

FEDERAL CAPITAL TERRITORY ABUJA

**DISTRICT COURT
RULES**

**INCLUDING INCREASE IN JURISDICTION
OF DISTRICT COURT JUDGES ORDER**



2021

Federal Capital Territory Abuja

District Court Rules

2021



FORWARD

It is delightful to present and sign into law the FCT District Courts Civil Procedure Rules, 2021. The significance of this review is underscored by the fact that the District Court Act Cap. 495 LFN,(Abuja) 1990 and the Rules made thereto before now applicable in the FCT were enacted by the legislature of the then Northern Region of Nigeria and came into force on the 30th September, 1960. Therefore, there has been stagnation in the evolution of the law and procedure in the lower court with civil jurisdiction for some time now.

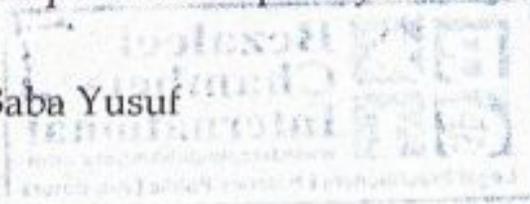
It took the foresight of My Lord the immediate past Chief Judge of the FCT, Hon. Justice Salisu Garba, to remedy this situation by putting together a committee to review and update the relevant laws establishing the District Courts in the FCT, and propose appropriate monetary jurisdiction for District Courts in the FCT, amongst other terms of reference. This gave rise to the **District Courts (Increase in Jurisdiction of District Court Judges) Order, 2021**, which has since come into force on the 6th October, 2021. I appreciate the Honourable Minister of the Federal Capital Territory Abuja for his prompt accent of the Order.

I feel specially privileged that apart from being found worthy by My Lord the former Chief Judge to chair the Committee, faith has decreed that I should be the one to sign the new Rules into force as substantive Chief Judge.

I want to sincerely thank the members especially the alternate chairperson, Hon. Justice M. Osho-Adebiyi who ably took over after my appointment as the Chief Judge. I commend the other members of the committee who have shown a lot of diligence and commitment at this record speed. Not every competent person has the opportunity of imparting the system but your generation will be kind to you for this giant strides.

I believe that the train is on the move and therefore beckon on all the stake holders especially the Nigerian Bar Association to continue partnering with the Judiciary as minister in the temple of justice to implement these noble innovations made in the new Rules. No doubt it offers an opportunity to improve our systems and enhance speedy dispensation of justice. Thus, our Courts stand to resolve disputes more quickly and less expensively.

Hon. Justice Hussein Baba Yusuf
Chief Judge FCT



**MEMBERS OF THE COMMITTEE FOR THE DRAFTING OF THE
DISTRICT COURT CIVIL PROCEDURE RULE, 2021**

The Committee members are as follows;

Hon. Justice H.B. Yusuf - *Chief Judge and the Chairman*

Hon. Justice M. Osho-Adebiyi - *Alternate Chairperson*

Mag. Sharon Tanko-Ishaya

Mag. Samuel Ebiye-khimi Idhiarhi

Mag. Mohammed Zabiru

Mohammed Yusuf Esq

Bede Cajetan Okolie Esq - *Secretary*

C. J. Osman Esq - *Drafter*

Prince Adebiyi Adetosoye Esq - *NBA Rep.*

Mr. Julius A. Affiku - *ICT*

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SECOND SCHEDULE (Forms)

CIVIL FORM 1

(Central Cause Book of District Court of the Federal Capital Territory)

CIVIL FORM 2

(Cause Book of District Court of the Federal Capital Territory)

CIVIL FORM 3

(Plaint for ordinary debt and other claims arising from contracts, tort or other civil causes)

CIVIL FORM 4

(Plaint for claims intended for the issue of default summons)

CIVIL FORM 5

(Plaint for claims concerning recovery of possession of premises or for claims for rent arrears or any other claim with reference to the possession of an immovable property)

CIVIL FORM 6 (Originating Application)

CIVIL FORM 7

(Plaint with endorsement of waiver of praecipe of evidence)

CIVIL FORM 8 (Ordinary Civil Summons)

CIVIL FORM 9 (Default summons)

CIVIL FORM 10 (Memorandum of Appearance)

CIVIL FORM 10A

(Memorandum of Appearance endorsed with a waiver of praecipe of evidence)

CIVIL FORM 11 (Certificate of Service)

CIVIL FORM 12 (Affidavit of Service)

CIVIL FORM 13 (Certificate of Attempted Service)

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**DISTRICT COURTS ACT (CAP. 495) LAWS OF THE
FEDERATION OF NIGERIA, 1990 (ABUJA)**

DISTRICT COURT CIVIL PROCEDURE RULES, 2021

In exercise of the powers conferred on me by section 89 of the District Courts Act Cap. 495 Laws of the Federation of Nigeria, 1990 (Abuja), and having obtained the approval of the Minister of the Federal Capital Territory pursuant to section 18 paragraph (b) of the Federal Capital Territory Act (Cap. 503) Laws of the Federation of Nigeria, 2006 (ABUJA), I, **HUSSEINI BABA YUSUF**, Chief Judge of the Federal Capital Territory, Abuja, hereby make these Rules:

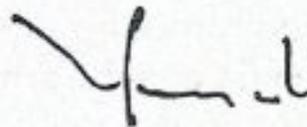
1. (1) The Civil Procedure Rules set out in the schedule shall be the rules of civil procedure to follow in the District Courts of the Federal Capital Territory, Abuja.
(2) Where a matter arises in which no provisions or no adequate provisions exist in the Rules, the court shall adopt the provisions of the High Court Civil Procedure Rules for the time being in effect or in the absence of any applicable procedure under the High Court Civil Procedure Rules, the Court shall adopt such procedure as it deems fit to do substantial justice between the parties concerned.
2. (1) A reference in these Rules to anything done under these Rules include a reference to anything done before the commencement of these Rules under any enactment ceasing to have effect on the commencement of these Rules

(2) A reference in these Rules to an enactment shall be construed as a reference to that enactment as amended or as under any other enactment.
3. The forms set out in the appendix to the schedule shall be used where applicable with such variations as the

circumstances of a particular case may require.

4. The District Court Rules 1960 are hereby revoked.
5. These Rules may be cited as the District Courts Civil Procedure Rules, 2021.
6. These Rules shall come into force on theday of, 2021.

Dated the ...^{12th}.....day of^{Nov.}.....2021.



.....
HON. JUSTICE HUSSEINI BABA YUSUF
Chief Judge of the Federal Capital Territory, Abuja

the parties, a summary of the subject-matter of the suit or the claims, the court to which the matter was assigned, the date it was transmitted to the assigned court and a column for comments.

(2) The registrar of the court to which the matter was assigned shall enter in a book in Form 2 to be kept for this purpose in his office and called the Cause Book details of the matter namely the suit number, the names of the parties, the addresses of the parties, a summary of the subject-matter of the suit, the date the matter was taken delivery of from the Central Registry, the date of conclusion of the matter, nature of disposal of the matter and a column for comments.

Proceedings to be commenced by plaint or originating application

2.

(1) For the purpose of Rule 1 (1) above, a person desirous of instituting proceedings shall complete and submit to the registrar a statement in writing hereinafter called a plaint in Forms 3, 4 or 5, or originating application or motion as in Form 6.

(2) The copies of plaint or originating application shall be of such numbers sufficient to provide two copies for the court's file and records, a copy for endorsement and return upon service, and enough for each defendant or respondent to be served a copy.

Proceedings commenced by plaint application

3.

(1) Every plaint in Forms 3, 4 or 5 shall state the names and last known places of abode of the parties, the addresses for service of processes on the claimant and defendant (if different from their places of abode, together with telephone number or in addition, an e-mail address at which the court and the other party may direct communications) and the particulars of claim (being the substance of the action intended to be brought) which shall conclude with the reliefs sought and every one of such originating process shall be signed by the claimant or his

legal practitioner where he sues on his behalf, numbered in every year according to the order in which it has been entered in the Central registry and the registrar shall deliver to the applicant one copy of the originating process after the registrar has caused to be endorsed on the process the particulars regarding date, the amount paid and any reference number of the payment receipt issued.

(2) A plaint in Form 3 shall be for ordinary debt or claims arising from contracts, torts or other civil causes; a plaint in Form 4 shall be for claim intended for the issue of default summons, while a plaint in Form 5 shall be for claim concerning recovery of possession of premises or for claims for rent arrears or any other claim with reference to the possession of an immovable property and the plaint in Form 5 must specifically state the location of such property and the annual rental value of such property.

4. (1) An originating application in Form 6 shall be for such cases outside of those contemplated in Rule 3(2) above where the applicant or respondent is a nominal party and not likely to be directly affected adversely by the prayers if granted (such as interpleader proceedings or reversal of banking errors etc.), provided that the court to which the application is assigned may make any of the orders it is entitled to make under Order XV of these Rules.

*Proceedings
commenced
by
originating
application*

(2) An originating application in Form 6 shall be in writing, accompanied with a verifying affidavit and shall state the -

- (a) order applied for and sufficient particulars to show the ground on which the applicant claims to be entitled to the order;
- (b) the names and addresses of the persons intended to be served referred to in this Rule as "the respondents"; and

- © the applicant's address for service where no person is intended to be served.
- (4) On the filing of the application -
 - (a) the Central Registry shall enter the application in the records kept for that purpose and upon transmission to the court it was assigned, the registrar shall take directive from the District Court Judge and fix a day for the hearing of the application and deliver to the applicant a copy; and
 - (b) a copy of the application shall be served on each respondent in the manner prescribed by the Rules for service of an ordinary summons.
- (5) The application may be heard in chambers.

Proceedings with respect to matters pending or decided

5. (1) Without prejudice to the foregoing provisions, process may be filed without a plaint but by motion or application where it is with reference to a pending matter for which the jurisdiction of the court has already been invoked or in which judgment has already been entered and it was brought for the purpose of giving effect to a pending judgment and in every such case adequate reference shall be made to identify the original suit.

(2) Where such application is filed in respect of a pending matter, it shall be filed directly with the registry of the court to which the matter is pending.

Plaint where oral hearing contemplated

6. Where a plaint in Forms 3 or 5 is filed for the issue of ordinary summons in Form 8 and in which hearing shall ordinarily be by oral evidence, the claimant shall file along with the plaint a praecipe of evidence comprising -

- (a) A list of the witnesses that the claimant intends to call

in proof of the suit;

- (b) Written statements on oath of the witnesses;
- (c) Copies of every document to be relied on at the hearing of the suit appropriately marked;
- (d) List and description of real evidence intended to be relied on at the hearing of the suit;
- (e) List and description of every document or physical item intended to be relied on at the trial but not in the custody of the claimant but rather in that of the defendant or any other person and an endorsement of the notice to produce same,

Provided that, where the claimant is not represented by counsel and considering the state of education or financial or other circumstances of the claimant, if the District Court Judge considers that it would be onerous to expect the claimant to file a praecipe of evidence, he may waive the requirement, further provided that it shall have been endorsed on the plaint that the claimant seeks a waiver or exemption from the praecipe of evidence, without prejudice to the power of the court to order the filing of the praecipe of evidence should a lawyer subsequently appear for the claimant.

7. Every suit commenced by way of application or motion shall be as in Form 6, accompanied by a verifying affidavit and may be heard on affidavit evidence only unless the District Court Judge otherwise directs.

Hearing of matters commenced by way of application or motion

8. (1) The court shall refuse to entertain a plaint or application where the plaint or application, on the face of it, discloses no cause of action, or is in respect of a matter not within the jurisdiction of the court, or where the

When plaint discloses no cause of action or is defective

complainant fails to state his address or it is in any other respect not in compliance with these Rules, and the registrar shall enter such refusal together with the grounds thereof in the Cause Book.

(2) Every person aggrieved with the decision of the court under this Rule may appeal against the decision as if it were an order of the court.

(3) The refusal to entertain plaint or application under this Rule shall not by reason only of that refusal preclude the claimant from presenting a fresh plaint or application in respect of the same cause of action.

All causes of action may be joined

9. (1) A claimant may unite in the same suit several causes of action, but the court, if it thinks fit that the causes of action or some of them cannot be conveniently tried together, may order separate trials.

(2) Where a claimant seeks to obtain payment or relief upon more than one cause of action, he shall in his particulars of claim state the grounds of each cause of action separately, and shall also state separately the payment or relief which he claims in respect of each.

Division of causes of action

10. A claimant may not split or divide a cause of action for the purpose of bringing two or more actions in a court.

Abandonment of part of claim to give court jurisdiction

11. (1) When the debt, damage or demand exceeds the amount in respect of which the District Court Judge has jurisdiction, the claimant may, before opening his case, abandon the excess and thereupon the court shall have jurisdiction to hear and determine the action, so, however, that the claimant shall not recover in the action an amount exceeding the amount of the monetary jurisdiction of the District Court Judge concerned.

(2) Where the monetary claim in a suit is ordinarily above the monetary jurisdiction of every grade of District Court but the claimant desires to pursue the claim in the District Court, he shall so distinctly state in the plaint together with an affirmation that he abandons the excess of his full monetary entitlement subject to the limit of the monetary jurisdiction of the District Court.

(3) Where a court has Jurisdiction to hear and determine an action by virtue of this Rule, the judgment of the court in the action shall be in full discharge of all demands in respect of the cause of action, and entry of the judgment shall be made accordingly.

12. Where any monetary claim is made in a foreign currency, for purposes of determining the grade of District Court with jurisdiction to try such a claim, the claimant must endorse on the plaint the official exchange rate of that currency vis-à-vis the naira as at midnight of the day preceding the date of filing the plaint. *Claim in Foreign currency*

13. (1) Where a defendant on whom a plaint and summons has been served as set out in Order IV desires to make a counterclaim or set-off etc. to the claimant's claim, he shall file same with the Registrar in sufficient copies to cover service on all parties in the suit within 1 (one) week of the service on him subject to the power of the court to enlarge time. *Counterclaim or set-off etc.*

(2) Every counterclaim or set-off shall be tried contemporaneously with the claimant's case, and wherever anything is required of a claimant or defendant under these Rules, such reference is, as the case may be, deemed to be a reference respectively to the defendant making a counterclaim or the claimant defending a counterclaim.



(3) Where the defendant sets up a counterclaim and the claim of the claimant is discontinued, struck out, stayed or dismissed, the counterclaim may be proceeded with and the defendant, on proof of it, may have judgment.

(4) Further to the provisions of sub-rules (1) and (2) above, the District Court Judge is empowered to order that the counterclaim be filed in a separate suit if he considers that the case of the claimant has proceeded too far for the counterclaim to be tried contemporaneously with it or that trying the main claim and counterclaim contemporaneously will make the work of the court onerous or he is of the opinion that a counterclaim could be better disposed of in independent proceedings.

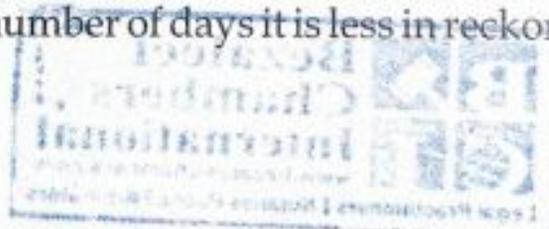
ORDER III. - WRIT OF SUMMONS AND PROCEDURE

Issue of summons to defendant in Form 8

1. On entering a plaint, unless a default summons in Form 9 has been applied for or the plaint is accompanied with an application for leave for issue of summons to be served outside jurisdiction, the registrar shall forthwith, subject to the provisions of Order II of these Rules, issue ordinary civil summons in Form 8 (accompanied with a copy of the plaint, praecipe of evidence and Form for Memorandum of Appearance in Civil Form 10) directed to the defendant, requiring him to appear at a certain time, being not less than 7 (seven) days from the date of the service of the summons, and at a certain place, before the court to answer to the plaint.

Court to fix time for appearance and mode of registering appearance

2. (1) Subject to the provisions of the Act fixing the times and places for sittings of the court, the District Court Judge shall, in his discretion, fix the time for appearance by the defendant, provided that the interval between the date of service and appearance shall not be less than 7 (seven) days and if less, allowance shall be given to the defendant by the number of days it is less in reckoning his appearance.



(2) Where a summons which was issued specifying a date on which the defendant is required to appear could not be served before the date elapsed, the previous date or dates for appearance on it shall be crossed and a new date entered at which the defendant is to appear in court.

