



**HIGH COURT OF THE
FEDERAL CAPITAL TERRITORY**



CIVIL PROCEDURE RULES

2025

HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

CIVIL PROCEDURE RULES, 2025

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**HIGH COURT OF THE FEDERAL CAPITAL TERRITORY,
CIVIL PROCEDURE RULES, 2025**

In exercise of the powers conferred on me by Section 259 of the Constitution of the Federal Republic of Nigeria 1999 and all powers enabling me in that behalf I, Hon. Justice Hussein Baba Yusuf, Chief Judge of the High Court of the Federal Capital Territory, make these Rules:

*The Civil procedure
Rules*

1. The Civil Procedure Rules set out herein be the rules of Civil Procedure to be followed in the High Court of the Federal Capital Territory.

*Where no
Rules exist*

2. Where a matter arises in which no provisions or no adequate provisions exist in the Rules, the Court shall adopt such procedure as may, do substantial justice between the parties concerned.

*Construction of
reference to
law, Rules*

3. (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 corresponding law or Rule of Court ceasing to have effect on the commencement of these Rules.

(2) Except where the context otherwise requires, any reference in these Rules to any enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment

Forms

4. 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.

Amendment

5. The High Court of the Federal Capital Territory, (Civil Procedure) Rules 2018 are amended.

Short title

6. These Rules may be cited as the High Court of the Federal Capital Territory, (Civil Procedure) Rules 2025.

Dated this...7th day of...November,...2024



Hon. Justice Hussein Baba Yusuf
Chief Judge,
High Court of the Federal Capital Territory.

COMMENCEMENT

These Rules shall come into effect on the 3rd.. day of .. March, 2025

ORDER 1
Application and Interpretation

1. These Rules shall apply to all proceedings including all part-heard cases, causes and matters in respect of steps to be further taken in such cases, causes and matters. The Court shall give such directions, as may be necessary or expedient to ensure conformity with the requirement of these Rules. *Application*

2. Application of these Rules shall be directed towards the achievement of a just, efficient and expeditious dispensation of justice. Parties and Counsel shall assist the Court to further the overriding objectives of these Rules.

3. The Chief Judge may give practice directions, generally or in respect of a particular case, for carrying out any provision of these Rules. *Practice
Directions*

4. These Rules shall be interpreted in accordance with the Interpretation Act, or any re-enactment *Interpretation
of Terms*

5. In the construction of these Rules, unless there is anything in the subject or context repugnant thereto, the several words hereinafter mentioned or referred to shall have or include the following meanings:

 "ADR" means Alternative Dispute Resolution.

 "ADR Judge" means a Judge of the High Court designated by the Chief Judge to handle ADR related matters.

 "AMDC" means the Abuja Multi-Door Courthouse.

 "Attorney-General" means the Attorney-General of the Federation.

 "Chief Judge" means the Chief Judge of the High Court of the Federal Capital Territory.

"Claimant" means a party initiating an action and shall include a counter claimant.

"Convention country" means a foreign country with whom Nigeria share legal commitments on a matter.

"Court" means the High Court of the Federal Capital Territory.

"Court process" or "process" includes writ of summons, originating summons, originating process, notices, petitions, pleadings, orders, motions, summons, affidavits, warrants and all documents or written communications of which service is required.

"Decision" means any decision of a Court and includes judgment, ruling, decree, order, conviction, sentence or recommendation.

"Defendant" is a party against whom an action is initiated and shall include a defendant to a counter claim.

"FCT" means the Federal Capital Territory.

"Guardian" means any person who has for the time being, the charge of or control over a person under legal disability and includes a person appointed to institute or defend an action on behalf of any person under legal disability.

"Law" means the High Court of the Federal Capital Territory Act or any re-enactment.

"Legal Practitioner" means a Law Officer, a State Counsel or a person authorized to practice law in Nigeria.

"Minor" means a person who has not attained the age of 18 years.

"Originating process" means any Court process by which a suit is initiated.

"Person under legal disability" means person who lacks capacity to institute or defend any proceedings by reason of age, insanity, unsoundness of mind or otherwise.

"Probate action" means an action for the grant of probate of the will, or letters of administration of the estate of a deceased person or any other action or cause arising from the administration of the deceased estate.

"Process Server" means any person or electronic means authorised to serve a Court process under any enactment, regulation or rule of Court.

"Registrar" means the Chief Registrar, Deputy Chief Registrar, Assistant Chief Registrar, Principal Registrar, Senior Registrar, Higher Registrar, or any other officer acting or performing the functions of a Registrar.

