

**IN THE DISTRICT COURT OF BAUCHI STATE
IN THE BAUCHI JUDICIAL DIVISION
HOLDEN AT SMALL CLAIMS COURT NO. 1 BAUCHI**

SUIT NO SCCBH/35/2023

Before His worship- GARBA ABDULLAHI

BETWEEN

AMANA CO-OPERATIVE..... CLAIMANT

AND

JOSEPH CHOYI AJEMASU.....DEFENDANT

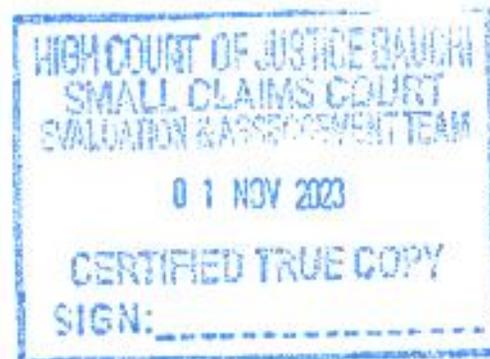
CLAIMANTS –Absent

DEFEENDANT – Absent

Patrick Owoicho Esq for the Claimant

Before His worship- GARBA ABDULLAHI

JUDGEMENT DELIVERED ON 14/8/23



INTRODUCTION

This case brought pursuant to small claims court practice direction NO 2 of 2022, the claimants has fill and filed small claims Court forms SCA 2 & SCA 3 dated 3th day of August 2023, and the defendant were duly served with the process of this court as evidenced by affidavit of serviced dated 9th August 2023 deposed to by one Abdussalam Abdullahi a bailiff of this Court

Before the commencement of hearing parties have amicably settled the matter out of court, consequent upon which they filed a terms of settlement dated 11th day of August 2023 duly sign by the counsel to the claimant and the defendant in presence of their witnesses, they adopt same and urged the court consider it and enter consent judgment as per the terms.

It is settled law beyond controversy that, where a person has given his counsel a general authority without limitation to act on his behalf and to represent him in an action, the fact that the terms of agreement were negotiated and judgment entered by a counsel on behalf of his client and not by the client will not affect the validity of the judgment. The consent Judgment so entered will be valid and enforceable see the case of AFEGBAI VS A G EDO STATE (2001) 14 NWLR (PT 733) P 425

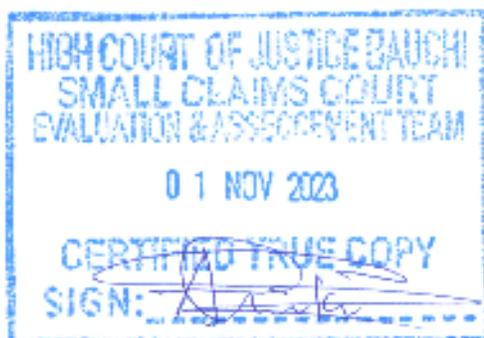
It is in record that the claimant engage the service of a counsel to represent him in this case, he negotiated the settlement and signed the terms on his behalf therefore the terms is valid and enforceable in the eyes of law and I so hold.

The law is trite that in order to have a consent judgment the parties must be ad idem as far as the agreement is concern, there consent must be free and voluntary and the terms of settlement must be filed, I refer myself to the case of Woluchem vs Wokama (1974) ALL NLR 54

It is in record that the counsel to the claimant and the defendant have agreed with the term before append their signatures

In the light of the above and having gone through the content of the afore mentioned terms properly executed by the parties, therefore and I hereby enter judgment as per the terms of settlement here attached against the parties

This case is decided today being 14/8/23



A handwritten signature in blue ink above a blue rectangular stamp. The stamp contains the text: "MAGISTRATE", "GARBA ABDULLAHI", and "CHIEF MAGISTRATE".

IN THE PRINCIPAL DISTRICT COURT OF BAUCHI STATE
IN THE SMALL CLAIMS COURT
HOLDEN AT BAUCHI

SUIT NO.

BETWEEN:

AMANA THRIFT AND CREDIT COOPERATIVE SOCIETY...PLAINTIFF

AND

JOSEPH CHOYL.....DEFENDANT

TERMS OF SETTLEMENT

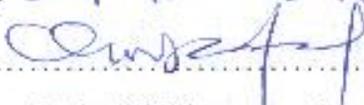
1. Whereas the plaintiff claimed from the defendant the sum of (N244, 284.00) two hundred and forty four thousand two hundred and eighty naira only being the principal loan plus administrative charges for loan advanced to the defendant.
1. The defendant approached the plaintiff's counsel for out of court settlement and a reduction of the total amount to be paid.

It is hereby agreed as follows:

- a. That the defendant shall pay the plaintiff the total sum of one hundred and fifty thousand naira while the balance shall be waived.
- b. That the defendant shall pay the sum at 30, 000.00 (thirty thousand naira only) monthly installment from end of August, 2023.
- c. That default for any reason in any month shall entitle the plaintiff to levy execution of the remaining balance without further notice to the defendant and the defendant shall bear the cost of execution which shall be added to his outstanding sum.
- d. That this term of settlement shall be valid and binding if signed by either the parties or their counsels and adopted as consent judgment.

Dated 11th day of August, 2023

Signed



Plaintiff/His counsel

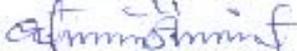


Defendant

In the presence of joint witness:

Name: ABIMU SALEH TARIQA

Address: HIGH COURT BAUCHI

Signature: 

Date: 11TH - AUGUST 2023