

IN THE SENIOR DISTRICT COURT OF PLATEAU STATE OF NIGERIA
SITTING AT ABATTOIR, JOS.

BEFORE HON. T.E. GOTE (ESQ.)

CLAIM NO: SCCA/8SCC/2024

BETWEEN: -

JOHN DALYOP CLAIMANT

AND

IBRAHIM GARKUM DEFENDANT

Claimant in Court

Clerk: Bewarang

JUDGEMENT PROCEEDING DATED 15/5/2024.

Appearance: Racheal Gyang for the Claimant.

This matter commenced on the 29/4/2024 with parties absent from court even though the claimant was represented by council and service had been effected on the Defendant. The matter was deemed mentioned and adjourned to 20/5/2024 but the parties opted for settlement. Settlement failed and Hearing Commenced on the 28/5/2024 with a witness testifying which is the claimant.

P.W 1: John Dalyop.

Stated he reside at Gyel Tanchol Jos South LGA that he is a businessman and knows the Defendant. That the Defendant purchases Tin from him that the Defendant called him to take Tin to him and he took it to him through a woman named Theresa who works with the Defendant, that they took the Tin to the Defendant together, that the Defendant called him, that he has seen the Tin he sent and the priced it at ₦10,000 per Kg and measure it at 401 Kg. That he has been going to the Defendant to demand payment but up till now he has not been paid. That currently if he calls the Defendant he does not pick his calls, that he has Recordings of his conversation with the Defendant on phone. The conversation was tendered in evidence and marked as exhibit A¹ that he wants the Court to collect his money.

P.W 2: Mrs. Theresa Richard

Started she lives at Tudun Wada, a Christian and Berom by tribe. That she knows the Claimant and the Defendant, that the Claimant is her business colleague and last two years he gave her boss goods (Tin) that the manager was given the goods at Zawan Junction, which was 401 Kg. That when they price the items, she was not there, but the Defendant did not pay the Claimant as agreed. That the Claimant met her and said they should go and collect the money with her and the plead and pleaded with the Defendant who said he would send ~~N~~1million to the Claimant that week. That she did not know her boss did not send the money to the claimant as promised. That she was recording when she went to her boss with the claimant without her knowledge the voice is her voice, that the Defendant is yet to pay the money.

The Claimant closed his case and the Defendant to open his Defence on the next adjourned date.

The Defendant never appeared in court and he was foreclosed and the matter adjourned for judgment.

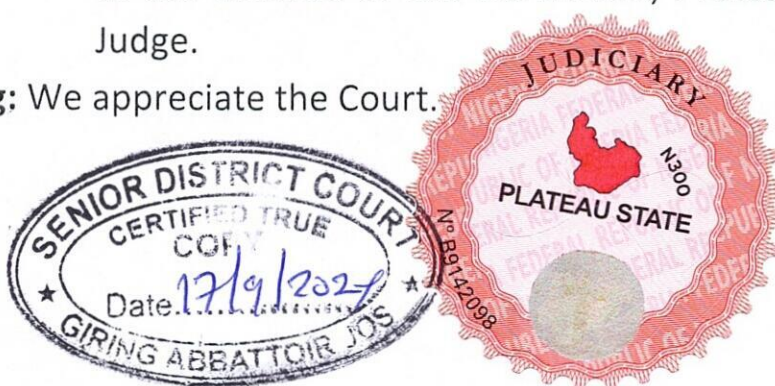
Having listened to the witnesses, the claim before the Court is for the sum of **N4,050,0000** which from exhibit A¹ (the Recording of conversation) between the Claimant and the Defendant. The Defendant admitted to not paying the Claimant his money and stated it was 401 Kg of Tin. That they agreed in the sum **N10,000** per Kg, even though the Defendant claim the amount is about **3.9 plus million**, but it was cleared by **P.W 2 (Theresa)** who is the go between the parties, clarified it was 401 Kg. The Defendant accepted that, whatever it is he will settle it.

The claim was never controverted or denied therefore Judgement is entered in favour of the Claimant on the following terms;

That the Defendant pays the sum of **N4,050,0000** to the Claimant Forthwith. That cost of **N100,000** is hereby awarded against the Defendant to be paid forthwith as well

NB. This Judgement could not be delivered within requisite 60 days due to the attitude of the Defendant, Protest and also ill – health of the Judge.

Gyang: We appreciate the Court.



Thotep
SIGNED
T.E GOTEP
15/5/2024.