

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

**SUIT NO SCC/BH/103/2023**

Before His Worship- GARBA ABDULLAHI

**BETWEEN**

**MANIR YAHAYA..... CLAIMANT**

**AND**

**AUWAL GARBA (KALKU).....DEFENDANT**

CLAIMANT –Absent

DEFENDANT– present

M I MO'D Esq for the claimant



**JUDGEMENT**

**INTRODUCTION**

This case brought pursuant to small claims court practice direction NO 2 of 2022, the claimant has fill and filed small claims Court forms SCA 2 & SCA 3 dated 7<sup>TH</sup> day of November 2023, and the defendant were duly served with the process of this court as evidenced by affidavit of serviced dated 7/11/2023 deposed to by one Abdussalam Abdullahi a sheriff 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 13<sup>th</sup> day of November, 2023 duly sign by the counsel representing the claimant and the defendant in presence of their witness, adopt it and urged the court to consider same and enter consent Judgment as per the terms, thereafter the matter set down for judgment

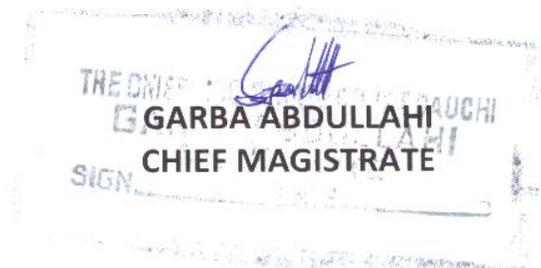
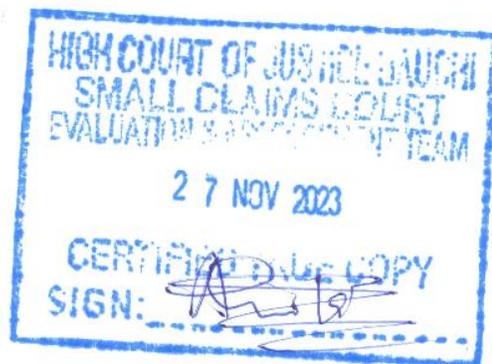
It is settled law beyond controversy that, where a person has given his counsel a general authority without limitation to act on his behalf and to represent him in an action, the fact that the terms of agreement were negotiated and judgment entered by a counsel on behalf of his client and not by the 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 engages the service of a counsel to represent him in this case, he negotiated the settlement and signed the terms on behalf of his client 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 terms of settlement and must be filed, I refer myself to the case of Woluchem vs Wokama (1974) ALL NLR 54

In the light of the above and having gone through the content of the terms dated 13<sup>th</sup> day of Nov. 2023 properly executed by the parties, therefore and I hereby upheld the submission of learned counsel to the claimant and the defendant, accordingly enter judgment as per the terms of settlement herein attached against the parties.

This case is decided today being 16<sup>TH</sup> November, 2023



IN THE DISTRICT COURT OF BAUCHI STATE  
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SUIT NO SCC/BA/103/23

BETWEEN

MUNIR YAHAYA .....CLAIMANT

AND

AUWAL GARBA (KALKU) ..... DEFENDANT

The claimant claimed against the defendant the sum of ₦ 1,070,000.00 and the sum of ₦4,500 as the cost of action, the defendant admitted all the claims and pleaded to settle the matter amicably and be paying installmentaly.

TERMS OF SETTLEMENT

Thus;

1. The defendant shall pay the sum of ₦ 1,070,000.00 being the total amount due to the claimants plus ₦4,500 as the cost of action.
2. That the defendant shall pay the sum of ₦ 70,000.00 on or before 30<sup>th</sup> November, 2023.
3. That the defendant shall pay the sum of ₦ 100,000.00 monthly until final liquidation and the claimant agreed.
4. The parties shall bear their expenses.
5. The parties further agreed that the terms of settlement herein be made the judgement of this honourable court.

DATED THIS 16<sup>th</sup> DAY OF Nov. 2023

Munir Yahaya  
for claimant

Claimant Signature

Name: Munir Yahaya

Signature: Munir Yahaya

Defendant Signature

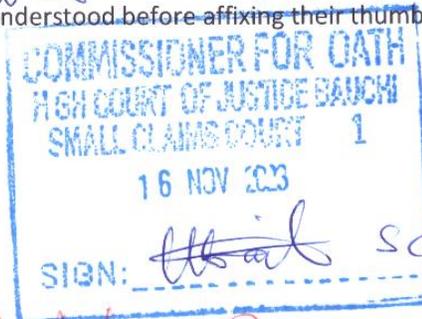
Name: Abdulrahman Abdulgaffar

Signature: Abdulrahman Abdulgaffar

WITNESSES

JURAD

Now therefore, the foregoing having been read and ~~therefore~~ interpreted by me to two parties Abdulrahman Abdulgaffar in Hausa language they being illiterates and having appeared to have perfectly understood before affixing their thumb print impression



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