(3) Where the defendant is represented by counsel, not later than the day indicated in the summons for appearance, he shall register his appearance by filing with the Registrar the Memorandum of Appearance in Form 10 indicating an address (or any subsequent change thereof) on which subsequent processes are to be served but where the defendant is not represented by counsel, it shall be sufficient if he completes and submits the said Form 10, provided that if he were to be subsequently represented by counsel, such counsel shall file his address for service with the court.

(4) The defendant shall file along with the Memorandum of Appearance a Reply praecipe of evidence containing same subjects as required of a claimant in Order II Rule 6 of these rules, and subject to waiver in like situations as applicable to a claimant.

(5) Where counsel who has registered appearance for a defendant subsequently ceases to appear and rejects service of process on behalf of the defendant, it shall be sufficient if any notice or process required to be served on the defendant is served on the address for service stated in the originating process.

3. In case a summons issued for the commencement of a cause or matter is not served within 6 (six) months from the date thereof, the same shall become void.

Service not effected within one year, power to extend

*Address for
service within
jurisdiction*

4. Where a claimant taking out a summons, either alone or jointly with any other person, is ordinarily resident out of the particular jurisdiction of the court, or only temporarily therein, he shall, in the plaint, inform the court of an address within the district of the court where notices and other papers issuing from the court may be served upon him.

*Effect of
misnomer in
plaint or
summons*

5. Without prejudice to the power of the court to strike out incompetent suits, no misnomer or inaccurate description of a person or place in a plaint or summons may vitiate the plaint or summons, if the person or place is therein described so as to be commonly known provided that if any misnomer or inaccurate description appears to the court at the hearing to be such nature that the defendant has thereby been deceived or misled, the court may make a necessary amendment, and, if it is expedient to do so, adjourn the further hearing of the case, upon such terms as it may think fit.

ORDER IV. - SERVICE OF PROCESS

*Who May
Effect Service*

1. A summons or any other originating process of whatever description shall be directed to and served by any of the following, namely -
 - (a) the sheriff; or
 - (b) the bailiff; or
 - (c) a person named in the directive; or
 - (d) a police officer; or
 - (e) officers of the High Court or District Courts; or
 - (f) a local authority; or
 - (g) an Area Court or Customary Court.

2. (1) The court may in any case, for reasons which shall seem to it sufficient, direct a summons to be served or process to be executed by a special bailiff, who for the time being shall have the privileges and liabilities of an officer of the court. *Special bailiff*

(2) The expenses of a special bailiff shall be defrayed by the party on whose application he is appointed, unless the court in any case sees reason to order otherwise.

3. (1) Subject to the provisions of the District Courts Act and of any other written law, service of a summons shall be effected by *delivering* the summons together with a copy of the plaint, the praecipe of evidence and Form for Memorandum of Appearance annexed thereto – *Normal mode of service*

(a) if on an individual, to him personally;

(b) if on a firm or partnership –

(i) to one of the partners personally; or

(ii) to anyone having at the time of service control of the business of the firm; or

(iii) to any employee at the principal place of business of the partnership business;

Provided that, where the partnership has to the knowledge of the claimant been dissolved before the commencement of the action, the claimant shall apply for substituted service;

(c) if on a corporation –

(i) to a director; or

(ii) to the company secretary; or

- (iii) by leaving or dropping the same at the registered office of the corporation or the principal place of business of the corporation or at a branch office of the corporation within the jurisdiction; or
 - (iv) to anyone having at the time of service control of the business of the corporation; or
 - (v) to any employee at the principal place of business of the corporation's business or at branch office of the corporation within the jurisdiction.
- (d) if on a local authority then subject to a provision in any other Act or an order of the court, by delivering it to an officer, or by sending it by registered post addressed to the chairman of the local authority, at the principal office of the local authority;
- (e) if on a person under disability as defined in Rule 1 of Order VIII of these Rules –
- (i) in the case of an infant who is not a lunatic, on his father or guardian or, if he has no father or guardian, on the person with whom he resides or in whose care he is;
 - (ii) in the case of a lunatic so found by inquisition, on his committee, and in the case of a lunatic not so found, on the person with whom he resides or in whose care he is,

but the court may order that any summons which has been, or is to be served on the person under disability or on a person mentioned in this sub-paragraph shall be deemed to be duly served on the person under disability.

(2) Where a person carrying on a business in a name other than his own, is sued in that name as if he were a firm name, the summons or other originating process shall be served in accordance with the provisions of this Rule as if he were a partner sued in the name of a firm and his business were a partnership.

(3) Where service is to be effected by delivering a document to the person to be served by personal service and such person refuses to take the document, it is sufficient to inform such person of the nature of the document and to throw it down near him.

(4) The provisions of this Rule regarding mode of service of summons shall apply to any process of whatever description issued by a District Court or having reference to proceedings in a District Court.

(5) Where service has been effected by leaving a summons to be served at an address given by the claimant and the court is doubtful that the defendant has actual knowledge of such summons the court may require the claimant to satisfy it that the summons has in fact come to the knowledge of the defendant.

(6) Where service has been effected under this Rule, it shall be proved by:

- (i) endorsement on the 'endorsement and return copy' by the defendant; or
- (ii) the bailiff completing a Certificate of Service as in Form 11; or
- (iii) by the bailiff or other server deposing to an affidavit of service as in Form 12, and

in all cases stating the fact of service, the mode of service

and the date and time of service.

(7) Where only the notification of the date of hearing or other event is required without hardcopy of processes requiring to be served or notice is to be given only of something a party is required by the court to do, such notice may be given by Short Message Service (SMS), e-mail or other similar media and such service shall be sufficiently proved by a Certificate or affidavit of service or a printout of the media.

*Substituted
service*

4. (1) Without prejudice to the court's power to insist on attempt at personal service, where it appears to the court either with or without an attempt at service in accordance with the provisions of Rule 3 of this Order, that for any reason such service in respect of any process whatsoever cannot conveniently be effected, the court, after being satisfied by affidavit that it is necessary to do so, may order that service be effected -

- (a) by delivery of the process together with a copy of the order to some person being an agent of the person to be served, or to some other person on it being proved that there is reasonable probability that the document would in the ordinary course, through that agent or other person, come to the knowledge of the person to be served; or
- (b) by advertisement in the Federal Gazette or in some newspaper circulating within the jurisdiction; or
- (c) by notice put up at a conspicuous part of the court house or some other place of public resort of the district wherein proceedings in respect of which the service is made have been instituted, or at the usual or last known place of abode, or of business, of the person to be served; or

- (d) by affixing the document to the usual or last known place of abode or business of the person to be served; or
- (e) by delivery of the process through an accredited courier service in accordance to the law and proof of delivery to the satisfaction of the Court.
- (f) in such other manner as the court may order,

and in compliance with the order, the service shall be deemed to be good and sufficient service of the document on the person to be served; provided that, for the purposes of this Rule, the court may require that, in lieu of affidavit, a certificate of attempted service in Form 13 be filed before it before it entertains the application for substituted service.

(2) Where leave was granted for service by substituted means but service by personal service was in fact effected, such service shall be accepted as good service.

(3) Where a legal practitioner represents that he is authorised to accept service of summons on behalf of a defendant, it shall be sufficient to deliver the summons to him, if he endorses upon the copy retained by the person serving the summons a memorandum stating that he accepts service thereof on behalf of the defendant, and giving an address for service in the Federal Capital Territory.

5. When a party to be served is in the service of the Government or of a corporation established by an Act or a Law, the court may transmit a duplicate of the document to be served to the head officer of the department (or some other person authorised to receive process on behalf of the head officer of the department) in which the party is employed, for the purpose of being served on him, if it

*Service on
Government
officers*

appears to the court that it may be most conveniently so served, and the head officer shall cause the document to be served on the proper party accordingly.

Service out of jurisdiction

6. (1) No summons for service on a defendant out of the district of the court issuing the summons shall issue without the leave of that court.

(2) Every application for leave to issue the summons may be made either in open court or in chambers and where an application is granted an entry to that effect shall be reflected in the records of the court.

(3) Every application shall be supported by affidavit or other evidence showing -

- (a) that the claimant has *prima facie* a good cause of action;
- (b) in what place the defendant is or may probably be found;
- (c) the grounds on which the application is made; and
- (d) disclosing:
 - (i) that the relief sought is against any person ordinarily resident in the Federal Capital Territory; or
 - (ii) that the claim is against a breach or alleged breach in the Federal Capital Territory of any contract wherever made, which, according to the terms of it, ought to be performed in the Federal Capital Territory; or
 - (iii) that the claim is founded on a tort committed in the Federal Capital Territory; or

- (iv) that any injunction is sought as to anything done or to be done, in the Federal Capital Territory, or any nuisance in the Federal Capital Territory is sought to be prevented or removed; or
- (v) that any person out of the Federal Capital Territory, is a necessary or proper party to any proceedings properly commenced in the Court against some person duly served in the Federal Capital Territory; or
- (vi) that the cause of action arose, wholly or in part, at the Federal Capital Territory or that the thing that is the subject matter of the proceedings is in the Federal Capital Territory.

(4) If it shall appear to the Court that there is a concurrent remedy in the part of Nigeria where service is sought to be made, the Court shall have regard to the comparative cost and convenience of proceeding in the Federal Capital Territory, or in the place of residence of the person to be served.

(5) The date specified in a summons served out of the jurisdiction under this Order for the appearance of the defendant in Court shall not be less than 30 (thirty) days after the service of the summons.

(6) Leave shall not be granted unless it appears to the court that the case is a proper one for service out of the district of the court issuing the summons.

(7) Where leave is granted the time and place for the defendant's appearance shall be appointed for insertion in the summons to issue; such time to depend on the place where the summons is to be served.

(8) Reference to service out of jurisdiction means service out of the Federal Capital Territory.

Mode of service out of the jurisdiction

7. (1) When an application for service out of the district of the court issuing the summons has been granted, the Court granting such application shall direct the mode for the service of the process outside the Federal Capital Territory.

(2) When an order as to a particular form of service has been made a copy of the order shall be sent with the summons, the plaint, the praecipe of evidence and memorandum of appearance to a court within the outside jurisdiction the service is to be effected to carry out the service.

(3) The Court effecting service shall after having effected service endorse the summons for service and return the copy to the issuing court duly endorsed in accordance with the provisions of Order VI of these Rules and countersigned by the District Court Judge.

Varying order for service

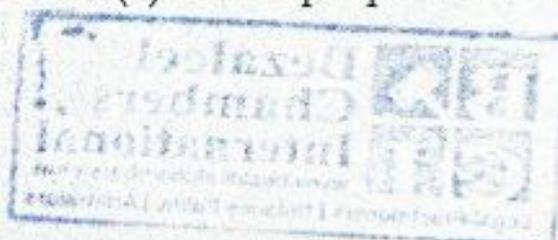
8. An order for service may be varied from time to time with respect to the mode of service directed by the order.

ORDER V. - DEFAULT SUMMONSES

Conditions for default summons

1. (1) In an action in a District Court for an ascertained debt or liquidated money demand, the claimant may, at his option, cause to be issued a summons in the ordinary form or, on filing an affidavit to the effect and subject to the provisions of paragraph (3) of this Rule, a summons in the form to the effect given in Form 9 in the Schedule to these Rules, and if such last mentioned summons be issued it shall, unless otherwise ordered by the court, be personally served on the defendant.

(2) For the purpose of determining whether a claim is for an



ascertained debt or for a liquidated money demand, any endorsement of claim for cost or for post-judgment interest shall not prejudice the principal claim.

(3) If the defendant does not within 16 (sixteen) days after the service of the summons, inclusive of the day of service, give to the registrar of the court from which the summons issued notice in writing, signed by himself or his legal practitioner, of his intention to defend in Form 14 accompanied with an affidavit disclosing a legal defence or a defence upon the merit, the claimant may, after 16 (sixteen) days and within 2 (two) months from the day of service, upon proof of service or of an order for leave to proceed as if personal service had been effected, have judgment entered up against the defendant for the amount of his claim and costs.

(4) For the purpose of this Rule, a defence on the merit means the defendant must have put forward some facts which cast doubt on the claim of the claimant and provides some foundation for the existence of a triable issue or issues, which calls for a full trial to determine and not anchored on mere matters of procedure, practice or form.

(5) The order upon such judgment shall be for payment forthwith or at such time or times and by such instalments if any, as the claimant or his legal practitioner shall in writing have agreed to at the time of the entry of the plaint or of the judgment.

Payment forthwith or by instalment may be ordered

(6) A summons as in Form 9 shall not be issued without leave of the District Court Judge.

2. Where the defendant gives notice of his intention to defend, the registrar of the court shall, immediately on receipt of the notice, serve notice on the claimant or his legal practitioner, stating therein that the defendant has

Where defendant gives notice to defend, notice of day of hearing to be served on both parties

given notice of his intention to defend and, if no date for hearing has earlier been fixed, shall send to both the claimant and defendant notice of the date fixed for the hearing, at least 6 (six) clear days before that date and during the hearing, the court shall without oral hearing but relying only on the claimant's affidavit substantiating the application for issue of default summons and the defendant's affidavit accompanying his notice of intention to defend, determine whether the claimant is entitled to judgment irrespective of the defendant's notice of intention to defend taking into account whether the notice in fact disclosed a legal defence or a defence upon the merit.

Leave to defend may be given after failure to give notice

3. Where the defendant shall neglect to give such notice of intention to defend within the prescribed time, the District Court Judge may, upon an affidavit disclosing a legal defence or a defence upon the merits and satisfactorily explaining the defendant's neglect, upon such terms as he may think just, allow the defendant to put in its notice of intention to defend, and determine whether the claimant is entitled to judgment without oral hearing irrespective of the defendant's notice of intention to defend.

Where leave to issue default summons is refused or legal defence is disclosed

4. Where leave for the issue of default summons is refused by the court because the claim is not for an ascertained debt of a liquidated sum or, having ordered the issue of default summons, the court has determined that the notice of intention to defend has disclosed a legal defence or a defence upon the merit, in the first case ordinary summons shall be issued and in the second case, the claimant must then, within 7 (seven) days of the court's decision, file a praecipe of evidence as in Order II Rule 6 above.
5. Where a defendant admits part only of the claimant's claim in the plaint and default summons issued, judgment shall be entered in favour of claimant for the part so admitted and if the court is satisfied that the notice of intention to

defend has shown a legal defence or a defence on the merit regarding the remainder of the claim, the court shall proceed to order for hearing regarding the claim for the remainder.

ORDER VI. - PROOF OF PROCESS

1. Where a summons or other process issued from a court is served by the sheriff or such other person as is appointed by the court, the service may be proved by endorsement on a copy of the summons or process under the hand of the sheriff or such other person showing the fact of service, the mode of service and the time, place and date of service or by endorsement on a copy of the summons or process under the hand of the defendant or by a Certificate of Service in Form 11 or by deposing to an affidavit, provided that the District Court Judge may direct any other mode of proof as he may deem fit in the circumstance of the matter. *Proof of service*

2. A person effecting service who wilfully endorses a false statement on a copy of a summons or other process or affidavit or Certificate etc. commits an offence and on conviction thereof, shall be removed from his office or employment and shall be liable to imprisonment for 3 (three) months or to a fine of five thousand naira or to both. *Penalties for wilful endorsement of service*

3. (1) All notices required by these Rules shall be in writing unless expressly authorized by the Court to be given orally or in some other form such as Short Message Service (SMS), email or other similar media. *Service of notices*

(2) Whenever hearing notices are required to be served on a party in writing, the notice shall be as in Form 15 and distinctly state the business for which the court is to be convened whether it is for hearing the claimant's case, the defendant or defendants' case or hearing a motion of either party or other businesses of the court.

(3) Where a party was put on notice by a hearing notice that the court was going to be convened for a particular business but failed to be present in court for that business, should the court adjourn to another date for the continuation of that same business, the other party will not be required to give notice of the new date to the absent party.

Prohibition of court staff serving notices not court processes

4. No document other than court processes in a pending matter shall be served by any staff of a court in his official capacity including statutory notices or pre-action notices nor shall evidence of service of same be given in court.

ORDER VII. - PARTIES

Joinder of claimants

1. (1) All persons may be joined as claimants in an action where the right to any relief in respect of or arising out of the same transaction or series of transactions is alleged to exist, whether jointly, severally, or in the alternative, where, if they brought separate actions, common question of law or fact would arise, provided that if on the application of any defendant it appears that any joinder may embarrass or delay the trial, the Court may order separate trials, or make such other order as it thinks fit.

(2) Judgment may be given to any claimant for the relief to which he is entitled, but any defendant, though unsuccessful, may be awarded any extra costs caused by joining any person who is not found entitled to relief.

