

N690.000=, counsel said the amount claimed is N990.000= as against N690.000=. also the defendant said what he owes the claimant is N657.000 not N690.000=.. by this, the claimant's counsel as well as the defendant have the onerous task of establishing their claims each. By form SCA1 the demand of the claimant is for the sum of N690.000 to which the defendant admitted N357.000 already. After, in prove of the balance sum of N300.000= the claimant was affirmed and testify thus: my name is Ishaku Suleiman Adamu, a business man lives in Shimankar. I am the Claimant and I know the defendant, he is my business partner we deal in eggs. About five months ago, I bought 606 (six hundred and six) crate of eggs from the defendant at N1,500 each totalling N990,000 for the 606 crates. I gave him the money through P.O.S from Shimankar to Jos. He has not given me the eggs and when I demanded for my money or eggs he still didn't give me but when I mounted pressure on him he gave me N300,000 only leaving a balance of N690,000 which he is yet to give me. I forwarded the money to his account in First Bank through a P.O.S in Shimankar''. After the close of the claimant's case, the defendant testified and was cross examined.

Was affirmed. My name is Zakari Samaila a poultry farmer, lives in Bukuru. I know the claimant he is my business colleague for over five years. He buys eggs from me sometimes in August 2023, he sent N500,000 to me to supply eggs for him but I couldn't make it because of some challenges I was passing through. I called and told him mean while there was an outstanding of 105 crates of eggs which I was to deliver to him but couldn't, still because of the challenges and he again said I should refund him. so I sent N300,000 to him that's all I know but he is now claiming N970,000. I have a bank statement stating the N500,000 which he sent to me by my name and first bank. Likewise the N300.000= I sent to him''. exhibit A was admitted into evidence.

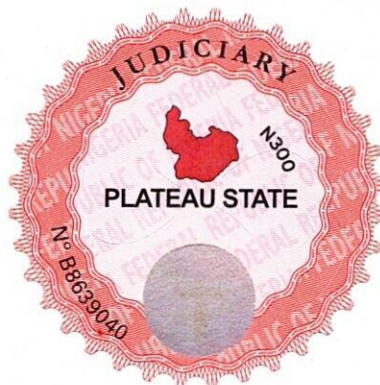
During cross examination Dw1 said the money sent to him was to buy eggs. Counsels opted not to file any address.

The law is trite he who asserts must prove section 132 EA 2011. The claimant was not present when the defendant presented his evidence. However, by the request of the claimant's Counsel. The defendant presented exhibit A - statement of his account details. There is no evidence before the court that the claimant gave the total of N990,000 to the defendant. The claimant is also relying on the exhibit A of the defendant to proof the existence of the amount of money which he sent to the defendant's account through he sent a P.O.S transaction. However there's evidence before the Court of the sum of N500,000., and the N300.000 sent.

The issue now for determination is whether the claimant is entitled to the N333,000 he claims from the defendant. the Court after a perusal of exhibit A and the previous evidence of the claimant, part Judgment already obtained following the admission of the defendant over the sum of 357,000; could not fathom when the N990,000 dropped into the defendant's account. The evidence of the defendant is elucidating to the extent that the claim of the claimant for the balance sum of N333,000 was rebutted. In view of the above, the sum of N333,000 claimed against the defendant has not been proven to the satisfaction of the Court. consequently, Judgment for the said sum is hereby denied

Right of appeal available

29/1/2024



[Signature]
CERTIFIED TRUE COPY
JAMES P. NYAM
REHUSMAN
E.M.C. BUKURU