

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

SUIT NO:SCR/16/20

BETWEEN:

***HUDU ALHASSAN .....PLAINTIFF  
AND  
AUWALU IDI BALA .....DEFENDANT***

**JUDGMENT**

The Plaintiff approached this honourable court on the 18<sup>th</sup> day of December, 2020 by way of filling Civil Demand Form SCA2.

The Plaintiff claims against the Defendant the sum of N3,150,000.00 being an outstanding balance for a business.

A summon was served on the Defendant on the 22<sup>nd</sup> of December, 2020 and the matter was mentioned on the 5<sup>th</sup> of January, 2021.

On the 19<sup>th</sup> of January, 2021 the case was further mentioned where the Defendant's counsel sought for adjournment to see to the settlement of the matter out of court, which settlement failed and a date was fixed for hearing.

On the hearing date, counsel applied under Art 8 M.C.P.D.S.C 2018 for the Plaintiff to proceed with proving his case. The Plaintiff therefore called in one witness as follows and tendered 5 exhibits.

PW1 whose name is Hudu Alhassan, a resident of Gwammaja, Kano stated that, he is a businessman, that in the course of business, the Defendant brought a house to sale for him, which he bought and subsequently asked the Defendant to go ahead and sale it, but the Defendant has failed to return the proceeds of the sale.

PW1 stated that after several request, the Defendant gave him a certificate of occupancy, that shall be used as a security in getting a loan, with a promise to pay him in 3 months.

PW1 further stated that after the 3 months, some relatives of the Defendant paid him N1,400,000.00 in different installments and what now remains is the sum of N3,150,000.00 out of the total N5,150,000.00.

Both Certificate of Occupancy and agreement by parties have been tendered and admitted in evidence.

PW1 further pleaded with the court in getting his money from the Defendant.

At the end of the Plaintiff's case, the court, after carefully perusing through the evidence adduced also relying on the provision of Article 6 as well as Article 8 of the M.C.P.D.S.C. (SUPRA), hereby enter judgment in favour of the Plaintiff one Hudu Alhassan against the Defendant one Auwalu Idi Bala in the sum of N3,150,000.00

It is further ordered that the Defendant shall pay the sum of N40,000.00 as cost of filing and prosecuting this matter.

Signed  
Zuhura Madaki  
29/03/2021

COUNSEL

Zainab Ibrahim Fatika Esq for the Plaintiff

Jibril Musa Madigawa Esq for the Defendant