Joint claims

2. Where a person has jointly with other persons a ground for instituting a suit, all those other persons ought ordinarily to be made parties to the suit.

3. (1) All persons may be joined as defendants in an action where the right to any relief in respect of or arising out of the same transaction or series of transactions or cause of action is alleged to exist, whether jointly, severally or in the alternative, where, if separate actions were brought any common question of law or fact would arise, and the claimant may at his option join as parties to the same action all or anyone of the persons severally or jointly and severally liable on any contract or other head of civil wrong and Judgment may be given against one or more of the defendants as may be found to be liable according to their respective liabilities. *Joinder of defendants*

(2) It shall not be necessary that every defendant to an action shall be interested as to all the reliefs claimed, or as to every cause of action but the Court may make an order that may prevent any defendant from being embarrassed or put to any unnecessary expense by being required to attend any proceedings in which he has no interest.

(3) Where judgment is given against two or more defendants jointly and severally they shall be entitled to contribution among themselves and a defendant who satisfies the judgment may apply to the court by motion on notice for an order of contribution against any other or others of the defendants.

(4) The provisions of this Rule shall not affect the rights and liabilities between joint tortfeasors.

4. (1) Where a claimant has a demand recoverable under the Act against two or more persons jointly liable, it shall be sufficient to serve any of those persons with process, and judgment may be obtained and execution issued against any person so served, notwithstanding that others jointly liable may not have been served or sued or may not be within the jurisdiction of the court. *Procedure when person jointly liable*

(2) Where judgment is obtained against one person, he shall be entitled to recover in the Court contribution from any other person jointly liable with him.

(3) Where a claimant does not proceed against all or several persons jointly liable, every defendant sued may set up any defence or counterclaim which he would have been entitled to set up if all the persons liable have been made defendants.

Partners

5. Persons claiming or being liable as partners may sue or be sued in the name of their firm and any party to a suit may in that case apply to the court for a statement of the names of the persons who are partners in any such firm, and the court shall order such names to be given.

Representative claimants and defendants

6. (1) Where more persons than one have the same interest in one suit, one or more of such persons may, with the leave of the court, be authorised by the other persons interested to sue or to defend in such suit, for the benefit of or on behalf of all parties so interested.

(2) If the claimant sues, or a defendant is sued in a representative capacity, it shall be expressed on the writ and the court may order any of the persons represented to be made parties either in lieu of, or in addition to, the previously existing parties.

Executors and administrators

7. An executor or administrator may sue and be sued in the court in like manner as if he were a party in his own right.

Misjoinder and non-joinder

8. (1) The court may at any stage strike out the names of a party improperly or unnecessarily joined, and may, after due notice given to the party affected, add the name of a party whose presence is necessary in order to dispose finally the matter in dispute, and on proof of such notice the party so served, whether he shall have appeared or not,

shall be bound by the proceedings in the action, provided that:

- (a) no person shall be added as a claimant without his consent in writing, or in the case of a person under disability without the consent in writing of the next friend or committee or other person acting on behalf of the person under disability; and
- (b) No action shall be defeated by reason of the misjoinder or non-joinder of parties.

(2) Where any person has been improperly or unnecessarily joined as a claimant, a defendant who has set up a counterclaim may proceed with the counterclaim against the other claimant.

9. (1) The defendant, upon being served, may apply for a third party notice to be served on a third party to be joined as his defendant to claims the defendant has against him where:

*Third-party
Proceedings*

- (a) the defendant 'claims' against a party not already a party to the action that he is entitled to contribution or indemnity; or
- (b) the defendant claims that he is entitled against the third-party to any relief or remedy relating to, or connected with the original subject matter of the action and substantially the same as the relief or remedy claimed by the claimant; or
- (c) the defendant claims that any question or issue relating to or connected with the said subject matter is substantially the same as some question or issue arising between the claimant and the defendant and should properly be determined not only as between

the claimant and defendant but as between the claimant and the defendant and the third party or between any or either of them.

(2) Where leave is given for the joinder of a third-party, the summons and all other processes pertaining to the suit along with the specific claim against the third party by the defendant shall be served on the third party and every right and privilege availing a defendant by these Rules shall be accorded the third-party.

(3) Where the District Court considers that the application for joinder was brought mala fide or the defendant has not acted timely in bringing the application as to assure fair hearing regarding all parties, it may refuse the application for third-party joinder.

(4) Irrespective that a third party is joined, the claimant's burden of proof is only against the defendant who alone bear the burden of proof against the third-party.

ORDER VIII. - INFANTS AND PERSONS OF UNSOUND MIND

Definitions

1. In this Order -

"lunatic" has the meaning assigned to it by section 2 of the Lunacy Act;

"Person under disability" means a person who is an infant or a lunatic;

"proceedings" includes cause and application.

Suits by person under disability

2. Subject to Rules 5, 8(2) and 10 of this Order, a person under disability may not sue except by his next friend and may not defend except by his guardian *ad litem*.

3. (1) Where proceedings, other than proceedings under Rule 5(a) of this Order, are to be commenced, or a claim in interpleader proceedings is to be made, by an infant or on behalf of a lunatic, the proceedings or claim shall be in the name of the infant or lunatic by his next friend.

*Proceedings
by infant or on
behalf of
lunatic*

(2) Before the proceedings are commenced, or, in the case of interpleader proceedings, before the claimant's particulars of claim are accepted by the registrar, the next friend shall deliver to the court a written undertaking as in Form 16 in the Schedule to these Rules.

(3) On delivering the undertaking the next friend shall be liable for costs in the same manner and to the same extent as if he were himself a claimant, and, if the proceedings fail or are discontinued, an order for payment of costs may be made against the next friend whether an order for costs is or is not made against the person under disability, and proceedings may be taken on the order for the recovery of the costs as for the recovery of any amount payable under a judgment.

4. Where any proceedings in which a person is suing by a next friend are transferred from the High Court to a District Court, the claimant shall lodge with the registrar the next friend's written authority to use his name as next friend in the High Court, or a certified copy thereof, which shall be deemed to be an undertaking within Rule 3 of this Order.

Transfer

5. Notwithstanding the preceding provisions of this Order—
- (a) an infant may bring proceedings in the court for the recovery of any sum of money, not exceeding N30,000.00 (thirty thousand naira) which may be due to him for wages or piece work or for work as a servant, in the same manner as if he were of full age.

*Proceedings
by infant
without next
friend*

(b) any proceedings by an infant may proceed without a next friend if the defendant consents.

Powers of court when proceedings commenced without next friend

6. (1) Where proceedings in which a next friend is required are commenced, or are transferred from another court, without a next friend the court may –

(a) on the application of any party or of its own motion appoint as next friend any person who consents to act and who delivers an undertaking in accordance with Rule 3(2) of this Order; or

(b) order the proceedings to be struck out.

(2) Wherever a next friend is appointed under this Rule, Rule 3(3) of this Order shall apply.

Appointment of guardian ad litem

7. (1) Where a defendant is a person under disability, an application may be made to the court on behalf of that person at any time to appoint a guardian *ad litem* to the person.

(2) The application shall be made by filing an affidavit together with a written consent of the proposed guardian to act.

(3) When the appointment is made, the registrar shall send notice to the claimant as in Form 17.

Claimant may apply for appointment of guardian ad litem

8. (1) When no application is made under Rule 7 of this Order and the claimant knows that any defendant is a person under disability, the claimant shall apply to the court to appoint a guardian *ad litem* to the person under disability.

(2) This Rule shall not apply where an infant is sued for a liquidated demand, unless the court otherwise orders.



(3) The application shall be made by motion on notice to the person on whom the summons was required to be served.

(4) The application shall be supported by an affidavit in the usual form together with a written consent of the proposed guardian to act.

(5) Notwithstanding the provisions of paragraph (4) of this Rule -

(a) the court may if it thinks fit accept -

(i) oral evidence of the facts required to be deposed to in the affidavit or any of them;

(ii) an oral consent, which shall be recorded in the notes or minutes required to be taken under the appropriate section of the Act; and

(b) the court may dispense with evidence of anything which is admitted or not in controversy.

9. The court may appoint as guardian *ad litem* the person proposed in the application, if any, under Rule 7 of this Order, and in default of the application may appoint the person proposed in an application made under Rule 8 of this Order, or, if not satisfied that the person proposed in such latter application is a proper person to be appointed or in default of such latter application, may appoint any other person willing to act or in default of any person willing to act, may appoint the registrar.

Who may be appointed

10. Notwithstanding the provisions of this Order, any proceedings against an infant may proceed without the appointment of a guardian *ad litem* if the infant consents and, being represented by a legal practitioner, appears to be capable of instructing a legal practitioner, or, not being

When guardian ad litem need not be appointed

so represented, appears to be capable of conducting his defence.

11. Where the appointment of a guardian *ad litem* is not made on application under Rule 7 of this Order, then, unless and until a guardian is appointed on an application under that Rule the proceedings shall continue as if the guardian had been so appointed.
12. Where proceedings in which a guardian *ad litem* is required are transferred from the High Court without a guardian for the purpose of the suit or from another court without a guardian *ad litem*, Rules 7, 8, 10 and 11 of this Order shall apply.
Transfer of proceedings without guardian ad litem
13. Where a guardian *ad litem* dies or is under disability or is absent from Nigeria or is for any reason unable to act, Rules 7, 8, 9, 10 and 11 of this Order shall apply as if no guardian *ad litem* had been appointed.
Death, etc. of guardian ad litem
14. Where a guardian *ad litem* is appointed under this Order, his appointment shall be entered in the books of the Court and in the title of the cause or application for the purpose of all subsequent proceedings.
Appointment of guardian ad litem to be entered in books of court
15. A guardian *ad litem* to person under disability shall not be personally liable for any costs not occasioned by his personal negligence or misconduct.
Guardian ad litem not liable for costs
16. Where judgment has been obtained or an order made against a defendant who was at the time a person under disability without a guardian *ad litem* having been appointed, the court may set aside the judgment or order and order a new trial, or make such order as it thinks just.
When court may order new trial

17. (1) In an action in which money or damages is or are claimed by or on behalf of or for the benefit of a person under disability - *Action in which money or damages claimed*
- (a) no settlement or composition or acceptance of money paid into court, whether before or at or after the trial, shall be valid without the sanction of the court; and
- (b) no money or damages recovered or awarded in any such action whether by settlement, compromise, payment into court or otherwise before or at or after the trial shall be paid to the next friend or guardian *ad litem* of a party or to a party's solicitor, unless the court so directs.
- (2) All money or damages recovered or awarded shall, unless the court otherwise directs, be paid into court.
- (3) An application to the court as to the mode of dealing with the money may be made by or on behalf of any person interested.
- (4) Nothing in this Rule shall prejudice the lien of a solicitor for costs.
- (5) This Rule shall not apply to a case in which an infant sues as if he were of full age by virtue of Rule 5(a) of this Order.
18. Subject to the provisions of these Rules, anything which in the ordinary conduct of any proceedings is required or authorised by a provision of these Rules to be done by a party to the proceedings may, if the party is a person under disability, be done by his next friend or guardian *ad litem*. *General Powers of guardian ad litem*
19. In any case not expressly provided for by this Order, the general principles of practice in the High Court of the Federal Capital Territory, Abuja may be adopted and applied to proceedings in a District Court. *High Court practice to apply*

ORDER IX. - ALTERATION OF PARTIES

When
Proceedings
Not to Abate

1. (1) An action shall not abate by reason of the marriage, death or bankruptcy of any party, if the cause of action survives or continues, and shall not become defective by the assignment, creation, change, transmission or devolution of any interest, estate or title during the proceedings.

(2) Whether the cause of action survives or not, an action shall not abate by reason of the death of any party between the findings of fact and the judgment, but judgment may be entered notwithstanding the death.

Change of a
Party's Title
or Interest

2. (1) Where after the commencement of an action and before judgment there is any change or transmission or devolution of interest, estate or title or liability in relation to any party, any person interested may apply to the Court for an order enabling or compelling the proper parties to carry on the proceedings.

(2) Where an order is made *ex parte* under paragraph (1) of this Rule, any person served with such order may, within such time not exceeding 5 (five) days as the Court may direct, apply to the Court to discharge the order.

Where
Persons
Entitled to
Proceed on
Death of
Party Fails
to do so

3. (1) Where a claimant or defendant in an action dies, and the cause of action survives, but the person entitled to proceed fails to proceed, the defendant (or the person against whom the proceedings may be continued) may apply to the Court for an order directing the claimant to proceed within such time as may be ordered, and in default the action may be struck out, and in a case where it is the claimant who has died, execution may issue for any costs awarded to the defendant.

4. Where a claimant or defendant is substituted or added under any of the Rules of this Order, the record of the Court shall be altered accordingly and all subsequent proceedings shall be carried on under the altered title. *Alteration of records on Change of Parties*
5. Where any change has taken place after judgment by death, Court assignment or otherwise, in the parties to any action and there is money standing in Court to the credit of the action, any person claiming to be entitled to the money apply to the District Court Judge for his claim by motion on notice accompanied by an affidavit of the facts stated in the notice. *Claim to Money in Court Where Change in Parties after Judgment*

ORDER X. - TRANSFER

1. (1) A cause or matter pending before a District Court Judge may be transferred to another District Court Judge for hearing and determination - *Application for transfer*
 - (a) upon an order by the Chief Judge or such officer acting on his behalf, to that effect;
 - (b) upon the request of the District Court Judge then presiding over the case;
 - (c) upon a directive to that effect by the Administrative District Court Judge in that district; or
 - (d) upon an order of the High Court pursuant to proceedings before the court.
- (2) The provisions of paragraphs (a), (b) and (c) of Rule (1) of this Order shall not be exercised where the parties have called a witness or witnesses in the case unless it appears that the transfer of the case will promote the ends of justice or will be in the interests of the public and will not impede a timeous disposal of the case.

(3) A Judge of the High Court may, if it appears to him that a matter pending before him, can suitably be tried by a District Court Judge having regard to the jurisdiction of the District Court, order the transfer of the case to the District Court for hearing and determination.

(4) Every order of transfer shall operate as a stay of proceedings before the District Court Judge from whom the proceedings are ordered to be transferred in a cause or matter to which the order extends or is applicable, and the process and proceedings in the cause or matter, and an attested copy of all entries in the books of the court relative thereof shall be transmitted to the court to which the same shall be transferred and thenceforth all proceedings in the cause or matter shall be taken in the court as if the cause or matter has been commenced herein.

ORDER XI. - CONSOLIDATION AND SELECTED ACTIONS

*Consolidation
of actions*

1. (1) Actions or matters pending in the same court or before different District Court Judges of different grades, may be consolidated by order of a District Court Judge of his own motion or on the application made on notice by any party, for the purpose of trial, whether or not in such causes or matters the claimants are the same and the defendants are the same or the claimants or the defendants are all different, whether or not such District Court Judge be the District Court Judge who finally adjudicates thereon provided -
 - (a) there is some common questions of law or fact bearing sufficient importance in proportion to the rest of the subject matter of the actions to render it desirable that all of them should be disposed of at the same time;

- (b) that the consolidation will not have the consequence of abridging or infringing on the rights of any of the parties to fair hearing; and
- (c) that the actions or matters may not be consolidated if the effect of such consolidation is to bring the total of the awardable monetary relief in the consolidated actions or matters above the monetary jurisdiction of the District Court Judge assigned to adjudicate over the consolidated matters.

(2) Where matters pending in two or more District Courts of different grades are to be consolidated, the application for consolidation or the order for consolidation shall be made before or ensue from the District Court of higher grade.

2. (1) Where several actions or matters, by different claimants against the same defendant, are proceeding in the same court or in different District Courts, in respect of cause of action or matters arising out of the same breach of contract, wrong or other circumstances, the defendant may, on filing an undertaking to be bound so far as his liability in the several actions or matters is concerned by the decision in such one of the actions or matters as may be selected by the court, apply to the court for an order to stay the actions or matters other than the one selected, until judgment is given in the selected action or matter.

Selected action against several claimants

(2) Application under this paragraph shall be made on notice to the claimants who would be affected by any order made thereon.

3. If judgment in a selected action under Rule 2 of this Order is given in favour of the defendant, the defendant shall be entitled to his costs up to the date of the order staying proceedings against every other claimant whose action is stayed, unless any such claimant gives the Court, within 5 (five) days from the judgment, notice to set down his action for trial.

Where judgment in selected action is given in favour of defendant

of the defendant, the defendant shall be entitled to his costs up to the date of the order staying proceedings against every other claimant whose action is stayed, unless any such claimant gives the Court, within 5 (five) days from the judgment, notice to set down his action for trial.

