

**IN THE DISTRICT COURT OF BAUCHI STATE
IN THE BAUCHI JUDICIAL DIVISION
HOLDEN AT SMALL CLAIMS COURT NO 2 BAUCHI
BEFORE HIS WORSHIP ZAINAB M SHUAIBU(MRS)
SUIT NO SCCBH/214/2026**

BETWEEN

KAMALU ADAMU ZAMANI CLAIMANT

AND

DANJUMA UMAR ABUBAKAR..... DEFENDANT

Claimant present

Defendant absent

Appearances – A A KARMAL ESQ for the claimant

JUDGEMENT

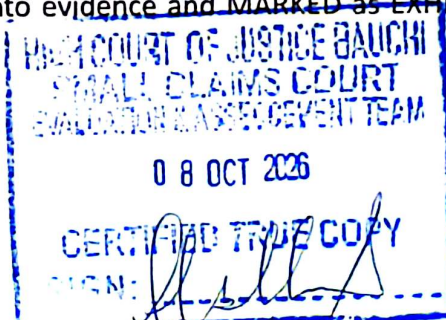
The claimant commenced this suit under the Bauchi state practice direction of small claims court no 2 of 2022, e fill and filled form SCA 2 AND 3 dated 3rd day of August 2026, the claimant claim against the defendant is the sum of two million five hundred thousand naira only.

The defendant in this suit was served with the originating process and hearing notice of this court via substituted service as deposed to by the bailiff of this honourable court ALIYU SALE TAFIDA dated 10th day pf August 2026.

On the 18th day of August 2026 when the matter was slated for hearing CW1 BY NAME KAMALU ADAM ISA affirm and testified to the effect that they entered into an agreement with the defendant for the purchase of a shop at the rate of two million five hundred thousand naira only on the 21st day of November 2024 at about 6pm, he sad he wont collect the money in cash we should send it through P.O.S machine, we did same he acknowledged the receive of the money sent to him, we requested for the receipt, wrote an agreement we all signed.

He promises to notify those in the shop to vacate, we later found out that he didn't give the money to the real owner of the shop, we then requested for our money, he didn't return back my money till date.

COURT – the receipt between the claimant and defendant dated 21st day of November 2024 is hereby admitted into evidence and MARKED as EXHIBIT A.



while the sale agreement dated 21st day of November 2024 is hereby admitted into evidence and MARKED AS EXHIBIT A1.

A A HARMAL ESQ that is All

COURT – CW1 is hereby stood down for cross examination I ordered that hearing notice should be served on the defendant. Same was served on him as deposed to by the bailiff of this court ALIYU SALE TAFIDA.

On the 24th day of August 2026 when the matter came up for cross examination of cw1, the defendant despite being served was absent and unrepresented, no reason whatsoever for his absent learned counsel to the claimant humbly apply that the right of the defendant to cross examine cw1 be foreclosed.

COURT - same was upheld CW1 is hereby discharged.

A A KARMAL ESQ – that is the case of the claimant we humbly apply to close our case.

COURT – case adjourned for defence I ordered that hearing notice should be served on the defendant.

COURT – on the date slated for defence the defendant despite being served was absent as usual no correspondence, learned counsel to the claimant apply that his right for defence be close same was granted as prayed.

A A KARMAL ESQ – learned counsel waived their right for final written address.

The case was set down for judgement

DECISION

I have carefully painstakingly pursued through the evidence of the claimant in proof of his case, this is a straightforward case devoid of any ambiguity, the claimant case is for the payment of two million five hundred thousand naira only being the amount he paid for the purchase of the shop.

Coming to the determination of the claim of the claimant as pointed out earlier, the defendant despite been served with the originating process commencing this suit decided to turn a blind eye to the requirement for filling form SCA.... for defence neglected to the claimant's action. By failure to fill form SCA for defence the defendant has deemed to have admitted the claim of the claimant.

The law requires any party served with a claim if he has objection to file a defence to the action this court refer itself to the case of OKOEBO VS POLICE SERVICE COMMISSION (2003) 12 NWLR PT 834 444.

In law a fact is deemed to be admitted if it is neither specifically denied nor admitted.

The defendant failure to file a defence means he neither denied nor admitted the facts pleaded by implication the law deemed that the claimants claim has been admitted by the defendant. SEE THE CASE OF OWOSHO VS DADA (1984) 7 SC 149 and OKOEBOR VS POLICE COUNCIL (2003) 12 NWLR PT 374 736.

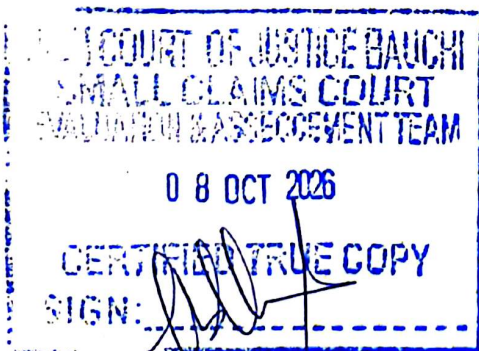
From all I have been saying from above the claimant has succeeded in proving his claim before the court, judgement is hereby entered against the defendant in favour of the claimant.

In the circumstances the order of the court is as follows,

- The claimant is entitled to the sum of two million five hundred thousand naira only being the amount the defendant collected for the purchase of the shop.
- The defendant is ordered to pay the sum of 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.

DATED 21ST DAY OF SEPTEMBER 2026



ZAINAB M SHUAIBU (MRS)
CHIEF MAGISTRATE

