

IN THE MAGISTRATE COURT OF ZAMFARA STATE
IN THE GUSAU MAGISTERIAL DISTRICT
HOLDEN AT SMALL CLAIMS COURT NO. 1
GUSAU, ZAMFARA STATE.

TODAY WEDNESDAY, THE 13TH DAY OF DECEMBER, 2023

BEFORE HER WORSHIP
HALIMA JAFARU MIKAILU

SUIT NO. SCC/ZMS/01/2023

BETWEEN:

ALHAJI SHEHU BELLOPLAINTIFF

AND

MALAN SANI UMARDEFENDANT

- Plaintiff appeared for himself
- Defendant also appeared for himself
- Both parties are before the court and speak Hausa languages.
- Court clerk affirmed himself to interpret to the parties from English to Hausa and vice-versa.

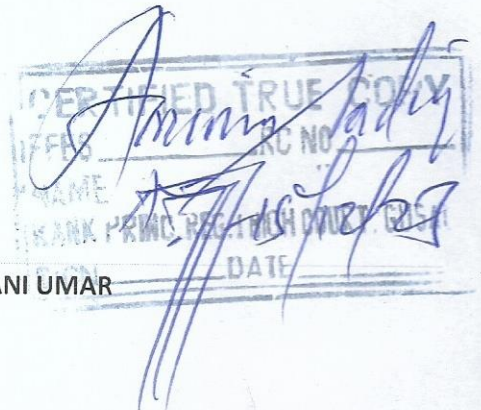
Court Clerk: The matter is for Judgment

Court: Plaintiff, are you ready?

Plaintiff: Yes I am ready.

Court: Defendant, are you also ready?

Defendant: Yes I am equally ready.



CONSENT JUDGMENT

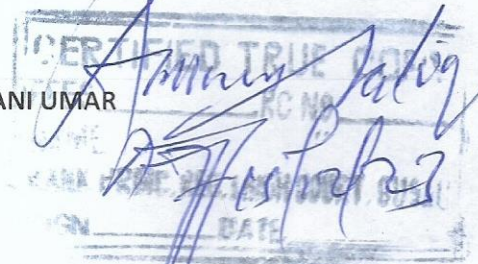
This is a small claim matter filed by the plaintiff vides Form ZSCA 2 on the 10th day of November, 2023 and dated same date. The claim was filed before the registry of Small Claim Court of Zamfara State and assigned to this court by the Chief Registrar for determination; after the plaintiff served the defendant with Demand Notice Letter on the 10th day of August, 2022 vide Form ZSCA 1.

The plaintiff claims against the defendant are as follows: -

1. The sum of N850,000 (Eight Hundred and Fifty Thousand Naira) only being the money owed to the plaintiff by the defendant for the purchased of building materials on 5/5/2023 at his shop situates at No. 5 New Market road Tudun Wada Gusau and promised to pay two months later , but did not fulfilled the promise.
2. The cost of N100, 000 (One Hundred Thousand Naira) only for filing this action.

After serving the defendant with the summon via Form ZSCA 3. The bailiff filed an affidavit of service before the registry of Small Claim Court as requires by Article 5(2) of the Practice Direction of Small Claim Court of Zamfara State 2023.

On 20th November, 2023, the case was called for mentioning/hearing; both parties were in court and represented themselves. The defendant pleaded with the court to give them time for the possible settlement of the matter out of court and the report of terms of the settlement if achieved. This is as requires by Article 9(2) of the Practice Direction of Small Claims Court of Zamfara State, 2023.

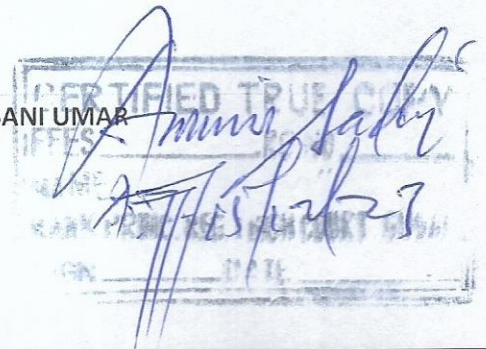


In view of the request made by the parties for the amicable settlement of the matter out of court, and the subsequent report of the settlement terms before the court, case adjourned to 27th 11-2023 for the parties to resolve their monetary dispute out of the court, and the report of that settlement terms for it to ratified as consent Judgment. See **EGEMOLE VS. OGUEKE (2010) ALL FWLR (pt. 513) 1424 at 2434.**

Signed

On 27th day of November, 2023, the case came up for determination and for the report of the disputing parties settlement term to the court and both parties informed the court that their dispute have been settled amicably as follows: -

1. The defendant have agreed to pay the plaintiff the sum of N850,000 being the money he is owing the plaintiff for the purchase of building materials from the plaintiff at his shop situated at No. 5 New Market road, Tudun Wada Gusau on the 10th day of May, 2023.
2. The defendant and the plaintiff have also agreed that, the plaintiff shall receive the sum of N30, 000 as cost for filing this action.
3. Both parties informed the court that they are bound by the terms of the settlements presented before the court and urges the court to enter Consent Judgment. See the case of **J.O.E. CO. LTD. VS. SKY BANK PLC. (2019) NWLR (pt. 1138) 518 at 542.** Upon the agreement by both parties and the terms of settlement presented before the court on 27th day of November, 2023 duly reached by the parties. The plaintiff and the defendant as confirmed by the parties in upon court.



The said terms of settlement are hereby entered and made the Judgment of this Honourable Court.

In addition, the defendant is hereby ordered to pay the plaintiff the sum of N850, 000 being the consideration of the purchased building materials. Also, he should pay the plaintiff the sum of N30, 000 as cost for filing the suit. See the cases of **EGEMOLE VS. OGUEKE (2018) ALL FWLR (pt. 513) 1424 at 1434.**

Right of Appeal

There is right of appeal to High Court by any party who is not satisfied with this judgment within 14 days from today.

Signed:

Halima Jafaru Mikailu

(Magistrate)