(2) On judgment in the selected action being given, the Court shall notify every other claimant and if any such claimant makes an application to the Court to set down his action for trial, the Court shall appoint a day for trial, and send notice to both claimant and defendant not more than 5 (five) clear days before the day so appointed.

Where judgment in selected action is given against the defendant

4. (1) If judgment in a selected action is given against the defendant, the claimant in the action stayed shall be at liberty to proceed for the purpose of ascertaining and recovering their debts or damages and costs.

(2) On judgment in the selected action being given, the Court shall notify each claimant and a claimant desiring to proceed, shall immediately make an application to the Court to set down his action for trial, and on receipt of the application, the Court shall appoint a day for the trial, and notify both claimant and defendant, not less than 5 (five) clear days before the day so appointed.

Selected action where there are several defendants

5. (1) Where several actions by the same claimant against several defendants are proceeding in the same Court, and the event of the actions depends on the finding of the District Court Judge on question common to all of them, the District Court Judge may at any time select one of them for trial, and stay proceedings in all the others until judgment in the selected action is given.

(2) After judgment is given in the selected action, unless, claimant and the defendant in the other actions, or any of them, submit to have judgment entered in accordance with

the judgment in the selected action, the other actions shall proceed.

(3) On Receipt of the application from the claimant or defendant in any such action to set it down for trial, the Court shall appoint a day for the trial, and shall notify both claimant and defendant not more than 5 (five) clear days before the day so appointed.

ORDER XII. - SITTINGS OF COURT AND AUDIENCE

1. The sittings of the court for the hearing of causes shall ordinarily be public, but the court may, for special reasons, hear a particular cause or matter in the presence only of the parties, the legal practitioners representing them if any and the officers of the court. *Public or private sitting of the court*

2. (1) The District Court Judge may generally adjourn the court from day to day or to a convenient day, howsoever the District Court Judge must enter in the record of the Court the reason for every such adjournment and any adjournment from the date of commencement of trial and during the proceedings should not exceed a period of 14 (fourteen) working days. *Adjournment of court*

(2) A District Court Judge may, after the matter has been set down for trial at his discretion, grant -
 - (a) in uncontested civil cases, not more than 2 (two) adjournments for the claimant and one (1) for the defendant; or
 - (b) in contested civil cases, not more than 3 (three) adjournments in favour of each party.
(3) The period of adjournment to attend mediation proceedings are excluded from the operation of this Section.

(4) The District Court Judge shall endeavour to conclude all matters within 90 (ninety) days from the date of commencement.

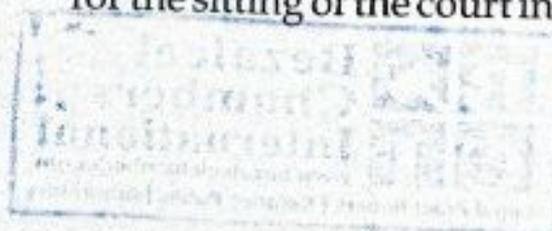
(5) Subject to the provisions of this Rule, in the event that either of the parties to the action fails to, is unable to or refuses to attend court or proceed with the cause or matter, depending on whether it is the claimant or the defendant, the District Court Judge shall strike the matter off the cause list and out of the Court or enter judgement in default against the defendant as the case may be.

(6) For the purpose of this Rule, the date of commencement of hearing shall be the date set down by the District Court Judge for the hearing of the action and shall not be later than 20 (twenty) working days after the date of assignment of the action by the Administrative District Court Judge.

(7) If the District Court Judge is not present at the time and place appointed for a sitting of the court, an officer of the court or any other person authorised in that behalf by the District Court Judge may, by public notice written or oral, adjourn the sitting until such time and to such place as may have been communicated to him by the District Court Judge and, in the absence of the communication, to such time and to such place as may be convenient, taking into account the timelines prescribed above.

(8) All persons bound to be present at the sitting so adjourned shall be equally bound to be present at the time and place appointed by the notice.

(9) In the absence of a notice and of a notification to the contrary, all persons shall be bound to be present at the next succeeding time appointed as aforesaid or otherwise for the sitting of the court in the same place.



(10) In all cases of adjournment, a District Court Judge may summon the parties to appear before the court before the expiration of the period to which the case was adjourned.

(11) Notwithstanding the provisions of paragraphs (1), (2), (4) and (6) of this Rule, where the interest of justice and fair hearing requires, the District Court Judge may enlarge the time schedules prescribed for hearing and determining a matter before him.

3. (1) In any proceedings in a court any of the following persons may address the court, namely - *Right of audience*

(a) a party to the proceedings; or

(b) a legal practitioner retained by or on behalf of a party.

(2) Any other person allowed by law or by leave of the court to appear on behalf or instead of a party, may appear in court on behalf of a party to satisfy any requirement for the presence of the party.

(3) Where there is a change of counsel representing either party in the proceedings, the new counsel shall file a notice of the change and serve on the former counsel and on the adverse party.

ORDER XIII. - ENLARGEMENT AND ABRIDGMENT OF TIMES

1. (1) The parties may not by consent enlarge or abridge any of the times fixed by the Rules for taking any step, or filing any document, or giving any notice. *Enlargement and abridgment of times*

(2) The court may, as often as it thinks fit, on such terms as it may impose, and either before or after the expiration of the

time appointed by any judgment, order, or the Rules, extend or abridge the time for doing any act or for taking any steps in the proceedings, or filing any document, or giving any notice.

District Court Judge may grant time

2. The District Court Judge may in any case, on such terms as he may impose, make any order for granting time to the claimant or the defendant to proceed in the prosecution or defence of the action.

ORDER XIV. - AMENDMENT

Powers of amendment

1. (1) A District Court Judge may at any time before judgment, but not more than once at the instance of any one party, amend all defects and errors in any proceedings in the court, whether the defect or error is that of the party applying to amend or not, and on due application being made, may make all such amendments as may be necessary for the purpose of determining the real question in issue between the parties.

(2) An amendment may be made with or without costs and on such terms as the District Court Judge may think just.

(3) Where any person is ordered to be added or substituted as defendant, the amended originating process shall be served on the added or substituted defendant according to the Rules applicable to the service of the originating process, and the proceedings as against him shall be deemed to have begun only on the service of the process on him.

ORDER XV. - INTERLOCUTORY APPLICATIONS

Interlocutory applications

1. (1) Where by any law or rule, any application in the course of an action before or after the judgment is expressly or by implication authorized to be made to the District Court

Judge or to the Court, then, subject to the provisions of the particular law or rule applicable as far as it is not inconsistent, the following provisions shall apply -

- (a) All interlocutory applications shall be to the District Court Judge, accompanied by an affidavit and a short statement of the law relied upon.
- (b) All such interlocutory applications, except made *ex parte*, shall be served on the other party prior to or contemporaneously with its being delivered to the District Court Judge.
- (c) The party served with such an application may respond by way of a counter affidavit if he so desires and a short statement of the law relied upon (if any) within 3 (three) days of delivery of the said application at the address provided for service or to his legal practitioner, excluding the day of service.
- (d) The District Court Judge shall deliver the Court's decision within 10 (ten) working days from the conclusion of arguments.
- (e) The decision of the District Court Judge shall be available for collection upon payment of the prescribed fees.
- (f) In exceptional cases the Court may permit the parties to bring interlocutory applications orally or in writing after the commencement of trials.
- (g) All applications for stay of execution of a judgment or for order to appeal the decision of a District Court Judge shall be considered and determined in open Court.

Oral applications

2. Where interlocutory applications is made orally, it may be made without an accompanying affidavit to the District Court Judge in whose court a cause or matter is pending, provided that the District Court Judge shall have power -
 - (a) to direct the application to be reduced to writing;
 - (b) to direct notice thereof to be given to any person affected thereby; and
 - (c) to direct in what manner evidence relating to the application shall be given by the applicant or a person affected thereby.

Power to Impose Terms

3. The Court may, as a condition of granting any interlocutory application, impose such terms and conditions as it thinks fit, and without prejudice to the generality of the following provisions, may make orders requiring any party to -
 - (a) give security;
 - (b) give an undertaking;
 - (c) pay money into Court; or
 - (d) pay all or any part of the costs of proceedings.

Notice of application

4. (1) Where an application is not summarily disposed of, the District Court Judge or registrar shall appoint a day for the hearing thereof, and where notice of the application is to be given to another person, such notice shall specify the date on which the application will be heard and the manner in

which evidence relating thereto shall be given by the applicant or any person affected thereby.

(2) Where an application is made *ex parte* for an interlocutory injunction or order, the Court may direct notice to be given to any person who may be affected by the order.

5. An order made *ex parte* on an interlocutory application may be discharged or varied by the District Court Judge at any time on application made by any person aggrieved thereby after notice given to the party who obtained the order. *Discharge and variation of ex parte order*
6. Upon being served the summons and plaint or originating application, or upon the filing of any process in a pending suit the adverse party may in writing or orally make an objection to the suit or process and where the grounds of objection is of such a character that it would require the court to consider evidence ordinarily produced during trial, the court shall decline to hear the objection but rather direct that it shall be taken in the course of the hearing of the action along with the substantive case and determined on the merit. *Objections to the suit or particular process*

ORDER XVI. - INJUNCTIONS, ETC

1. (1) Where any party desires before the trial, an immediate order - *Application for Interim Injunction*
 - (a) in the nature of an injunction;
 - (b) for the appointment of a receiver;
 - (c) for taking any accounts; or
 - (d) for making any inquiries,he may apply in accordance with Order XV Rule 1.

(2) The Court may grant an interlocutory order on such terms as to its duration, the giving of security or otherwise, as may seem just in accordance with Order XV Rule 1.

- | | | |
|--|----|--|
| <i>Appointment of receiver of property in dispute</i> | 2. | In all cases, in which it may appear necessary, the court may appoint a receiver or manager of a property in dispute in a suit, and if need be commit the property to his possession or custody and grant him power to manage or preserve and improve the same and to collect the rents and profits thereof and to apply or dispose of them as may seem fit, and may grant him power to sell perishable goods. |
| <i>Entry into property in dispute</i> | 3. | The court may where it has jurisdiction, authorise a person to enter upon or into any property or building in possession of a party for the purposes of an appointment or order made as aforesaid. |
| <i>Injunctions, etc., may be granted on terms</i> | 4. | In making an injunction or orders to stay waste or alienation or for the detention and preservation of any property the subject of such suit, or to restrain breaches of contracts or torts, the court may grant the same on such terms as to its duration, the keeping of an account, the giving of security or otherwise, as may seem just. |
| <i>Notice of injunction</i> | 5. | Where application is made for an interlocutory injunction or order under this Order, the court may direct notice thereof to be given to any person affected thereby. |
| <i>Ex parte injunctions and orders</i> | 6. | An interim injunction or order made <i>ex parte</i> shall be for a limited time only to be therein stated, not been more than 7 (seven) days, and be served on the person affected thereby, but the court may extend the time if service has not been possible within that time. |
| <i>Discharge and variation of interlocutory injunctions and orders made ex parte</i> | 7. | Where an interlocutory injunction or order is made <i>ex parte</i> it may be discharged or varied by the court at any time on application made by any person aggrieved thereby after notice given to the party who obtained the injunction or order. |

ORDER XVII. - ADMISSION AND ENTERING OF JUDGMENT

1. A person against whom a plaint has been entered may, after the summons has been served upon him, file a written statement signed by himself or a legal practitioner acting on his behalf, admitting in whole or in part, the claim in respect of which the plaint has been entered; and the registrar of the court in which the plaint was entered shall forthwith send notice thereof to the claimant by post, or by causing the same to be delivered at the address furnished in the plaint or at his usual place of abode or business, and thereupon it shall not be necessary for the said claimant to prove the claim admitted as aforesaid; but the court, at the next sitting thereof, whether the parties or either of them attend the court or not, shall, if satisfied of the signature of the party filing such statement, enter judgment for the claim so admitted.

Admission of debts or parts of debts and judgment thereon

2. (1) If the person against whom a plaint has been entered agrees with the person on whose behalf the plaint has been entered upon the amount of the claim in respect of which the plaint has been entered, and upon the terms and conditions upon which the same shall be paid and satisfied, those persons respectively may, in the presence of the registrar of the court in which the plaint has been entered, sign a statement of the amount of the claim so agreed upon between the persons respectively, and of the terms and conditions which the same shall be paid or satisfied, and the registrar shall receive the statement.

Agreement as to amount of debt and conditions of payment

(2) The court shall at its next sitting enter up judgment for the claimant for the amount of the claim so agreed on, and upon the terms and conditions mentioned in the statement; and such judgment shall to all intents and purposes be the same and have the same effect, and shall be enforced and enforceable in the same manner as if it had been a judgment of the District Court Judge of the said court.

ORDER XVIII. - SECURITY FOR COSTS

Security for costs

1. (1) In all proceedings the court may either of its own motion or on the application of a defendant, if it sees fit, require a claimant to a suit, either at the commencement or at any time during the progress thereof, to give security for costs to the satisfaction of the court, by deposit or otherwise, or to give further or better security, and may likewise require a defendant to give security, or further and better security, for the costs of any particular proceeding undertaken in his interest.

(2) The general principle to be applied by the Court when ordering a claimant to give security for costs is that no person shall be precluded on the ground of poverty from commencing an action except in special circumstances such as where the claimant does not reside, or is only residing temporarily in the Federal Capital Territory, or where the claimant has already failed to pay costs awarded against him.

(3) A defendant shall not ordinarily be ordered to furnish security for costs except in special circumstances, for example, where he is pursuing a distinct counterclaim or applies for a transfer of the action to the High Court although the action is within the jurisdiction of the District Court.

How security is to be given and enforced

2. (1) When either party to a cause or matter makes an application to a District Court Judge that the other party shall give security whether with or without sureties and the District Court Judge is of the opinion, after hearing the parties, that the security should be given, he shall specify the amount of security and direct whether with or without sureties and whether such security shall be given by way of cash deposit.

(2) Where a party is required to give security and the security is by way of a bond with or without sureties or by any way other than a cash deposit the security shall be at the cost of the party giving it.

(3) Where the court has ordered that the security, other than a cash deposit, be given, the security shall be given to the satisfaction of an officer of the court unless the court directs that the security be to the satisfaction of the other party.

(4) In any case where security, other than a cash deposit, is required to be given, the officer of the court or the party to whose satisfaction the security is to be given may require the District Court Judge to direct that the value of the security offered or the standing of the sureties, if any, be verified by affidavit of the party offering the security or by some other person with a knowledge of the security or the sureties.

(5) The court in which an action on the security shall be brought may, by order give such relief as may be just and such order shall have the effect of a defeasance of a bond taken or the fulfilment of the security.

ORDER XIX. - PAYMENT INTO COURT

1. (1) The defendant may, at any time before the hearing, pay into court an amount in full satisfaction of the claimant's claim or of part thereof, together with costs incurred up to the time of the payment-in.

Payment into court

(2) The registrar shall cause notice of such payment-in to be served upon the claimant in like manner as provided for in Rule 1 of Order XVII of these Rules.

Notice to claimant

Admission of liability

2. Payment into court, whether made in satisfaction of the claimant's claim generally or some part thereof, shall operate, unless the defendant in his defence denies liability, as an admission of liability to the extent of the amount paid in, and no more, and for no other purpose.

Acceptance of sum paid in

3. (1) The claimant may accept any sum paid into court in full satisfaction and discharge of the claim in respect of which it was paid in, and may apply by motion for payment of the money out of court to him, whereupon the court shall make such order as to stay of further proceedings, and as to costs and other matter as may be just.

Non-acceptance sum paid in

(2) If the claimant does not so apply, and, having proceeded with the claim, recovers an amount not more than that paid into court -

(a) the judgment shall be satisfied out of the amount paid into court, and the balance repaid to the defendant;

(b) the court may in its discretion award to the defendant costs incurred after payment-in, together with such sum as it may consider fit by way of compensation, and may make an order against the claimant to this effect in like manner as if judgment had been given against him.

Counterclaim

4. A claimant or other person made defendant to a counterclaim may pay money into Court as if he were a defendant to an action, and Rules 1 to 3 of this Order shall apply with necessary modifications.

ORDER XX. - INTERIM ATTACHMENT OF PROPERTY

Cases Interim Attachment of Property may be applied for

1. Where the defendant in a suit with intent to obstruct or delay the execution of a decree that may be passed against him, is about to dispose of his property, or any part thereof,

or to remove the property from the Federal Capital Territory Abuja, or is about to leave the Federal Capital Territory, the claimant may apply to the court, either at the time of the institution of the suit or at any time thereafter until final judgment, to call on the defendant to furnish sufficient security to fulfil any decree that may be made against him in the suit, and on his failing to give such security, or pending the giving of such security, to direct that any property movable or immovable belonging to the defendant shall be attached until the further order the court.

