

**IN THE PRINCIPAL DISTRICT COURT OF KATSINA STATE
IN THE KATSINA DISTRICT
HOLDEN AT SMALL CLAIMS COURT 1 KATSINA**

BEFORE: HIS HONOUR ABDULKARIM AHMED UMAR ESQ.

SUIT NO: S.C.C1/KT/003/2024

Date: 07TH MAY, 2024

BETWEEN

MANSIR HAMISU

PLAINTIFF

AND

HAMZA SALEH MARINI

DEFENDANT

Parties absent in court

M.T STEPHEN for the defendant

M.T STEPHEN: This case is slated for mention we have filed our reply to the plaintiffs claim since on the 6th Day of May 2024. The plaintiff is absent I don't know if there is any communication.

Registrar: The plaintiff's counsel called and informed me she is before CMCI.

M.T STEPHEN: In the interest of justice we apply for a date.

Court: In the interest of justice this case is adjourned to 13 – 05 – 2024 for mention.

Signed:

07-05-2024

13 – 05 – 2024

SCC/KT/003/2024

MANSIR HAMISU VS HAMZA SALEH MARINI

Parties absent in court

M.T STEPHEN for the defendant

M.T STEPHEN: The case is slated for mention. However, the plaintiff is not in court and was absent on the last date I don't know if there is any correspondence.

Court: Is there any correspondence?

Registrar: No correspondence

M.T STEPHEN: Issues have been joined in the absence and appearance from the plaintiff or his counsel we shall be urging the court to dismiss the suit with cost of **N100, 000 (One Hundred Thousand Naira)** for wasting time of the court.

RULING

The defence counsel **MR. M.T STEPHEN** applied for this suit to be dismissed with cost of **N100, 000** against the plaintiff for none appearance. It is a well-established principle of law that when a plaintiff fails to appear without any valid reason it behoves the court to strike out his case. This is also the position of **Article 9 (3) P.D.C.C Katsina State 2023**. As such in this instance I am left with no option other than to consider the application made by the counsel to the defence in part.

Consequently, this case is hereby stroke out and a cost of **N5, 000** is hereby awarded to the defendant against the plaintiff.

Signed: 

13-05-2024