

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

SUIT NO. SCC/KT/001/2023

BEFORE HER HONOUR BASIRA UMAR

BETWEEN:

IBRAHIM BISHIR

PLAINTIFF

AND

MAHMOUD LAWAL

DEFENDANT

JUDGMENT

The Plaintiff herein instituted this action under the Small Claims procedure on 28th day of December, 2023, by filing Forms, SCA2 (small claims complaint form) and SCA 3 (summons) respectively which was served on the Defendant in compliance with the Practice Direction on Small Claims of Katsina State 2023. The plaintiff presented a letter of demand already served by him on the defendant, dated 2nd day of October, 2023 and acknowledged 5th day of October, 2023. The Plaintiff's Claim against the Defendant is stated hereunder:

1. The sum of =N=100,000.00 being the price of a television set which the defendant took from the plaintiff's store and failed to pay.
The sum of =N=25,000 as the cost incurred by the Plaintiff

Both parties appeared in court on 29th day of December, 2023 and the defendant admitted the plaintiff's claim.

It is trite that in civil cases the plaintiff has the burden of proving their case by preponderance of evidence, which means the plaintiff merely needs to show that the fact in dispute is more likely than not.

However, where the truth or existence of a fact is admitted, proof of it is dispensed with. It is also trite that a crucial fact which is admitted needs no further proof and same will be taken as established. See *Agbamebo V. U.B.N Ltd* (2000) 7 NWLR (pt 666) at 549, *Edopolo & Co Ltd V. Ohenhen* (1994) 7

NWLR (pt 358) 511 at 519, Mr. Kwasi Karikari Adusei & Anor V. Mr. Toyin Adebayo (2012) LPELR-7844 (SC) per FABIYI J.S.C (pg 24-25) Paras G-A).

See also section 123 of the Evidence Act 2011 which provides that “No fact need be proved in any civil proceedings which the parties to the proceedings or their agent agree to admit at the hearing.....”

Consequently, judgment is hereby entered in favour of the plaintiff against the defendant as follows:

1. The Plaintiff is to recover from the Defendant the sum of ₦100,000.00 being the price of his television set AND the sum of ₦25,000 as amount of the cost he incurred in prosecuting this suit.

APPEAL

Any Party not satisfied with this decision is at liberty to Appeal against same before the High Court within 14 days

Signed
Basira Umar
SCC1 GRA KATSINA
29/12/2023

Plaintiff – Self Represented
Defendant – Self Represented