2. The application shall contain a specification of the property required to be attached, and the estimated value thereof so far as the claimant can reasonably ascertain the property; and the claimant shall, at the time of making the application, declare that to the best of his information and belief the defendant is about to dispose of or remove his property or leave the Federal Capital Territory with such intent as aforesaid.

*Application
for attachment*

3. (1) If the court is satisfied that the defendant is about to dispose of or remove his property with intent to obstruct or delay the execution of the decree, the court may order the defendant, within a time to be fixed by the court, either to furnish security in such sum as may be specified in the order, to produce and place at the disposal of the court when required the said property, or the value of same, or such portion thereof as may be sufficient to fulfil the decree, or to appear and show cause why he should not furnish security.

*Form of order
of attachment*

(2) Pending the defendant's compliance with the order, the court may by warrant direct the attachment of the whole, or any portion of the property specified in the application until further order.

*Application
for attachment*

- Where defendant fails to show cause or give security*
4. (1) If the defendant fails to show such cause, or to furnish the required security within the time fixed by the court, the court may direct that the property specified in the application if not already attached, or such portion thereof as is sufficient to fulfil the decree, shall be attached until further order.
- (2) If the defendant shows such cause, or furnished the required security, and the property specified in the application, or any portion of it, has been attached, the court shall order the attachment to be withdrawn.
- Rights of third parties not to be affected*
5. The attachment shall not affect the rights of persons not parties to the suit, and in the event of any claim being preferred to the property attached before judgment, then the procedure prescribed in the Sheriffs and Civil Process Act shall apply..
- Removal of attachment*
6. In all cases of attachment before judgment, the court shall at any time remove the said attachment, on the defendant furnishing security as above required, together with security for the costs of the attachment, or upon an order for a non-suit or striking out the cause or matter.
- In what courts attachment proceedings may be taken*
7. (1) The application may be made to the District Court in the district where the defendant, or in case of urgency, where the property proposed to be attached may be, and the court may make such order as shall seem just.
- (2) In case an order for the attachment of property is issued by a different court from that in which the suit is pending, that court shall, on the request of either of the parties, transmit the application and evidence therein to the court in which the suit is so pending, retaining the property in the meantime under attachment or taking sufficient security for its value, and the court in which the suit is pending shall thereupon examine into and proceed in the application in accordance with the foregoing provisions, in such manner as shall seem just.

ORDER XXI. - WITNESSES

1. (1) Except as otherwise provided by these Rules or any applicable law, the evidence of witnesses at the trial of any action shall be taken on oath orally or by witness statement on oath or both without prejudice to witnesses that chose to affirm. *Manner in which Evidence to be taken*

(2) It shall be sufficient for a witness who has filed a witness statement on oath to adopt same as his evidence-in-chief, provided that such witness shall thereafter be liable for cross-examination by the adverse party before being re-examined, if any.

(3) A witness whose evidence has not been filed as part of praecipe of evidence shall not be heard unless the District Court Judge had waived the filing of praecipe of evidence.
(4) The evidence on oath of a witness filed as part of the praecipe of evidence shall not be considered as evidence unless the maker in fact appears in court to adopt same.
2. (1) Either of the parties to a cause or matter may obtain from the registrar of the court summonses to witnesses, with or without a clause requiring the production of the books, deeds, papers and writings in the possession or control of the persons summoned as witnesses and such summons shall be served in accordance with the provisions of Order IV of these Rules. *Service of summonses to witnesses Form*

(2) Provided sufficient particulars have been indicated in the praecipe of evidence regarding such witness, the witness need not have filed a statement on oath prior.
3. Immediately prior to the hearing of a cause or matter in which witnesses are to be examined the District Court Judge shall direct that all witnesses shall leave the court and upon that direction the provisions of section 212 of the Evidence Act shall apply provided - *Witnesses in general to be out of hearing*

- (a) That the parties themselves shall remain in the court even though intended to be called as witnesses;
- (b) that the District Court Judge may in his discretion permit professional and technical witnesses to remain in court; and
- (c) that the failure to comply with the provisions of this Rule shall not invalidate the proceedings.

ORDER XXII. - AFFIDAVITS, DOCUMENTARY AND OTHER EVIDENCE

Contents of affidavits and cross-examination of deponent

1. All affidavits shall be made and be in accordance with the provisions of the Evidence Act and where a party desires to cross-examine a deponent who has made an affidavit filed on behalf of the opposite party in support of any application, the following provisions shall apply -
 - (a) he may serve on the opposite party a notice requiring the production of the deponent for cross-examination at the hearing;
 - (b) if the party served with the notice does not produce the deponent at the hearing, he shall not be entitled to use the affidavits as evidence;
 - (c) a witness summons may be issued on the application of the party served with the notice for the purpose of summoning the deponent to attend for cross-examination.

Evidence of witness about to leave district

2. (1) At any time after a cause or matter is begun and before the trial, the court may take the evidence of a witness who is about to leave the district, or who, from illness or old age or any other sufficient cause, is not likely to be able to be present at the trial.

(2) The note of the evidence shall be signed at the time by the District Court Judge taking the same.

(3) The evidence so taken and recorded may not, except for special reasons to be recorded in the District Court Judge's notes, be admitted as evidence at the trial unless it is shown that the party against whom it is offered had an opportunity of cross-examining the deponent.

3. Documents or any item of real evidence referred to or listed in the praecipe of evidence shall be tendered to the court during the hearing of the cause or matter and any objection to any such document or item of real evidence regarding their admissibility, relevance or weight or other grounds may be heard or taken in the course of the hearing of the action along with the substantive case and determined on the merit at the conclusion. *Use of Documents and other items referred to in the praecipe of evidence*
4. The party tendering any document or item of evidence to which objection has been taken by the adverse party when tendered may withdraw such evidence provided issues have not been joined. *Withdrawal of evidence*
5. Every document and item of evidence tendered to the court must be distinctly marked and sufficiently described in the records of the court. *Marking of documents and items of evidence*
6. No document shall be tendered merely for identification purpose. *Evidence tendered for identification purposes*

ORDER XXIII. - PROCEDURE WHEN BOTH PARTIES APPEAR

1. (1) If on the day of hearing both parties appear, the plaint shall be read to the defendant, and the District Court Judge shall require him to make his answer or defence thereto, and, on such defence or answer being made, the District *Procedure when both parties appear*

Court Judge shall immediately record the same and shall, except where the court considers it necessary to order otherwise, proceed in a summary way to hear and determine the cause without further pleading or formal joinder of issue.

(2) Where in answer to the plaint read to the defendant, the defendant admits the claim or so much of it in unequivocal terms, judgment shall be entered in favour of the claimant to the extent of the admission and the District Court Judge shall proceed in a summary way to hear and determine the remainder of the cause without further pleading or formal joinder of issue.

Written pleadings may be ordered

2. In all suits written pleadings may be ordered by the court.

Illiterate parties

3. (1) In making an order for written pleadings, the court shall have regard to the condition of the parties, and shall not require a party to file a written statement who, from want of education, is incapable of preparing or understanding the same.

(2) If in a case the court considers it necessary, in the interest of justice, that a statement of a party should be reduced into writing previous to hearing, the court may direct that the same be taken down in writing by the registrar or other fit officer of the court and, after verifying the statement so prepared by oral examination of the party where necessary, may direct if it thinks fit, that the statement be filed as a pleading.

Where pleading, etc. ordered rules to be observed

4. Wherever a pleading, statement of claim, or defence is ordered to be filed the provisions of the following rules shall be observed.

5. Every pleading shall contain a statement of all the material facts, on which the party pleading relies, but not the evidence by which they are to be proved, such statement being divided into paragraphs numbered consecutively, and each paragraph containing as nearly as may be a separate allegation. *The pleading to state all material facts relied on*
6. The facts shall be alleged positively, precisely and distinctly and as briefly as is consistent with a clear statement. *How facts are to be stated*
7. Every statement of claim shall state specifically the relief which the claimant claims, either simply or in the alternative, and may also ask for general relief and the same rule shall apply to any counterclaim or set-off made or other relief claimed by the defendant in his defence. *The relief claimed to be stated*
8. Where the claimant seeks relief in respect of several distinct claims or causes of complaint founded upon separate and distinct facts, they shall be stated, as far as may be, separately and distinctly; and the same rule shall apply where the defendant relies upon several distinct grounds of set-off or counterclaim founded upon separate and distinct facts. *Grounds of claims founded on separate facts to be separately stated*
9. (1) The defendant's pleading or defence shall deny all such material allegations in the petition as the defendant intends to deny at the hearing. *Defendants pleading to meet allegations in statement of claim*

(2) Every allegation of fact, if not denied specifically or by necessary implication or stated to be not admitted, shall be taken as established at the hearing.
10. It shall not be sufficient to deny generally the facts alleged by the statement of claim, but the defendant must deal specifically therewith, either admitting or denying the truth of each allegation of fact seriatim, as the truth or *Allegations shall not be met generally but specifically*

falsehood of each is within his knowledge, or (as the case may be) stating that he does not know whether the allegation or allegations is or are true or otherwise.

- Denial of fact must answer point of substance*
11. When a party denies an allegation of fact he must not do so evasively, but answer the point of substance, and when a matter of fact is alleged with diverse circumstances it shall not be sufficient to deny it as alleged along with those circumstances, but a fair and substantial answer must be given.
- Admissions; their effect*
12. The defence shall admit such material allegations in the statement of claim as the defendant knows to be true, or desires to be taken as admitted, and such allegations may be taken as established without proof thereof.
- Allegation of new facts in defence*
13. The defence must allege a fact not stated in the statement of claim on which the defendant relies in his defence, as establishing for instance, fraud on the part of the claimant, or showing that the claimant's right to recover or to a relief capable of being granted on the petition, has not yet accrued, or is released, or barred, or otherwise gone.
- Set-off or counterclaim to be pleaded*
14. Where a defendant seeks to rely upon any fact as supporting a right of set-off or counterclaim, he shall, in his statement of defence state specifically that he does so by way of set-off or counterclaim, and the particulars of such set-off or counterclaim shall be given.
- Evidence in denial of allegation or in support of defence not set up in pleading*
15. The defence of a defendant shall not debar him at the hearing from disproving any allegation of the claimant not admitted by the defence, or from giving evidence in support of a defence not expressly set up by the defence, except where the defence is such as -
- (a) in the opinion of the court, ought to have been expressly set up by the defence; or

- (b) is inconsistent with the statements thereof; or
- (c) is in the opinion of the court, likely to take the claimant by surprise and to raise new issues not fairly arising out of the pleadings to be filed as it may deem necessary for the purpose of bringing the parties to an issue.
16. The court if it considers that the statements of claim and defence filed in a suit insufficiently disclose and fix the real issues between the parties may order such further pleadings to be filed as it may deem necessary for the purpose of bringing the parties to an issue. *Further pleadings*
17. Every pleading shall be filed at such time as the court directs, and be served on the opposite party or his solicitor, if the court thinks fit, at such time and in such manner as it directs. *Filing and service of pleadings*
18. The court may at any time, on the application of either party, strike out any pleading or any part thereof, on the ground that it discloses no cause of action, or no defence to the action as the case may be, or on the ground that it is embarrassing, or scandalous, or vexatious, or an abuse of the process of the court, and the court may either give leave to amend such pleading, or may proceed to give judgment for the claimant or defendant, as the case may be, or make such order, and upon such terms and conditions, as may seem just. *Striking out pleadings*
19. Subject to the power of amendment conferred by these Rules, no evidence of any claim shall be given by the claimant on the trial or hearing except of such claim as shall be stated in the summons or other proceeding under the Act or these Rules directed to be issued or taken. *No evidence to be given of any claim which is not in summons*

*Consequence
of failure to
file pleadings
after order of
court*

20. (1) Upon the order of the court for the parties to exchange pleadings, where the claimant failed to file his statement of claim within the time prescribed by the court for him to do so, on its own motion or on the application of the defendant, the court may strike out the claimant's suit off the cause list.

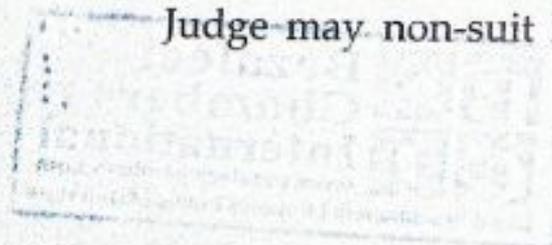
(2) Upon the order of the court for the parties to exchange pleadings, where the defendant failed to file his statement of defence within the time prescribed by the court for him to do so, on the application of the claimant made on notice to the defendant, the court may -

- (a) Proceed to hear the case of the claimant regardless of the absence of the defendant and the judgment so given shall be judgment on the merits; or
- (b) Proceed to give judgment in default of pleadings, without hearing evidence, in favour of the claimant against the defendant and the judgment so given may be liable to be set aside on terms if the defendant were to bring application on notice to do so within 30 (thirty) days.

ORDER XXIV. - PROCEDURE WHEN ONLY ONE PARTY APPEARS

*Procedure
when
claimant fails
to appear or to
prove his case*

1. (1) If, on the day of hearing or at any continuation or adjournment of the court or cause:
- (a) the claimant does not appear, or sufficiently excuse his absence, the cause shall, unless the court sees good reason to the contrary, be struck out except as to any counterclaim by the defendant;
 - (b) if the claimant appears but does not make proof of his claim to the satisfaction of the court, the District Court Judge may non-suit him or give judgment for the



defendant; and

- ⊙ in either case, where the defendant appears and does not admit the claim, the District Court Judge may award the defendant, in addition to costs, such further sum, by way of compensation for his trouble and attendance, as the District Court Judge in his discretion may think just.

(2) The sum awarded shall be recoverable from the claimant in like manner as any debt or damage ordered to be paid by the court can be recovered; and no action shall be brought by the claimant in respect of the same cause of action until such sum and costs have been paid.

(3) If the claimant does not appear when called upon but the defendant appears and admits the cause of action to the full amount claimed, the District Court Judge may, if he thinks fit proceed to give judgment, with or without costs, as if the claimant had appeared.

2. Where the defendant to a cause which has been struck out under Rule 1 of this Order has a counterclaim, the court may, on due proof of service on the claimant of notice thereof proceed to hear the counterclaim and give judgment on the evidence adduced by the defendant, or may postpone the hearing of the counterclaim and direct notice of such postponement to be given to the claimant.

Counterclaim where claimant does not appear

3. (1) In every case where the claimant did not appear on the day of hearing, or at any continuation or adjournment of the court or cause and the defendant appears, the court may award the defendant such sum as the court shall think just.

Costs of defendant where claimant does not appear

(2) The such sum awarded shall include an amount by way of costs and may include a further amount by way of

compensation for the defendant's trouble and attendance, and the sum so awarded shall be recoverable from the claimant in like manner as any debt or damage ordered to be paid by the court can be recovered.

*Procedure
when
defendant fails
to appear*

4. (1) If on the day of hearing or at any continuation or adjournment of the court or cause, the claimant appears and the defendant does not appear or sufficiently excuse his absence or neglects to answer when called in court, the District Court Judge may, on due proof of service of the summons or such hearing notice as may have been ordered by the court and upon his being satisfied that the time between the date of service and the date of hearing was sufficient for the defendant to have appeared had he wished so to do, proceed to the hearing and determination of the cause on the part of the claimant only, and the judgment thereon shall be as valid as if both parties had appeared.

(2) When the District Court Judge is not so satisfied that the defendant has had such reasonable time, the District Court Judge shall adjourn the hearing to a convenient date and order notice of hearing to be served on the defendant.

(3) When the District Court Judge has heard and determined a cause or matter in the absence of the defendant under the provisions of paragraph (1) of this Rule and the defendant has filed a counterclaim, the counterclaim shall, unless the court sees good reason to the contrary, be struck out.

ORDER XXV. - JUDGMENTS

*Giving and
Entering
Judgment*

1. (1) At the conclusion of the hearing of an action the Court shall either at the same or at subsequent sitting, not being more than 21 (twenty-one) working days except for good cause, deliver judgment or make a final order in the action.
(2) If the parties to a proceeding in the District Court have

reached an agreement about a matter in dispute in the proceedings, the Court may, on application by the parties, make an order or judgment on the terms of the agreement.
(3) If an order is made by consent, that fact should be stated on the face of the order.