"Registry" means the Registry of the High Court of the Federal Capital Territory, in the appropriate judicial division.

"Return date" means the day endorsed on a Court process for the first appearance of the parties before a Court or any other date as the Court may appoint and in the case of the undefended list it is the day fixed for hearing.

"SMS" means Short Message Service.

"Taxing Officer" means the Chief Registrar or such other officer of the Court as the Court may appoint to tax costs.

"Walk in Cases" means disputes filed directly at AMDC with the objective of resolving same through any of the Courthouse Multi Doors to the exclusion of Arbitration.

ORDER 2
Form and commencement of action

*Mode of
commencing
Proceedings*

1. Subject to the provisions of any enactment or this Rules, civil proceedings may be commenced by writ, originating summons, originating motion or petition.

*Proceedings to
commence by writ*

2. (1) The under listed proceedings shall be commenced by writ except any applicable law requires that the proceedings shall be commenced otherwise, than by writ:

a. Proceedings in which claimant claims:

- (i) Any relief or remedy for any civil wrong or
- (ii) Damages for breach of duty, whether contractual, statutory or otherwise, or
- (iii) Damages for personal injuries to or wrongful death of any person, or in respect of damage or injury to any person, or in respect of damage or injury to any property.

b. Where the claim is based on or includes an allegation of fraud, or

c. Where the claim is for declaration.

*Documents
Accompanying
writ*

(2) All civil proceedings commenced by writ of summons shall be accompanied by:

- (a) Statement of claim;
- (b) List of witness(es) to be called at the trial;
- (c) Written statements of the witnesses (except that of a witness on subpoena) numbered in consecutive paragraphs;
- (d) Copies of every document to be relied on at the trial.

(3) The claimant shall provide as many copies of the processes listed in (a) – (d) above for the use of the Court and as there are defendants to be served.

*Form of Writ
Civil Forms 1,
28*

(4) Where a claimant fails to comply with rules (2) and (3) above, his originating process shall not be accepted for filing by the registry

(5) Except in the cases in which different forms are provided in these Rules, the writ of summons shall be as in Form 1 with such modifications or variations as circumstances may require as in Form 28 (Fast Track).

(6) A writ of summons to be served out of Nigeria shall be as in Form 2 with such modifications or variations as circumstances may require.

*Form of Writ
for Service out
of Nigeria
Civil Form 2*

3. (1) Any person claiming to be interested under a deed, will, enactment or other written instrument may apply by originating summons for the determination of any question of construction arising under the instrument and for a declaration of the rights of the persons interested.

*Proceedings
that may be
commenced by
Originating
Summons*

(2) Any person claiming any legal or equitable right in a case where the determination of the question whether he is entitled to the right depends upon a question of construction of an enactment, may apply by originating summons for the determination of such question of construction and for a declaration as to the right claimed.

*Right under
construction of an
enactment*

(3) The Court shall not be bound to determine any such question of construction if in its opinion it ought not to be determined on originating summons but may make any such orders as it deems fit.

*Discretion of the
Court on
Originating
Summons*

(4) An originating summons shall be as in the Forms 3, 4 or 5 to these Rules, with such variations as circumstances may require. It shall be prepared by the applicant or his legal practitioner, and shall be sealed and filed in the registry.

*Forms of
Originating
Summons
Civil Forms 3, 4, 5*

(5) An originating summons shall be accompanied by:

- (a) An affidavit setting out the facts relied upon;
- (b) All the exhibits to be relied upon;

*Documents
accompanying
Originating
Summons*

		(c) A written address in support of the application;
<i>Penalty for non-compliance</i>		(6) The claimant shall provide as many copies of the processes listed in (a) –(c) above for the use of the Court and as there are defendants to be served.
<i>Endorsement on Service outside Federal Capital Territory</i>		(7) Where the Applicant fails to comply with rules (5) and (6) above, his originating process shall not be accepted for filing by the Registrar
<i>Endorsement on originating process</i>	4.	Subject to the provision of the Sheriffs and Civil Process Act, a writ of summons or other originating process issued by the Court for service in Nigeria outside the FCT shall be endorsed by the Registrar of the Court with the following notice:
<i>Alteration on originating process</i>		<i>"This summons (or as the case may be) is to be Served out of the Federal Capital Territory, and in the state".</i>
<i>Proceedings to be commenced by motion or petition</i>	5.	(1) The Registrar shall indicate the date and time of presentation for filing on every originating process presented to him and shall arrange for service to be effected. (2) An originating process shall not be altered after it is sealed except upon an application to the Court.
<i>Screening for ADR</i>	6.	Proceedings may be commenced by originating motion or petition where these Rules or any written law provide.
<i>Certificate of pre-action counseling</i>	7.	All originating processes shall upon acceptance for filing by the registry be screened for suitability for ADR, and where it is considered appropriate, the Chief Judge may refer the case to: (1) The Abuja Multi Door Court House. (2) Or other appropriate ADR institutions or practitioners in accordance with the Practice Directions that shall from time to time be issued by the Chief Judge of F.C.T.

