

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

SUIT NO:SCR/30/21

BETWEEN:

TIJJANI MUSA GWALE.....PLAINTIFF

AND

MUSBAHU IBRAHIM BABA.....DEFENDANT

JUDGMENT

The Plaintiff in this case approached this nonourable court on the 13th day of January, 2021 by way of filling a Civil Demand Form SCA1 and a Complaint Form SCA2.

The Plaintiff claimed against the Defendant the sum of N563,350.00 being an outstanding balance for the purchase of rice.

A summon was served on the Defendant on the 18th of January, 2021 and an Affidavit of Service has been duly filed by the Bailiff in Form SCA4. The case was subsequently mentioned on the 9th of February, 2021 where the Defendant was absent and unrepresented. A date was fixed for hearing and a hearing notice was ordered to be served on the Defendant which failed as the Defendant could not be seen. An application for substituted service was made and duly granted and the 25th February, 2021 was fixed for hearing.

On the hearing date, the Defendant was not in court, counsel to the Plaintiff therefore applied under Article 6 (3) M.C.P.D.S.C. 2018 fir the court to enter judgment.

Notwithstanding the fact that the Defendant has failed to file a response/defence to the Plaintiff's claim, the court ruled that the Plaintiff should go ahead to prove his case.

In proving his case, the Plaintiff called in one witness as follows:

PW1 whose name is Tijjani Musa Gwale, a 31 years old, working at a rice company in Gaida, Kumbotso Local Government Kano, stated to the court that the Defendant has been his business partner, that he gives him money to buy rice. That he gave him the sum of N1,000,000.00 in two installments of N500,000.00, one in his account and the other cash to buy rice.

That he also gave the Defendant the sum of N163,350.00 again to also buy rice at Rimin Gado.

That after giving both amounts, the price of rice inflated, so he asked the Defendant not to buy and to return the said amounts. The Defendant then returned the sum of N600,000.00 instead of the N1,163,350.00.

PW1 stated that several attempts have been made on the Defendant to return the remaining N563,350.00 but have fallen in deaf ears, so he pleads with the court to get his money and the money he has spent on his lawyers in prosecuting this case and the court fees of N50,000.00 and N5,000.00 respectively.

Having carefully perused through the evidence so far adduced and relying on the combined provisions of Article 6 (3) as well as Article 8 of the M.C.P.D.S.C. 2018, I hereby enter judgment in favour of the Plaintiff one Tijjani Musa Gwale against the Defendant Musbahu Ibrahim Baba in the sum of N563,350.00

It is further ordered that the Defendant shall pay the sum of N25,000.00 as cost of filing this action and prosecuting the matter.

Signed
Zuhura Madaki
29/03/2021

COUNSEL
Nura Aminu Hausawa Esq for the Plaintiff

Defendant-Unrepresented