2. (1) Where the court reserves judgment, the parties shall be served with notice to attend and hear judgment, unless the court at the hearing penultimate to judgment has stated the day on which judgment will be delivered.

Notice of judgment

(2) All parties are deemed to have notice of the judgment if pronounced at the hearing.

(3) All parties served with notice to attend and hear judgment are deemed to have had notice of the judgment when pronounced.

3. (1) In considering whether or not to non-suit, the court has to consider whether, in the case before it, merely non-suiting the claimant would prejudice the defendant, and on the other hand a dismissal of the suit would prejudice the claimant, it appearing on the records of the case, taken as a whole, that the claimant has not failed *in toto* and the defendant would not in any case be entitled to the judgment of the court. The decision of the court may consider the following guidelines –

Procedure for non-suiting

- (a) Non-suit is appropriate where there is no satisfactory evidence enabling the court to give judgment to either of the parties and prejudicing neither of them;
- (b) Where the dismissal of the claim might work injustice to the claimant and no injustice or hardship need result to the defendant from non-suiting the claimant, an order for non-suit would be proper;

- © An order of non-suit cannot be granted where the claimant has failed to prove or establish the case put forward in his plaint or pleadings;
- (d) It is proper to non-suit a claimant whose case has failed on a mere technical ground and not because he has not proved his case on the merit;
- (e) Where the issues before the trial court were never properly clarified and the real issue between the parties cannot be determined, the claimant should be non-suited instead of the case being dismissed.

(2) Where after the conclusion of hearing before or after adjourning for judgment the District Court Judge considers that the matter before it might be a proper one in which the claimant ought to be non-suited, he shall in summary form state the basis for his so considering and hear each party's opinion before making a decision whether or not to non-suit the claimant or give judgment on the merit of the case.

(3) Where the District Court Judge has proceeded and given judgment on the merit in the case when he could have considered non-suiting the claimant, the judgment shall nevertheless be a valid judgment of the court.

*Enforcement
of judgments
and penalties*

4. (1) The provisions of the Sheriffs and Civil Process Act shall apply to judgments given by any court under the Act.
- (2) The payment of any penalty imposed by a court under the Act may be enforced upon the order of the District Court Judge -
- (a) in like manner as payment of any debt adjudged by the court to be paid under the Act; or
 - (b) in like manner as payment of a sum adjudged to be paid on summary conviction may be enforced.

ORDER XXVI. - COSTS

1. (1) All the fees and costs of an action or proceeding in court, including an arbitration, not otherwise herein provided for, shall be at the discretion of the court and paid or apportioned between the parties in such manner as the court may think fit, and in default of a special direction, shall abide the event of such action or proceeding. *Apportionment and payment of costs*
- (2) Execution may issue for the recovery of any such fees and costs in like manner as for the amount of any judgment obtained in the court.
- (3) The court shall have power to refuse costs in whole or in part to either party.
- (4) Subject to Rule 1 (1) of this Order, when determining the sum to be awarded as cost, the District Court Judge may take into account:
- (a) the summons fees paid;
 - (b) the duration of the case;
 - (c) the number of witnesses called by the party in victory;
 - (d) the vexations or frivolous nature of the action or defence of the party who failed in the litigation;
 - (e) the reasonable cost of legal representation;
 - (f) the monetary value at the time of incurring the expenses; and
 - (g) the value and purchasing power of the currency of award at the time of the award;

Provided that the cost awarded shall not be in excess of the sum claimed or awarded.

Stay of proceedings

2. Where the court orders costs to be paid or security to be given for costs by any party, the court may, if it thinks fit, order all proceedings by or on behalf of the party in the same suit or proceeding, or connected therewith, to be stayed until the costs are paid or security given accordingly but such order shall not supersede the use of any other lawful method of enforcing payment.

Application in relation to legal practitioners' fees

3. The provisions of the High Court Act and the rules made thereunder regulating the fees of legal practitioners, the taxation and recovery of such fees and disbursements and the payment out to them of money which has been paid into court, shall in so far as they are not incompatible with the provisions of this Order, apply *mutatis mutandis* to a legal practitioner engaged in any proceedings in a District Court.

Agreements between legal practitioner and illiterate persons

4. (1) An agreement made by a legal practitioner with his client for an inclusive fee for the conduct of a case in a District Court shall, if the client is illiterate, be null and void unless –
 - (a) it shall have been made in duplicate and the practitioner and his client shall have signed and made their mark, or sign or signature, respectively on both copies in one and the same transaction and in the presence of a witness, other than an employee or casual employee of the practitioner who understood the language and script in which the agreement was written and explained its terms to the client and was present at the transaction of the signing and marking thereof and set his signature also to the agreement; and

(b) unless one of the copies so signed shall also have been given to the client in the presence of the same witness and as part of the same single transaction of signing and marking them.

(2) The onus of proof that the requirements of this Rule have been complied with shall be on the legal practitioner seeking to enforce any such agreement.

(3) For the purpose of this Rule, the word illiterate includes a person who may be able to read but may nevertheless not be able to understand the purport of the agreement, and the onus of proof that a person is not illiterate in this sense shall be upon the legal practitioner.

5. (1) When a legal practitioner has conducted a case under an agreement for an inclusive fee or has conducted a case not under an inclusive charge but has presented his bill and the fee or bill has been paid in full, and costs awarded to his client by the court are subsequently paid to the practitioner, the practitioner shall refund to the client an amount equal to the costs received.

Duty of legal practitioners in relation to costs

(2) If the fee or bill has not been paid in full but the receipt of the costs awarded causes an excess, an amount equal to the excess shall be refunded to the client.

(3) When no excess is caused, the amount of costs received shall be deducted in computing the balance due from his client under the agreement or on the bill.

6. In a suit brought by legal practitioner to recover from his client any sum of money due under an inclusive agreement for conducting a proceeding in a District Court, the court may reduce the amount claimed if it thinks the same or any part thereof to be harsh and unreasonable, but before doing so shall have regard to the degree of skill, labour and

Suits by legal practitioners to recover fees

responsibility involved and to the nature of the practice of the legal practitioner.

Legal practitioners to be officers of the court

7. Every legal practitioner while retained for a case in District Court shall be an officer of the court and when retained for a matter other than a proceeding in court, which subsequently develops into a proceeding in court, shall be deemed to have been an officer of the court from the date of his original retainer.

ORDER XXVII. - APPEALS TO THE HIGH COURT

Applications for leave to appeal

1. (1) An application for leave to appeal under the relevant provisions of the Act shall be made to the appeal court in the judicial division in which is situated, the court of the District Court Judge whose decision is complained of.

(2) The application shall state the reference number of the civil proceedings in which the decision complained of was given, the names of the parties, the date of the decision, a short summary of the decision, and the grounds of appeal.

(3) Leave to appeal shall only be granted after the final determination of the suit.

(4) The application shall state an address within the judicial division to which notices may be sent for the applicant, and such notice may be sent to him by registered post.

Notice of Appeal

2. (1) An appeal against any decision of a District Court shall be brought by notice of appeal, which may be given either
 - (a) by written notice lodged in the court below within 30 (thirty) days of the decision; or
 - (b) orally in court at the time when the decision is announced and in the presence of the other party or of the legal practitioner representing him; provided that when notice of appeal is given orally the appellant

shall within 30 (thirty) days of the decision also lodge a written notice of appeal.

(2) A written notice of appeal shall be accompanied by a certified copy of the decision and shall state –

- (a) the reference number of the proceedings in which the decision was given;
- (b) the names of the parties;
- (c) the date of the decision;
- (d) the grounds of appeal in full;
- (e) the appellant's address for service.

(3) At the time of giving written notice of appeal the appellant shall pay all such fees, including fees for service on the respondent, as are payable in accordance with these Rules.

(4) The registrar shall cause a copy of the written notice of appeal to be served on the respondent.

3. (1) The appellant shall, within 6 (six) weeks of the decision appealed, apply to the registrar of the court below for as many typewritten copies of the proceedings required for the consideration of his appeal as there are respondents thereto, together with two copies for the appeal court, and, except where the fees for preparing such copies are remitted, a deposit of a sum decided upon by the registrar as likely to cover such fees shall be made at the time of ordering the copies and thereafter the copies shall be prepared by the registrar.

Appellant to supply copies of record to respondents and Appeal Court

(2) The registrar of the court below shall within a week of

(3) When notifying a respondent of the day fixed for the hearing of the appeal, the registrar of the appeal court shall send him a copy of the proceedings.

Enlargement of time

4. (1) On the application of the appellant, the appeal court may enlarge any of the times prescribed in this order on such terms, if any, as may be just.

(2) The application shall be made by motion on notice to the respondent and supported by an affidavit setting out the facts relied upon to justify the delay, unless the appeal court sees fit to dispense with such affidavit.

(3) Where the time available to the appellant for the taking of a step has expired before the step has been taken or completed, the appeal court may on its own motion or on motion by the respondent on notice to the appellant strike out the appeal.

Time and place of hearing

5. The appeal shall come on for hearing at such time and at such place as the registrar of the appeal court shall notify to the parties.

Fees

6. The fees prescribed in these Rules shall be payable in relation to appeals but -

(a) no fees shall be payable by a Government officer acting in his own official capacity;

(b) the District Court Judge or appeal court may waive or remit such fees on the ground of poverty where it appears that the grounds of appeal are substantial.

7. (1) On application being made for stay of execution under the relevant provisions of the District Courts Act, the court below or the appeal court may impose one or more of the following conditions – *Stay of execution*
- (a) that the appellant shall deposit a sum fixed by the court not exceeding the amount of the money or the value of the property affected by the decision or judgment appealed from or give security to the court's satisfaction for the said sum;
 - (b) that the appellant shall deposit a sum equal to the amount of the costs allowed against him or give security to the court's satisfaction for the said sum;
 - (c) that the appellant shall, where the decision or judgment appealed from relates to properties, give security to the court's satisfaction for the performance of the decision or judgment in the event of the appeal being dismissed;
 - (d) that the appellant's property shall be seized or attached pending the making of a deposit or the giving of security as aforesaid, including a deposit or security for the expenses incidental to the seizure and attachment;
 - (e) that, where the judgment appealed relates to continuing obligations, the appellant shall pay the sum into the court each time the obligation crystallizes till the appeal is determined; or
 - (f) that the appellant's property shall be seized, attached and sold and the net proceeds deposited in court pending the determination of the appeal.
- (2) An order made on an application shall limit the time

(not being more than 30 (thirty) days) for the performance of the conditions imposed and direct that in default of such performance within the time so limited execution may issue or proceed.

(3) An application for stay of execution under the relevant provisions of the District Courts Act may be made at any time after lodgement of the notice of appeal and shall in the first instance be made to the court below, provided that where execution has been ordered by the High Court, the application shall not be made to the court below but to the High Court.

(4) The application may be *ex parte* but the court may direct notice thereof to be given to the other party to the appeal and where an order is made *ex parte* the registrar of the court shall notify the other party of the order made.

(5) Where the applicant proposes to give security instead of making a deposit, the application shall state the nature of the security and the name of the surety proposed, if any.

(6) A party dissatisfied with an order made by the court below may apply to the appeal court by motion (original or interlocutory as the case may require) with notice to the other party for a review of the order, and the appeal court may thereupon make such order as it may consider fit and just.

Where
appellant fails
to appear

8. (1) If on the day of the hearing or at an adjournment of the appeal the appellant does not appear, the appeal shall be struck out and the decision shall be affirmed unless the appeal court thinks fit for sufficient cause to order otherwise.

(2) If in any such case the respondent appears, the judgment shall be with costs of the appeal against the appellant unless the appeal court expressly orders

otherwise; but if the respondent does not appear, the costs of the appeal shall be in the discretion of the court.

9. If on the day of hearing and at every adjournment of the appeal the appellant appears, the appeal court shall, whether the respondent appears or not, proceed to the hearing or further hearing and the determination of the appeal and shall give judgment according to the merits of the appeal without regarding any imperfection or defect of form, provided that if it appears or is proved to the court that the appellant has not complied with the requirements precedent to the hearing of an appeal hereinafter contained, the court shall dismiss the appeal and affirm the decision with or without costs of appeal against the appellant.

Where appellant appears

10. On the hearing, it shall not be competent for the appellant to go into any other reasons for appeal than those set out in his notice of grounds of appeal; but where in the opinion of the appeal court other grounds of appeal than those set out in the memorandum of grounds of appeal should have been given, or the statement of grounds of appeal is defective, the court in its discretion may allow such amendment of the memorandum of grounds of appeal upon such conditions as to service upon the respondent and as to costs as it may think fit and just.

Appeal limited to grounds given in notice

11. (1) An appellant may serve written notice upon the registrar of the court below that he wishes to abandon his appeal and thereupon the provisions of Rule 9 of this Order shall apply as if the appeal court had affirmed the decision of the District Court Judge.

Abandonment of appeal before entered at appeal court

(2) The registrar of the court below shall give notice to the registrar of the appeal court and to the respondent of the abandonment of the appeal.

Order of
appeal court
to be certified
to District
Court

12. (1) When a case is decided on appeal, the appeal court shall certify its judgment or order to the court by which the decision appealed against was pronounced.

(2) The court to which the appeal court certifies its judgment or order shall thereupon make such orders as are conformable to the judgment or order of the appeal court and, if necessary, the record shall be amended in accordance therewith.

Enforcement of
Orders District
Court Judge's
Court at appeal
court

13. An order made by the appeal court may be enforced by the appeal court or by the court below as may be most expedient.

Security
for costs
of appeal

14. (1) The appeal court may in special circumstances upon application on notice by motion (original or interlocutory, as the case may require) supported by affidavit, order the appellant to deposit such sum or give such security as may seem fit for the respondent's costs of appeal including the costs incidental to the application.

(2) The order shall limit the time (not exceeding 30 (thirty) days) within which the deposit or security shall be made or given and may direct that in default of its being made or given within the time to limited, the appeal shall without further order stand dismissed.

(3) Where an appeal so stands dismissed -

(a) the respondent shall be entitled to all reasonable costs occasioned by the appeal and the amount of such costs may be stated in the order in anticipation or may be assessed at any time by the appeal court on its own motion or on application made *ex parte* or on notice, as the court may seem fit;

(b) the appellant shall take no further step or proceeding

therein save by leave of the appeal court for reinstatement of the appeal, which may be granted on such terms, if any, as may seem fit upon application by motion on notice given within a month of such dismissal, but not otherwise.

ORDER XXVIII. - CASE STATED

1. (1) Where a case is stated under the provisions of the District Courts Act, the statement shall be headed with the reference number and the names of the parties to the proceedings before the District Court Judge, and be divided into paragraphs setting out the circumstances in which the question of law reserved by him arises; and the question of law shall be separately stated in the final paragraph of the case stated.

Form of case stated

(2) The statement of the case shall give the addresses of the parties concerned.

2. (1) The statement of the case shall be sent to the Chief Registrar of the High Court in the judicial division within which the District Court is situated and the Registrar of the High Court shall, if so directed, send notices to the parties of the date on which the Judge will hear argument on the case.

Statement of case to be sent to Chief Registrar of the High Court

(2) The such notices may be sent by registered post and shall be accompanied by a copy of the case stated.

ORDER XXIX. - RECORDING OF PROCEEDINGS AND USE OF FORMS

1. (1) The registrar shall enter into a book to be kept for this purpose in his office and called the Cause Book particulars of all proceedings heard and determined by the District Court Judge.

Cause Book

(2) The particulars shall include the number of the plaint, the date of filing the plaint, the name of the claimant, the name of the defendant, the substance of the plaint, the date of the judgment, a minute of the judgment, the name of the District Court Judge adjudicating and the costs.

Notes of evidence and minutes of proceedings

2. At the hearing or continuation of proceedings, the District court Judge shall take notes in writing or electronically where practicable –
 - (a) of questions of law or equity raised at the hearing; and
 - (b) of legal submissions made, together with any authorities quoted in support of the same; and
 - (c) of the purport of all oral evidence given before the court; and
 - (d) the decision or judgment rendered in the cause or matter,

and the notes shall be signed by the District Court Judge at the conclusion of each day's proceedings.

Custody of records

3. All books and records kept for the purpose of the Act or of these Rules shall remain in the custody of the court, but may be removed by leave of the court.

Use of Forms

4. Subject to the express provisions, if any, of these Rules, the forms contained in these Rules, may, in accordance with any instructions contained in the said forms, and with such variation as the circumstances of the particular case may require, be used in the cases to which they apply, and, when so used, shall be good and sufficient in law.