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| 8. | A certificate of pre-action counseling signed by counsel and the litigant shall be filed along with the originating processes where proceedings are initiated by counsel, showing that the parties have been appropriately advised as to the relative strength or weakness of their respective cases, and the counsel shall be personally liable to pay the costs of the proceedings where it turns out to be frivolous, as in Form 6. | <i>Civil Form 6</i> |
| 9. | All processes filed at the Registry shall bear the seal of the counsel filing the suit. | <i>Affixing of Seal by Counsel on Court processes</i> |

ORDER 3
Electronic Filing and Virtual Proceedings

I Electronic Filings

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| 1. | All Court processes may be filed and served on parties by electronic means. | <i>Electronic Filing</i> |
| 2. | The Chief Judge may establish an E-Filing unit for maintaining a designated online site for electronic filing of processes and documents. | <i>E-filing Unit</i> |
| 3. | Any cause or matter filed electronically shall be in accordance with these Rules. | <i>compliance</i> |
| 4. | The E-Filing unit shall be responsible for the management of the documents and processes of Court which are electronically transmitted to the Court. | <i>Management of Document(s)</i> |
| 5. | The E-filing system shall run parallel with the existing filing procedure in the Rules of the Court. | |
| 6. | The filing method adopted by the Claimant in commencing an action shall equally be adopted by the Defendant in response. | |

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| | 7. | A Claimant who files a cause or matter electronically may continue in the same manner until the determination of the matter. |
| <i>Service of electronic document(s)</i> | 8. | A documentary exhibit may be saved directly where such document is in soft copy or scanned where it is in hard copy. |
| <i>Electronic signing of Document</i> | 9. | Processes and documents signed electronically shall be deemed properly signed. |
| <i>How to Sign to sign document electronically</i> | 10. | Where a document is to be signed or made under oath, the party may sign
(a) Electronically; or
(b) Manually and scan it. |
| <i>Proper filing of electronic document(s)</i> | 11. | Where an E-filed process or document is considered filed out of time arising from a technical glitch on the part of the filing system of the Court, any process or document so filed may be deemed properly filed as the Court may direct. |
| | | II Virtual Proceedings |
| <i>Application for Virtual proceedings</i> | 1. | Upon application of a party or as directed by the Court, proceedings may be conducted virtually. |
| <i>Practice direction for virtual proceedings</i> | 2. | The Chief Judge may issue Practice Direction for the conduct of virtual proceedings. |

**ORDER 4
Place of Institution and Trial of Suits**

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| <i>Suits relating to land and property distrained or seized</i> | Subject to the provisions of the High Court of the Federal Capital Territory Act on transfer of suits, the place for trial shall be regulated as follows: |
| <i>Suits for recovery of penalties, forfeitures and against public officers</i> | 1. All suit relating to land or any mortgage or charge on land or any interest in land, or any inquiry or damage to land and actions relating to personal property distrained or |

seized for any cause, may be commenced and determined in the judicial division in which the land is situated, or the distraint or seizure took place.

2. All actions for recovery of penalties, forfeitures, and all actions against public officers may be commenced and tried in the judicial division in which the cause of action arose. *Suits for breach of contracts*

3. All suits for specific performance, or upon the breach of any contract, may be commenced and determined in the judicial division in which such contract was formed, ought to have been performed or in which the defendant resides or carries on business. *Other suits*

4. (1) All other suits may be commenced and determined in the judicial division in which the defendant resides or carries on business. *Suits for different defendants*
(2) Where there are several defendants who reside or carry on business in different judicial divisions, the suit may be commenced in any one of those judicial divisions subject to any order or direction the Court may make or gives as to the most convenient venue for trial of the suit.

