

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

SUIT NO SCC/BH/61/2023

Before His Worship- GARBA ABDULLAHI

BETWEEN

1.JAIZ BANK PLC..... CLAIMANT

AND

GODWIN NWAFOR OBIKA & 1. OTHER. DEFENDANTS

CLAIMANT – Represented by Abdullahi Moh'd Ningi

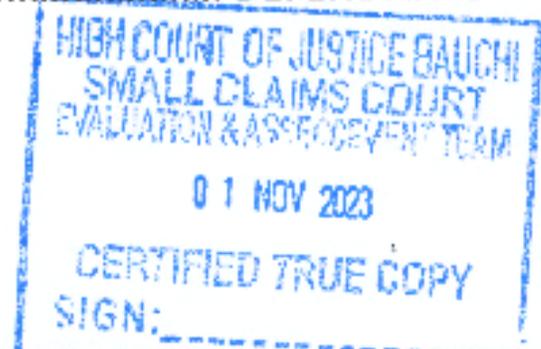
DEFENDANT –Absent

Y U Kabir Esq for the claimant

JUDGEMENT

This matter 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 18th day of September 2023, defendant has been duly served with the process of this court as evidenced by affidavit of serviced dated 19th September, 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 25th day of October, 2023 duly sign voluntarily by both parties in presence of their witnesses, they adopt it and urged the court to enter consent judgment as per the terms, consequent upon which the matter set down for judgment.



The law is settled that consent judgments are not like a regular Judgments of the court entered after a trial is conducted by the court either summarily or upon a full trial, it is not defendant upon exchange of pleadings or calling of evidence, infect there is no stage in the proceedings where the law requires a consent judgment to be entered, as same can be entered at any stage because is simply based on agreement between the parties to litigation which they consider binding on them and those who claim through them as in the instance case I refer myself to the case of D T T ENT. (NIG) CO LTD VS BUSARI (2011) 8 NWLR (Pt. 1249) P 387

The law is trite that, 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 R. LAUWERS IMPORT VS JOZEBSON INDUSTRIES LTD (1988) 3 NWLR (Pt 83) 429 S. C and ABDULKARIM VS INCAR (NIG) LTD (1992) 7 SCNJ (Pt 11) 366 (S C)

In the light of the above and having gone through the content of the terms dated 25th day of October, 2023 properly executed and adopted by the parties, therefore and I hereby upheld the submission of both parties, accordingly enter consent judgment as per the terms of settlement here attached against the parties.

This case is decided today being 26th October, 2023

HIGH COURT OF JUSTICE BAUCHI
SMALL CLAIMS COURT
EVIDENTIAL & SETTLEMENT TEAM
01 NOV 2023
CERTIFIED TRUE COPY
SIGNATURE

NGS
GARBA ABDULLAHI
CHIEF MAGISTRATE
THE OFFICE OF THE CHIEF MAGISTRATE
HIGH COURT OF JUSTICE BAUCHI

IN THE DISTRICT/SMALL CLAIMS COURT OF BAUCHI
IN THE SMALL CLAIMS COURT ONE OF BAUCHI STATE
HOLDEN AT BAUCHI

SUIT NO: Suit 87/691/2023

BETWEEN

JAIZ BANK PLC ----- CLAIMANT

AND

1. GODWIN NWAFOR OBIKA
2. AUTOMOBILE SPARE PARTS DEALERS ASSOCIATION } DEFENDANTS

The claimant claimed against the defendants the sum of N1,951,687.13 including cost of action and the defendant admitted it all but pleaded to be paying in installments as initially agreed on the Bank's payment schedule.

The Claimant obliged him. Now parties have amicably settled.

TERMS OF SETTLEMENT

Thus

1. The defendants shall pay the claimant the total sum of N1,951,687.13.
2. The defendants shall pay the sum of N250,000.00K to the claimant at the end of every month, commencing from October, 2023. *till final liquidation*
3. The parties shall bear their respective cost.
4. The parties further agree that the terms of settlement herein made the judgment of this Honorable Court.

Dated this 25th day of October 2023

[Signature]

Claimant's Signature

[Signature]

1st Defendant Signature

[Signature] Secretary

2nd Defendant Signature

WITNESSES

Name: Salisu Abubakar

Signature: [Signature] 25/10/23

Name: Musa Gabor Musa

Signature: [Signature]

Name: Abdulrahman Abdulrahman

Signature: [Signature]

Name: Babalola Ibrahim

Signature: [Signature]