ORDER XXX. - FEES OF COURT AND ALLOWANCES TO WITNESSES

1. (1) Subject to and without prejudice to the provisions of the District Courts Act and of these Rules, the fees prescribed in the Schedule to these Rules shall be taken in respect of the proceedings to which they relate, and such fees may be recovered as costs of cause if the court so orders. *Fees of court*

(2) When an Area Court or Customary Court's case comes to a District Court on transfer the same fees shall be charged for services or proceedings in the latter court as are payable under these or any other Rules in a case begun therein; and without prejudice to the fees aforesaid there shall also be charged the following-
 - (a) where the transfer is ordered on a party's application, an initial fee (to be paid by him) equivalent to the fee which would have been charged for the summons if the case had been begun in the District Court; *Fees of court*
 - (b) in appeals, the special fees set out in the Schedule to these Rules.
2. Notwithstanding anything contained in the Act or these Rules, a District Court Judge may, in a proceeding in which good cause appears to him for so doing, either remit a fee payable therein or suspend payment of a fee until the conclusion of the proceeding, in which case, he may then direct the fees to be paid as costs by a party to the proceeding against whom he has power to order costs. *District Court Judge may suspend payment of fees*
3. Persons required to attend court or be examined as witnesses may, where the court so orders, be allowed expenses and compensation for loss of time at the rates that may be determined by the District Court Judge. *Allowances to witnesses*

ORDER XXXI. - CUSTODY OF MONEY IN COURT

- Account to be maintained by Chief Registrar*

1. The Chief Registrar shall maintain an interest yielding account for the purpose of monies received in accordance to the provisions of these Rules.
- Remittance of money to beneficiaries*

2. All applications for remittance of monies to the beneficiary in accordance with the order of a court shall be paid by the Chief Registrar within 7 (seven) days of the receipt of such application.
- Registrar to take charge of fees and other payments*

3. All fees payable in respect of civil proceedings under the Act, and all penalties, forfeitures and fines imposed under the Act, if not by the Act directed to be otherwise applied, shall be paid to the registrar, a condition sufficiently satisfied if paid into a bank account designated for that purpose and proof of payment submitted to the registrar, and accounted for by him to the Chief Registrar.
- Registrar to account to the Chief Registrar*

4. The registrar of every court shall, from time to time as often as he shall be required so to do by the Chief Registrar, account in full to the said Chief Registrar for all moneys which have been received by him under these Rules and shall produce for examination all books and papers which the Chief Registrar shall consider necessary for the elucidation of such accounts and the proper checking thereof.
- Audit of registrar's account*

5. All accounts kept by a registrar shall be audited at such time and in such manner as the Chief Registrar may direct.
- Registrar to enter all moneys in Cash Books*

6. (1) All moneys coming into the hands of the registrar of every court in the course of the business of the court shall be entered into a book to be kept for that purpose, to be called the Cash Book, which shall record the number of the plaint in respect of which each sum is paid, together with the folio of such plaint in the Cause Book.

(2) Every entry therein shall show whether the payment is made by the claimant or defendant, and whether for fees on process into court or costs, as the case may be and a receipt issued to the payer and notice of the payment given to the other party(ies) where necessary.

All moneys coming into the hands of the registrar of every court in the course of the business of the court shall be retained, deposited and paid out in accordance with the instructions of the Chief Registrar.

Registrar to comply with financial instructions

ORDER XXXII. - MISCELLANEOUS PROVISIONS

1. (1) A duplicate or true copy of every document used in connection with any cause or matter shall be filed in the appropriate file of proceedings and a note showing on whose behalf it is filed shall be endorsed thereon by the person seeking to have the same filed, or where the said person is illiterate, by the registrar; but no document shall be filed unless it bears the reference number of the proceedings and the names of the parties.

Duplicates of documents to be filed

(2) The registrar shall note on the document filed the date of filing.

2. (1) If a claimant desires to discontinue wholly or in part any proceedings against all or any of the parties, he shall notify the court orally or on notice to every party against whom he desires to discontinue.

Discontinuance by claimant

(2) Where a notice of discontinuance has been given, the Court shall on the return day assess the costs incurred by the defendant before the receipt of the notice, or, if the proceedings are not wholly discontinued, the costs incurred before the receipt of the notice in relation to the part discontinued.



(3) If such costs are not paid within 5 (five) days, the defendant shall be entitled to apply for an execution warrant in respect of the unpaid costs, provided that -

(a) if the proceedings are not wholly discontinued against the defendant, execution shall not issue before the proceedings are disposed of, except by leave of the Court; and

(b) discontinuance under this Order shall not be a defence to any subsequent proceedings, but if subsequent proceedings are brought for substantially the same cause of action before the payment of the costs mentioned, the court may stay the proceedings until the costs have been paid.

Swearing of interpreters

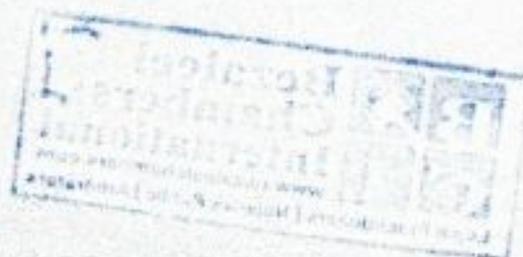
3. Persons appointed as interpreters to the court shall be sworn on first appointment and need not be sworn at each trial thereafter.

Interest on Judgment

4. Wherever the District Court has given judgment in favour of a party requiring another party to pay a sum of money, it may further order that an interest not less than 10% per annum shall be payable on the judgment sum, or so much of it that shall be outstanding, until the full judgment sum is liquidated.

Where no Rules exist

5. Where a matter arises in respect of which inadequate or no provisions have been made in these Rules, the court shall adopt the provisions of the High Court Civil Procedure Rules or in the absence of any applicable procedure under the High Court Civil Procedure Rules, the court shall adopt such procedure as it deems fit to do substantial justice between the parties concerned.



6. (1) Where in beginning or in purporting to begin any proceedings there has by reason of anything done or left undone, been a failure to comply with the requirements of these Rules, the failure shall nullify the proceedings.

Effect of non-compliance with these Rules

(2) Where at any stage in the course of or in connection with any proceedings there has by reason of anything done or left undone been a failure to comply with the requirements as to time, place, manner or form, the failure shall be treated as an irregularity and may not nullify such step taken in the proceedings. The District Court Judge may give any direction as he deems fit to regularise such steps.

7. (1) Where a legal practitioner signs on behalf of a claimant the particulars required for the entry of a claim or signs on behalf of the defendant a memorandum of acceptance of service of a summons, or a defence, counterclaim or admission, the legal practitioner shall be considered the legal practitioner for the claimant or the defendant as the case may be until the action is finally concluded or notice of change of legal practitioner is given in accordance with this Rule.

Legal representation

(2) Where a party for whom a legal practitioner has acted desires to change his legal practitioner, he or the new legal practitioner shall give not less than forty-eight hours' notice to the Court and to every other party of the appointment of the new legal practitioner with the new legal practitioner's address for service.

(3) Where a party for whom a legal practitioner has acted desires to act in person, he shall give notice to the court stating his intention to act in person and giving an address for service.

(4) Where a legal practitioner who is acting for a party

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desires to withdraw before the action is concluded, he shall write to the District Court Judge in chambers for permission to withdraw and shall give reasons for his application and the court may, if it deems proper, grant such permission.

(5) Any Rule which requires as many copies of documents as there are claimants or defendants to be filed, served, delivered, sent or given, shall be sufficiently complied with, as regards two or more claimants or defendants represented by the same legal practitioner, if one copy of the document is filed, served, delivered, sent or given in respect of the claimants or defendants so represented.

Inspection

8. (1) The District Court Judge may inspect any movable or immovable property or thing or place concerning which any question for determination may arise in any proceedings.

(2) The cost of any inspection under this Rule shall be borne in the first instance by the party on whose application the inspection is made or ordered, or if made or ordered without an application, by the claimant, or apportioned between the parties, and shall be costs in the proceedings unless the District Court Judge otherwise orders.

(3) When making the order that the court shall undertake an inspection, it shall also determine whether proceedings will be conducted during the visit as if the court were in session or it will merely conduct a view and continue proceedings in the usual court place and in the former case sufficient notice shall be served on all those required to testify during the visit.

FIRST SCHEDULE

Division into Districts

Serial Number	Name of District	Territory Covered
1	Wuse Zone 2	Wuse Zones 1, 2, 3, 4, 5 and 7, Kabusa, Pyakasa, Aleyita, Galadimawa, Durumi, Dutse Baba, Wuru, Burun, Sharite, Ketti
2	Garki	Garki 1 and 2, Apo
3	Wuse Zone 6	Wuse Zone 6, Wuse II, Maitama, Asokoro, Central Business District, Guzape, Kurunduma Village, Kabin Madaki Village
4	Life-Camp	Life-Camp, Gwarinpa, Kado, Jahi, Utako, Mabushi, Wuye, Jabi
5	Lugbe	Lugbe, Piwoyi, Zhidu, Tungan Wakili Village, Toge Village, Sauka Village, Gbessa, Gosa, Iddo Sarki, Iddo Mazhi, Trademore, Nuwalege, Airport
6	Jiwa	Jiwa, Bassan Jiwa, Gwagwa, Idu, Karmo, Karmo Sabo, Karmo Ungwar Koro, Karmo Tsoho, Tunga Madaki, Tasha Village, Karsana, Kagini, Saburi, Zauda, Bagusa Village, Ungwa Maiyaki
7	Karu	Karu Site, Nyanya, Jikwoyi, Jikoyi Tokka Village, Ungwa Gade, Ungwa Pashe, Ungwa Hausawa, Ungwa Bawa, Bawanyanya Village, Gbagarape
8	Karshi	Karshi, Orozo, Ungwa Sarki, Gidan Mangoro, Kpegyi, Chori Bisa, Azhata, Kurudu, Guguggu, Lekka, Kusaki, Kafanty
9	Kuje	The whole area covered by the Kuje Area Council
10	Bwari	Bwari, Kogo, Baran Goni, Zuma Village, Gaba, Zango, Kuduru, Igu, Panunuke, Share Koro, Galuwyi, Sunpe, Durumi Village, Piko, Jigo, Karako, Kaudashi, Padan Gwari, Tunga Bimiji
11	Mpape	Mpape, Katampe, Shishipe Village
12	Kubwa	Kubwa, Byazhin, Zhiko Village, Bazango, Kukwaba, Maitama, Daidai, Dakwa, Ija Bisa Village, Kuchibuyi Village, Paspas Village, Chikakore Village, Kugaboku Village
13	Dutse-Alhaji	Dutse-Alhaji, Dawaki, Ushafa, Lower Usman Dam, Peyi
14	Gwagwalada	The whole area covered by the Gwagwalada Area Council apart from Zuba, Tunga Maje, Ungwa Kasa, Chezeko, Anagada, Yelwan Zuba
15	Zuba	Zuba, Tunga Maje, Ungwa Kasa, Chezeko, Anagada, Yelwan Zuba
16	Abaji	The whole area covered by the Abaji Area Council
17	Kwali	The whole area covered by the Kwali Area Council

SECOND SCHEDULE

FORMS

CIVIL FORM 1

CENTRAL CAUSE BOOK OF DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY

Record book of Causes in the District from the ... day of 20... to the ... day of 20...

Serial number	Cause registration number	Name and address of claimant	Name and address of defendant	Nature and substance of Cause	Date of filing	Court to which matter Assigned	Date File transmitted to Assigned Court	Other notes

CIVIL FORM 2

CAUSE BOOK OF DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY

Record book of Causes Coram in the District from the.... day of20.... to the
 Day of..... 20.

Serial number	Cause registration number	Name and address of claimant	Name and address of defendant	Nature and substance of Cause	Date of filing in Central Registry	Date delivery taken of File	Date of Disposal of Cause	Nature of Disposal of cause	Other Notes

CIVIL FORM 4

(Plaint for claims intended for the issue of default summons)

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN IN THE DISTRICT

BETWEEN:

(Cause registration number)

XYZ CLAIMANT
(State claimant's address here)

AND

XYZ DEFENDANT
(State defendant's address here)

At the suit of the claimant, this plaint is taking out with the following monetary claim(s):

1.*(sum claimed in words and figures)*

2.*(costs claimed, if any)*

3.*(interest claimed, if any)*

The addresses for service, phone numbers and email addresses of the parties are:

Claimant.....

Defendant

This plaint was taken out by XYZ (the claimant/his counsel as the case may be)

Dated this.....day of20.....

..... *(Signed)*

..... *(name)*

CIVIL FORM 5

(Plaint for claims concerning recovery of possession of premises or for claims for rent arrears or any other claim with reference to the possession of an immovable property)

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN IN THE DISTRICT

BETWEEN: (Cause registration number)

XYZ CLAIMANT
(State claimant's address here)

AND

XYZ DEFENDANT
(State defendant's address here)

At the suit of the claimant, this plaint is taken out with respect to..... *(give description and address or location of property)* with annual rental value of..... *(state annual value of property at the time relevant to fact in issue).*

The relief(s) sought by the claimant is/are:

- 1
- 2
- 3

The addresses for service, phone numbers and email addresses of the parties are:

Claimant.....

Defendant.....

This plaint was taken out by XYZ (the claimant/his counsel as the case may be)

Dated this.....day of20.....

..... (Signed)

.....(name)

CIVIL FORM 8
(*Ordinary Civil Summons*)

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN IN THE DISTRICT
BETWEEN: (Cause registration number)
XYZ CLAIMANT
AND
XYZ DEFENDANT

Summons for service on Mr/Mrs of
.....(*name and address of defendant*).

At the suit of the claimant, you are hereby summoned to appear before the District Court (*sufficiently describe the very court e.g. by number*) holding at (*state location of court*) at 9 o'clock on the day of 2021 to answer to the claims endorsed on the plaint accompanying this summons.

Dated this day of 20.....
..... (*name, signature and stamp*)
..... (*Registrar*)

Note:

1. Accompanying this summons are a copy of the plaint, a praecipe of evidence and a form for registering memorandum of appearance.
2. You are to complete and submit to the registrar the Memorandum of appearance form in Form 10 upon paying the requisite fees.
3. If you intend to contest the claimant's claim as endorsed on the plaint, you are to file a reply praecipe of evidence along with the memorandum of appearance. Subject to the court granting a waiver, you will be heard in defence only if you have a reply praecipe of evidence filed.

CIVIL FORM 9
(Default summons)

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN IN THE DISTRICT
BETWEEN: (Cause registration number)

XYZ CLAIMANT
AND

XYZ DEFENDANT

Summons for service on Mr/Mrs of
..... *(name and address of defendant)*.

At the suit of the claimant, you are hereby summoned to appear before the
District Court *(sufficiently describe the very court e.g. by
number)* holding at *(state location of court)* at 9 o'clock on the
..... day of 2021 to answer to the claims
for the sum of N..... *(state sum in words and figures)* and
further endorsed on the plaint accompanying this summons, affirming that
you have no defence to the claim.

Dated this.....day of20.....

..... *(name, signature and stamp)*

..... *(Registrar)*

Further Note:

1. Accompanying this summons is a copy of the plaint, the verifying affidavit and a form for registering memorandum of appearance.
2. You are to complete and submit to the registrar the Memorandum of appearance form in Form 10 upon paying the requisite fees.
3. If you intend to contest the claimant's claim as endorsed on the plaint, you are to file a notice of intention to defend in Form 14 within 16 (sixteen) days of the service of this summons along with an affidavit disclosing a legal defence or defence on the merit.

CIVIL FORM 10

(Memorandum of Appearance)

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN IN THE DISTRICT

BETWEEN: (Cause registration number)

XYZ CLAIMANT
AND

XYZ DEFENDANT

MEMORANDUM OF APPEARANCE

(Order III Rules I and II, Order IV Rule III and VII)

To the registrar,

Mr/Mrs.....of *(name and address of defendant)* summoned to appear before the District Court *(sufficiently describe the very court e.g. by number)* holding at *(state location of court)* hereby confirm receipt of the summons and of his appearance in the said court.

The address for service, phone numbers and email address of the defendant are.....

This appearance was entered by XYZ (the claimant/his counsel as the case may be).

Dated this.....day of20.....

..... *(signature)*

..... *(name)*

CIVIL FORM 10A

(Memorandum of Appearance endorsed with a waiver of praecipe of evidence)

**IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY
HOLDEN IN THE DISTRICT**

BETWEEN: (Cause registration number)

XYZ CLAIMANT

AND

XYZ DEFENDANT

MEMORANDUM OF APPEARANCE

(Order III Rules I and II(3), Order IV Rule III and VII)

To the registrar,

Mr/Mrs.....of (*name and address of defendant*) summoned to appear before the District Court (*sufficiently describe the very court e.g. by number*) holding at (*state location of court*) hereby confirm receipt of the summons and of his appearance in the said court.