5. If any suit is commenced in the wrong judicial division, the Court may refer the suit to the Chief Judge to be reassigned to the appropriate judicial division unless the Chief Judge otherwise directs. *Suits commenced in wrong judicial division*

ORDER 5

Pre-Trial/ Case Management

1. The Chief Judge may at his discretion issue a Practice Direction on pre-trial conference and case management. *Practice direction on pretrial conference*

2. Subject to Rule 1 of this Order, a judge in managing his cases may give directions as to pre-trial issues.

Adoption of case management by Court

3. A Judge shall endeavour to adopt contemporary and best case management practices in the conduct of Court proceedings.

ORDER 6 Endorsement of Claim and Address

Summary of claim, particular of parties

1. Every originating process shall contain an endorsement of the relief(s) or remedy sought and the full names and address of the Claimant(s) and the Defendant(s).

Suit in representative capacity

2. Where a Claimant sues, or the Defendant or any of several Defendants is sued in a representative capacity, the originating process shall state that capacity.

Probate actions

3. In probate actions the originating process shall state whether a Claimant claims as creditor, executor, administrator, beneficiary, next of kin or in any other capacity.

Endorsement for liquidated demand

4. (1) Where the claim is for debt or liquidated demand only, the originating process shall state the amount claimed for debt or in respect of such demand with costs and shall further state that the defendant may pay the amount with costs to the claimant's legal practitioner within the time allowed for appearance and that upon such payment the Proceedings shall terminate.
(2) The defendant may notwithstanding payment under this rule, have the cost taxed and if more than one sixth of the cost shall be disallowed, the claimant's legal practitioner shall pay the cost of taxation.

Endorsement for an account

5. In all cases where a claimant in the first instance desires to have an account taken, the originating process shall so state.

Endorsement of address by claimant or legal practitioner

6. (1) A claimant suing in person shall state on the originating process his address for service. If he lives and carries on

business outside the jurisdiction he shall state an address within the jurisdiction as his address for service.

(2) Where a claimant sues through a legal practitioner, the legal practitioner shall state on the originating process his address for service. If the legal practitioner is based outside the jurisdiction, he shall state an address within the jurisdiction as his address for service, telephone number(s) and email address.

7. Where an originating process is to be served on a defendant outside the jurisdiction the process shall state the address as provided in rule 6 of this Order.

*Address of Service
outside jurisdiction*

8. Where the originating process does not state an address for service, it shall not be accepted by the Registrar and if any such address is illusory, fictitious or misleading, the Court may on the application of the defendant set aside the process.

*Consequence of
non-disclosure and
invalid address*

ORDER 7

Effect of non-compliance

1. (1) Where in beginning or 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, such failure shall not nullify the proceedings.
(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, such failure may be treated as an irregularity. The Court may give any direction as it deems fit to regularise such step(s).
(3) The Court shall not wholly set aside any proceedings or writ or other originating process by which they were begun on the ground that the proceedings were required by any of these Rules to be commenced by an originating process other than the one used.

*Non-compliance
with rules*

Setting aside for irregularity

2. (1) An application to set aside for irregularity any step taken in the course of any proceedings may be allowed where it is made within a reasonable time and before the party applying has taken any fresh step after becoming aware of the irregularity.
(2) An application under this rule may be made by summons or motion and the grounds of objection shall be stated.

ORDER 8 **Issuance of originating process**

Mode of preparing Originating process

1. Originating process shall be prepared by a claimant or his legal practitioner, and shall be clearly printed on A4 paper.

issuing of originating process

2. (1) The Registrar shall sign and seal every originating process and it shall be deemed to be issued.
(2) The claimant shall provide as many copies of the originating processes filed for the use of the Court and for service on the defendant(s).
(3) Each copy shall be signed by the legal practitioner or by a claimant where he sues in person and shall be certified after verification by the Registrar as being a true copy of the process filed.

Procedure after sealing

3. The Registrar shall after sealing an originating process:
 - (a) Open a file;
 - (b) State in the file the number of copies supplied by the claimant;
 - (c) Endorse on the file the suit number, parties and date of filing, and
 - (d) Enter in the cause book (c) above

Personal service of originating process

4. The Registrar shall promptly effect or cause to be effected by personal service of the originating process and accompanying documents duly certified on each defendant as provided under rule 2 (3) of this Order.

(2) Any person or corporate body serving a process pursuant to sub rule 1 above shall have the privileges and liabilities of an officer of the Court. The expenses of such special service shall be defrayed by the party on whose application he is appointed unless the Court in any case sees reason to vary this rule.

Service on legal practitioner

(3) Where a party is represented by a legal practitioner, service of Court process of which personal service is not required may be made on such legal practitioner or on a person under his control.

Method of service

2. An officer of Court or process server shall serve an originating process by delivering to the party to be served a copy of the process duly certified as provided by Order 8 Rule 2(3).

