

**IN THE CHIEF MAGISTRATE COURT OF KANO STATE
IN THE KANO SMALL CLAIMS COURT
HOLDEN AT KANO**

SUIT NO: SCCC4/11/2019

BETWEEN:

MUHAMMAD DANLADIPLAINTIFF

AND

PETERSCO JAPTU.....DEFENDANT

JUDGMENT

The Plaintiff in this case approached this Honourable Court on the 11th December 2019 by way of filling and filing SCA 2.

The Plaintiff claims against the Defendant the sum of Five Hundred and Sixty-One Thousand Naira only being for services offered to the Defendants vehicle fiat Iveco.

A summons was sent to the Defendant on the 15th day of December, 2019, on the 8th day of January, 2020, the case was mentioned and Mr. Mubarak Abubakar (Counsel to the Plaintiff) applied for a substituted means of service, which was granted and effected on the Defendant via a Short Message Services (SMS) on the 10th January, 2020. An Affidavit to that effect is (sic) duly filed.

The matter was subsequently fixed for Hearing and it was ordered that a Hearing Notice to be served on the Defendant via SMS.

On the 26th of February, 2020, the matter was heard and the Defendant absent and unrepresented, whereby Counsel to the Plaintiff (Mr. Mubarak Abubakar) called for the court to hold that the absence of the Defendant, his failure to file either a statement of defence or admission in writing amounts to an admission by virtue of Article 6 (3) of the Kano State Magistrate Court Practice Direction on Small Claims.

According to the provision of Article 5 of the Kano State Magistrate Court Practice Direction on Small Claims, where substituted means of service is employed, a copy of any correspondence between parties may be attached as a proof of the validity of such service. This provision has been duly complied.

Similarly, Article 6(3) of the Kano State Magistrate Court Practice Direction on Small Claims provides:

“where a defendant fails to file an Answer to the claim, such defendant may be held to have admitted the claim”

Article 8(2) of the Kano State Magistrate Court Practice Direction on Small Claims provides that where the claim is called for hearing and the Plaintiff appears but the Defendant does not appear provided there is a proof of service, a court shall proceed with the hearing and enter judgment as per the Plaintiff's claim.

Therefore, having this in mind, I can do no justice than to hold so that the absence of the Defendant and his failure to file either a statement of defence or admission amounts to an admission.

I hereby enter judgment in favour of the Plaintiff against the Defendant in the sum of Five Hundred and Sixty Thousand Naira only (560,000.00). I further order the Defendant to pay the sum of N5,000.00 as cost of filing.

Signed
Zuhura Madaki
SCC 4 GIDA
MURITALA
18/3/2020

COUNSEL

M. O. Salau for the Plaintiff

Defendant absent and unrepresented