

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

SUIT NO: SCC/62/20

BETWEEN:

MAS'UD MUAZUPLAINTIFF

AND

SAKINA SALEH KOFAR WAMBAI.....DEFENDANT

JUDGMENT

The Plaintiff in this case approached this honourable court of the 18th day of February, 2020 by way of filling and filing civil demand Form SCA1 and a complaint Form SCA2.

The Plaintiff claimed against the defendant the sum of Four Hundred and Seventy Thousand Naira (N470,000.00) being an outstanding money for the process of acquiring a visas for the Plaintiff.

A summon was sent to the Defendant on the 18th February, 2020. On the 4th of March, 2020, the case was mentioned and subsequently fixed for further mention on the 11th March, 2020, as a result of the inability of the bailiff to trace the whereabouts of the Defendant. As such, counsel to the Plaintiff sought for an order of a substituted means which was accordingly granted and duly executed on the Defendant and an Affidavit to that effect duly filed.

The matter was subsequently fixed for hearing and it was ordered that a hearing notice be served on the Defendant via S.M.S.

On the 22nd day of July 2020, the matter was heard and the Defendant absent and unrepresented whereby counsel to the Plaintiff urge the court to enter a default judgment against the Defendant relying on Art. 6 of Kano State Magistrate Court Practice Direction on Small Claims (KSMCPDSC) 2018.

According to the provision of Article of the KSMCPDSC, 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 has been duly complied with.

Similarly, Art 6 (3) of the KSMCPDSC provides and I quote:

“Where a Defendant fails to file an answer to the claim, such Defendant may be held to have admitted the claim”.

Also Article 8 (3) KSMCPDSC is to the effect that where a claim is called for hearing and the Plaintiff appears and the Defendant did not, 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 say that the absence of the Defendant and his failure to file either a statement of defence or admission amounts to an admission.

I therefore enter judgment in favour of the Plaintiff against the Defendant in the sum of Four Hundred and Seventy Thousand Naira only (N470,000.00)

I further order the Defendant to pay the sum of N5,500 as cost of filing the suit.

Signed
Zuhura Madaki
22/07/2020

COUNSEL
Mubarak Abubakar Esq for the Plaintiff

Defendant-Absent & Unrepresented