

IN THE SMALL CLAIMS COURT OF GOMBE STATE
IN THE AKKO MAGISTERIAL DISTRICT
HOLDEN AT CMC KALSHINGI

TODAY: 5TH DAY OF MARCH, 2024

BEFORE HIS WORSHIP: IBRAHIM ALHUSSAIN ESQ

CLAIM NO: SCC/KSG/01/2024

BETWEEN:

BABAYO MEDUGU.....CLAIMANT

AND

MUHAMMAD JINGI.....DEFENDANT

JUDGMENT

The instant claim was commenced via the Small Claims Complaint Form (Form SCC 2) dated and filed on 4th of March, 2024. The Claimant claims against the defendant as follows:

1. The sum of N25,000 being the amount owed to the Claimant by the Defendant.
2. Cost of action.

The Claimant accompanied his Small Claims Complaint Form with an application for summary judgement (form SCC 3A) and attached the affidavit in support of the application (form SCC 3B) all dated and filed on 4th of March, 2024.

The Defendant was served with the originating processes and a summons (form SCC 3) to appear before this Court on 5th of March, 2024.

When this matter came up for trial on 5th of March, 2024, the Defendant appeared before this Court and admitted his indebtedness to the Claimant as per the claims filed. The Defendant further informed this Court that he was equally served with the application for summary judgement and that he holds no objection to the application.

Therefore, the Claimant urge this Court to enter judgment against the Defendant based on his admission.

It is a settled position of law that facts admitted or facts not disputed, need no further proof. In law, they are taken as proved and/or

established. See the case of **OKOLO VS NWOKO (2013) LPELR-22509 (CA)**. See also the case of **Guffanti Nig Plcvs. Vaduz & Ors (2013) LPELR-22049 (CA)**.

Furthermore, Article 7(4) of the Gombe State Practice Direction on Small Claims Court, 2023 provides as follows:

"Where the defendant fails to file an answer to the claim or a counter affidavit to the application for summary judgement, such defendant shall be held to have admitted the claim."

In the instant case, I have perused the processes filed before the Court and carefully listened to the application of the Claimant for summary judgement and the admission of the claims by the Defendant. It is also on record that the Defendant conceded to the application for summary judgement.

In this wise and in the absence of any objection, the application for summary judgement dated and filed on the 4th of March, 2024 by the Claimant against the Defendant is hereby granted as prayed.


Consequent upon the foregoing, judgment is entered in favour of the Claimant as follows:

1. The Defendant is hereby ordered to pay the Claimant the sum of N25,000 forthwith.
2. Cost of N3,000 is awarded against the Defendant.

Parties:

Claimant present.

Defendant present.

 5-3-2024
Ibrahim Alhussain, Esq., ACI Arb [UK].
Presiding Magistrate

