remaining outstanding balance of N 253,900.00 only

## **DECISION**

Having gone through the particulars of complained filed by the claimant and after taken into consideration the facts and circumstances of this case as well as the response of the defendant to the effect that he admitted all the liability, this Hon. Court formulate lone issue for determination thus: -

“WHETHER THE CLAIMANT HAS A DUTY TO PROOF HIS CASE TO THE BALANCE OF PROBABILITY TO ENTITLED TO JUDGMENT”

The law is trite for the claimant to succeed he must proof his case to the balance of probability or by preponderance of evidence. To forward cogent and credible evidence in support of his claim or relief sought I refer myself to the case of LONGE VS C B N (2006)3 NWLR (PT967) 228 ITAUMA VS AKPA-IME (2000) 7 SC (PT 11)24, and IMAM VS SHERIFF (2005)4 NWLR (PT 914)80

However, going by section 123 of the Evidence Act 2011 as amended, admitted facts require no further proof as posited by the appellate court in the case of SHITU SUNUSI &20 ORS VS BURAIMO OBAFUNWA & ANOR (2006) LPELR- 11863 C A

It is in record of this Hon. Court that defendant has admitted the claims of the claimant to the effect that he is indebted to the claimant the sum of N253,900.00 only being the remaining balance for the supply of chickens by the claimant and he agree to settle the debt in two installment payment

In the light of the above I hereby resolved the lone issue formulated in favor of the claimant, and accordingly enter judgment in his favor against the defendant, consequent upon which I make the following order: -



a) An order be and hereby made against the defendant to pay the sum of N253,900.00 only to the claimant in two installment I e on or before 30/6/23 and on or before 30/7/23

b) An order against the defendant to pay the sum of N6,500.00 only as cost of this action to the claimant

This case is decided today being 7/6/23 there is right of appeal to High Court Bauchi within 14 days by the aggrieved party

THE COURT OF JUSTICE BAUCHI  
GARBA SHEHU  
SIGN: \_\_\_\_\_  
MAGISTRATE

HIGH COURT OF JUSTICE BAUCHI  
SMALL CLAIMS COURT  
EVALUATION & ASSESSMENT TEAM  
18 JUL 2023  
CERTIFIED TRUE COPY  
SIGN: \_\_\_\_\_