The address for service, phone numbers and email address of the defendant are.....

This appearance was entered by XYZ (the claimant/his counsel as the case may be).

The claimant seeks a waiver the praecipe of evidence due to.....
..... (*state grounds for seeking waiver*).

Dated thisday of20.....

..... (*signature*)

..... (*name*)

CIVIL FORM 11
(Certificate of Service)

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN IN THE DISTRICT
BETWEEN: (Cause registration number)

XYZ CLAIMANT
AND

XYZ DEFENDANT

CERTIFICATE OF SERVICE

(Order IV Rules III (6), Order VI Rule I)

I, Mr/Mrs..... (state name and designation)
of (sufficiently describe the very court e.g. by number)
on theday of2021, served
on..... (name of person served) of
..... (address of person served) a copy of
.....(describe process served).

That he/she was served at (state the time
of service) at (describe place
of service) by (describe mode of service).

Dated this.....day of20.....

..... (signature)

..... (name)

CIVIL FORM 12

(Affidavit of Service)

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN IN THE DISTRICT

BETWEEN: (Cause registration number)

XYZ CLAIMANT

AND

XYZ DEFENDANT

AFFIDAVIT OF SERVICE

(Order IV Rules III (6), Order VI Rule I)

I, Mr/Mrs..... *(state name and designation)* of

..... *(sufficiently describe the very court e.g. by number)*

make oath and states as follows:

1.

2.

3. *(paragraphs must state the date, time and place of service, the person served and mode of service and any other relevant information).*

(Conclude affidavit in the usual form).

CIVIL FORM 13

(Certificate of Attempted Service)

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN IN THE DISTRICT

BETWEEN: (Cause registration number)

XYZ CLAIMANT

AND

XYZ DEFENDANT

CERTIFICATE OF ATTEMPTED SERVICE
(Order IV Rule IV)

I, Mr/Mrs (state name and designation) of (sufficiently describe the very court e.g. by number) on theday of 2021, (if attempt were various, state the various dates and times) I attempted served on (name of person served) of (address of person served) a copy of (describe process served) without success because (state cause).

Dated thisday of20.....

..... (signature)

..... (name)

CIVIL FORM 14

(Notice of intention to defend default summons)

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN IN THE DISTRICT

BETWEEN: (Cause registration number)

XYZ CLAIMANT

AND

XYZ DEFENDANT

NOTICE OF INTENTION TO DEFEND
(Order V Rules II, III, and IV)

To the registrar,

Mr/Mrs.....of (*name and address of defendant*) summoned to answer the summons of the claimant, hereby give notice of intention to defend the claim as verified by the accompanying affidavit.

This notice was given by XYZ (the claimant/his counsel as the case may be).

Dated this.....day of20.....

..... (*signature*)

..... (*name*)

CIVIL FORM 15

(*Notice of hearing*)

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY
HOLDEN IN THE DISTRICT

BETWEEN: (Cause registration number)

XYZ CLAIMANT

AND

XYZ DEFENDANT

NOTICE OF HEARING

(Order VI Rule III)

To Mr/Mrs.....of (*name and address of defendant*)

TAKE NOTICE that the hearing of this action (or matter or motion or Judgment summons etc.) has been adjourned until the day of..... 2021 at the hour of, the business of the day being for (*state whether for hearing claimant or defendant's case or for cross-examination of a particular witness etc.*).

DATED this..... day of, 20.....

..... (*signature, name and stamp*)

..... (*Registrar*)



CIVIL FORM 16

(Undertaking by Next friend)

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN IN THE DISTRICT

I, the undersigned..... ofbeing the next friend (or committee) of, who is an infant (or a person of unsound mind) and who is desirous of commencing an action in this court againstofhereby undertake to be responsible for the costs of the said proceedings in the manner following, namely, if the said fail to pay to the said when and in such manner as the court shall order all such costs of the proceedings as the court shall direct him to pay to the said I will forthwith pay the same to the registrar of the court.

DATED this..... day of, 20

..... (signature)

..... (name)

CIVIL FORM 17

(Notice of appointment of Guardian)

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY

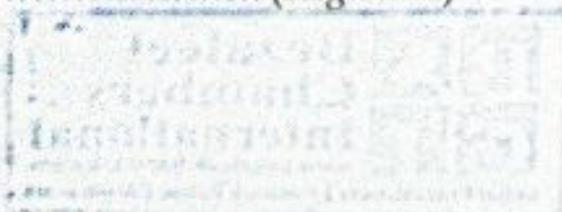
HOLDEN IN THE DISTRICT

TAKE NOTICE that.....of has been appointed to act as guardian ad litem of the defendant, an infant (or a person of unsound mind not so found by inquisition).

DATED this..... day of, 20

..... (signature, name and stamp)

..... (Registrar)



CIVIL FORM 18
(Summons to Witnesses)

IN THE DISTRICT COURT OF THE FEDERAL CAPITAL TERRITORY

HOLDEN IN THE DISTRICT

BETWEEN: (Cause registration number)

XYZ CLAIMANT

AND

XYZ DEFENDANT

SUMMONS TO WITNESSES

(Order XXI rule 2)

To Mr./Mrs. of

YOU ARE summoned to attend at.....on the
..... day of,20.....at the hour of
..... in the noon, and so from day to day, until the above action
is tried, to give evidence in the above action or matter.

IN DEFAULT of your attendance, you will be liable to forfeit
N.....(state amount) if there was paid or tendered
to you at the time of the service of this summons your reasonable expenses of
traveling to and from the court, together with a sum as compensation for loss
of time according to the prescribed scale.

DATED this..... day of, 20

..... (signature, name and stamp)

..... (Registrar)

**THIRD SCHEDULE
FEES**

1. For the recovery of specified sums
 - (a) Not exceeding N5,000:00 N500.00
 - (b) Between N5,001 to N50,000:00. N1,000.00
 - (c) Between N50,001 to N500,000:00..... N1,500.00
 - (d) Between N500,001 to N1,000,000:00 ... N2,000.00
 - (e) Between N1,000,001 to N7,000,000:00 ... N2,500.00

Being the sum claimed as at the time of filing any application to the District Courts

2. For the possession of property and the payment of arrears of rent and mesne profit between landlord and tenant
.....fees payable to correlate with the rental value vis-à-vis 1 above
3. For the appointment of a guardian N200.00
4. For an injunction N200.00
5. For any other relief claimed N200.00

Note -

- (a) Item 1 - The sum claimed as debt or damages shall be specified.
- (b) Item 2 - The annual rent or value to be specified shall be that which is payable under the lease granted to the tenant sued or the lease last granted to any person before the bringing of the action, whichever be the greater. If it is something other than money, whether wholly or in part, its nature and annual value shall be specified. If the annual rent or value was the understated, the Court may order the balance of the fee chargeable to be paid; and if it was understated knowingly or negligently, the court may also order a sum equal to such balance to be paid as penalty. In either case, the court may direct that the proceedings shall not continue until the balance and penalty (if any) are paid

1. Application for warrant N500:00
2. On filing any application to the District Court Judge in Chambers
N500:00
3. Filing security bond N500:00

4	Filing any other paper	N500:00
5.	(a) CTC of Ruling	N500:00
	(b) Cost per page	N100:00
6.	(a) CTC of Judgment	N750:00
	(b) Cost per page	N100:00
7.	For obtaining CTC of Court records or proceedings per page	N500:00
8.	(1) Warrant of possession	N1,500:00
	(a) Not exceeding N1 million.....	N1,125:00
	(b) Between N1 million and N2 million ...	N1,500:00
	(c) Between N3 million and N5 million	N2,000:00
	(d) Between N5 million and N7 million	N2,500:00
	(2) Execution	N500:00
	(3) Filing	N500:00
	(4) Service and Mileage	N500:00
9.	Registration of Arbitration Award	N500:00
10.	For certifying a copy as a Certified True Copy	N500:00
11.	For swearing to an affidavit or making a declaration	N500:00
12.	For every subpoena	N500:00
13.	Witness Statement on Oath	N500:00
14.	Exhibit (per exhibit)	N500:00
15.	For every day of default in complying with orders of court or with times fixed by rules of court	N500.00
16.	For searching the archives	N1,000:00
17.	(a) For service of any process or document including hearing notice per party within the District	N500.00
	(b) Additional payment per kilometer	N500.00
18.	For any other application or other document not referred to	N500.00

19	Issuing a Money Lenders Licence	N5,000.00
20	For payment into court (except when ordered by the court or proceeds of execution):	
	(a) Not exceeding N50,000.00 or any part of it ...	N500.00
	(b) Exceeding N50,000.00 or any part of it	N500.00

Note -

Where a Bailiff or Special Bailiff serves more than one document or writ on the same route, one mileage rate only is to be charged, and apportioned upon the documents or writs.

Where the Bailiff or Special Bailiff executed any duty in person by direction of the Court he is entitled, instead of mileage fees, to his actual expenses and such travelling allowance as the Court may allow.

In addition to the above fees, the party on whose behalf such services are to be performed shall be liable to pay such expenses on transport as the Court may think reasonable.

For the performing of any other duty not expressly provided, the Bailiff or Special Bailiff may receive such fee as the Court may allow.

**FEDERAL CAPITAL TERRITORY PUBLIC NOTICE
DISTRICT COURTS ACT (CAP. 495)
LAWS OF THE FEDERATION OF NIGERIA, (ABUJA) 1990
FEDERAL CAPITAL TERRITORY ACT (CAP. 503) LAWS OF THE
FEDERATION OF NIGERIA, 2006 (ABUJA)
THE DISTRICT COURTS (INCREASE IN JURISDICTION OF
DISTRICT COURT JUDGES) ORDER, 2021**

WHEREAS pursuant to the provisions of section 17 of the District Courts Act (Cap. 495) Laws of the Federation of Nigeria (Abuja) 1990 and section 18 paragraph (b) of the Federal Capital Territory Act (CAP. 503) Laws of the Federation of Nigeria, 2006 (ABUJA), the draft of this Order was duly recommended by the Ag. Chief Judge of the Federal Capital Territory, **Hon. Justice HUSSEINI BABA YUSUF**;

NOW THEREFORE, in accepting the Ag. Chief Judge's recommendation herein before referred and in exercise of the powers conferred upon the Minister of the Federal Capital Territory by section 17 of the District Courts Act, and section 18 paragraph (b) of the Federal Capital Territory Act, the following **ORDER** is hereby made by the Minister of the Federal Capital Territory:

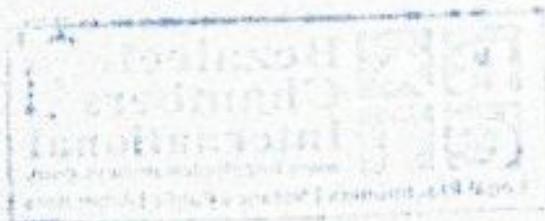
- (1) This **ORDER** may be cited as the District Courts (Increase in Jurisdiction of District Court Judges) Order, 2021 and shall be deemed to have come into effect on the day of, 2021.
- (2) Subject to the provisions of the District Courts Act (Cap. 495) 1990 and of any written law, a Chief District Court Judge I and II, a Senior District Court Judge I and II, and a District Court Judge I and II shall have and exercise jurisdiction in civil causes and matters:
 - (a) in all personal suits, whether arising from contract, or from tort, or from both, where the debt or damage claimed, whether as balance claimed or otherwise, is not more than **N7,000,000.00 (Seven Million naira)** in the case of a Chief District Court Judge I, **N6,000,000.00 (Six Million naira)** in the case of a Chief District Court Judge II, **N5,000,000.00 (Five Million naira)** in the case of a

Senior District Court Judge I, **N4,000,000.00 (Four Million naira)** in the case of a Senior District Court Judge II, **N3,000,000.00 (Three Million naira)** in the case of a District Court Judge I and **N2,000,000.00 (Two Million naira)** in the case of a District Court Judge II;

- (b) in all suits between landlord and tenant for possession of any land or house claimed under agreement or refused to be delivered up, where the annual value or rent does not exceed more than **N7,000,000.00 (Seven Million naira)** in the case of a Chief District Court Judge I, **N6,000,000.00 (Six Million naira)** in the case of a Chief District Court Judge II, **N5,000,000.00 (Five Million naira)** in the case of a Senior District Court Judge I, **N4,000,000.00 (Four Million naira)** in the case of a Senior District Court Judge II, **N3,000,000.00 (Three Million naira)** in the case of a District Court Judge I and **N2,000,000.00 (Two Million naira)** in the case of a District Court Judge II;
- (c) in all actions for the recovery of a penalty, rate, expenses, contribution or other like demand which is recoverable by virtue of a written law for the time being in force, if –
- (i) it is not expressly provided by that or any other written law that the demand shall be recoverable only in some other court; and
- (ii) the amount claimed in the action does not exceed more than **N7,000,000.00 (Seven Million naira)** in the case of a Chief District Court Judge I, **N6,000,000.00 (Six Million naira)** in the case of a Chief District Court Judge II, **N5,000,000.00 (Five Million naira)** in the case of a Senior District Court Judge I, **N4,000,000.00 (Four Million naira)** in the case of a Senior District Court Judge II, **N3,000,000.00 (Three Million naira)** in the case of a District Court Judge I and **N2,000,000.00 (Two Million naira)** in the case of a District Court Judge II;

Provided that for the purposes of this paragraph the expression "Penalty" shall not include a fine to which any person is liable on

- conviction for a criminal offence;
- (d) in all civil proceedings in respect of which jurisdiction has been conferred on a District Court by the Land Use Act where the amount claimed or the capital value of the land, the subject matter of the proceedings, as the case may be does not exceed **N7,000,000.00 (Seven Million naira)** in the case of a Chief District Court Judge I, **N6,000,000.00 (Six Million naira)** in the case of a Chief District Court Judge II, **N5,000,000.00 (Five Million naira)** in the case of a Senior District Court Judge I, **N4,000,000.00 (Four Million naira)** in the case of a Senior District Court Judge II, **N3,000,000.00 (Three Million naira)** in the case of a District Court Judge I and **N2,000,000.00 (Two Million naira)** in the case of a District Court Judge II; and
- (e) in all civil proceedings in respect of which jurisdiction has been conferred on a District Court by any other written law or which by virtue of any other written law may be instituted in a District Court where the amount claimed or the value of the subject matter of the proceedings, as the case may be, does not exceed **N7,000,000.00 (Seven Million naira)** in the case of a Chief District Court Judge I, **N6,000,000.00 (Six Million naira)** in the case of a Chief District Court Judge II, **N5,000,000.00 (Five Million naira)** in the case of a Senior District Court Judge I, **N4,000,000.00 (Four Million naira)** in the case of a Senior District Court Judge II, **N3,000,000.00 (Three Million naira)** in the case of a District Court Judge I and **N2,000,000.00 (Two Million naira)** in the case of a District Court Judge II;
- (f) to appoint guardians *ad litem* and to make such orders and to issue and give directions relating thereto;
- (g) to grant in any suit instituted in the courts, injunctions or orders to stay waste or alienation or for the detention and preservation of any property, the subject of such suit, or to restrain breaches of contracts or torts;
- (3) (a) Subject to the provisions of sub-paragraph (d) of (2) above and of



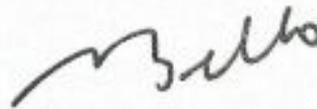
any other written law, no District Court Judge shall exercise original jurisdiction in any suit or matter which –

- (i) raises an issue as to title to land, or to an interest in land;
- (ii) raises an issue as to the validity of a devise, bequest or limitation under any will or settlement;

(b) The provisions of sub-paragraph (a) shall have effect except in so far as the Minister of the Federal Capital Territory may by order otherwise direct.

- (4) Where in any action, the debt or demand consists of a balance not exceeding the monetary jurisdiction of a District Court Judge in the preceding paragraphs, as the case may be, after an admitted counter-claim or set-off of the debt or demand claimed or recoverable by the defendant from the plaintiff, a District Court Judge shall have jurisdiction and power to hear and determine such action within the limits of his personal jurisdiction and power.
- (5) The District Courts Increase in Jurisdiction of District Judges) Order, 2014 is hereby revoked.

MADE THIS 6th DAY OF October, 2021
AT ABUJA, THE FEDERAL CAPITAL TERRITORY



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MUHAMMAD MUSA BELLO

Honourable Minister
Federal Capital Territory