Personal Service on authorized legal practitioner

3. No personal service of an originating process shall be required where the defendant has authorized his legal practitioner in writing to accept service and such legal practitioner enters appearance.

Mode of service when not personal

4. All processes for which personal service is not expressly required by these rules or any applicable law either on an individual, company or business shall be sufficiently served if left with an adult person resident or employed at the address for service given under Order 6 Rule 6 or if served by any other means as the Court may order.

Service on Person under legal disability

5. (1) Where a person under legal disability is a defendant, service on his guardian shall be deemed good and sufficient personal service, unless the Court otherwise orders.

PROVIDED that personal service on a minor who is over 16 years of age living independently or doing business is good and sufficient.

(2) The Court may order that personal service on a person under legal disability shall be deemed good and sufficient.

6. Where a detainee or inmate of a station, facility or a correctional centre is a defendant, service on the head or other officer in charge of the station, facility or correctional centre where the defendant is, or on an officer of the agency in charge of the station, facility or correctional centre shall be deemed good and sufficient personal service on the defendant.
- Inmate of correctional centre or Detainee*
7. (1) Where persons are sued as partners in the name of their firm, the originating process shall be served upon any one or more of the partners at the place of business within the jurisdiction or upon any person having control or management of the firm.
- (2) The service of the originating process shall be deemed good service upon the firm whether any of the members are out of the jurisdiction or not and no leave to serve an originating process against them shall be necessary:
- (3) Where a firm has been dissolved to the knowledge of the claimant before the commencement of the action, the originating process shall be served upon every person within the jurisdiction sought to be made liable.
- Partners*
8. Subject to any statutory provision regulating service on a registered company, corporation or body corporate, every originating process requiring personal service may be served on a registered company, corporation or body corporate, by serving it on any officer or employee of the body corporate at the head office or any other place of business of the organisation within the jurisdiction of the Court.
- Corporation or company*
9. (1) Where the suit is against a foreign corporation or company as defined by the relevant provisions of the Companies and Allied Matter Act, having an office and carrying on business within the jurisdiction, and such suit is limited to a cause of action which arose within the jurisdiction, the originating process or other documents requiring personal service may be served on any officer or
- Service on Foreign Corporation or Company*

representative at the place of business of such foreign corporation or company within the jurisdiction:

(2) Where a foreign corporation or company has complied with the relevant provisions of the Companies and Allied Matters Act, personal service shall be effected on one of the persons authorized to accept service on behalf of the said company.

Service on Legal agent of principal who is out of jurisdiction

10. Where a contract has been entered into within the jurisdiction by or through an agent residing or carrying on business within the jurisdiction on behalf of a principal residing or carrying on business out of the jurisdiction, an originating process in an action relating to or arising out of such contract may, before the determination of such agent's authority or of his business relations with the principal be served on such agent. A copy of the originating process shall be sent promptly by the claimant to the defendant at his address out of the jurisdiction.

Substituted service

11. (1) Where personal service of an originating process on an individual or corporate body cannot be effected, the Court may upon application by the claimant make such order for substituted service as may seem just.

(2) Every application to the Court for substituted service shall be supported by an affidavit setting forth the grounds upon which the application is made.

(3) Where it appears to the Court after an attempt at personal service, that for any reason personal service cannot be conveniently effected, the Court may order that service be effected either by:

(a) delivery of the document to some adult inmate at the usual or last known place of abode or business of the person to be served;
or

(b) delivery 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

- (c) advertisement in the *Federal Gazette*, or in some newspaper circulating within the jurisdiction; or
- (d) E-mail or any other electronic means and courier service or any other means as the Court may consider appropriate.

Substituted service by email

12. Where a person to be served, alone or in concert with others, resists service or applies or threatens violence to the process server, the process server may leave the process within the reach of person to be served, and this shall be deemed good and sufficient service.

Where violence is threatened

13. (1) The process server shall after serving any process promptly depose to and file an affidavit setting out the fact, date, time, place and mode of service, describing the process served and shall exhibit the acknowledgment of service.
- (2) Proof of service by email shall be evidenced by an affidavit with a printout of an email notifier attached thereto.
- (3) The affidavit shall be prima facie proof of service.

Proof of service generally

14. (1) The party requiring service of any process shall pay in advance all costs and expenses incidental to service.
- (2) The costs and expenses for service shall be as directed by the Chief Judge in Practice Directions from time to time.

Expenses of service

15. (1) Service of originating and other processes, shall be effected between the hours of 6am and 6pm provided that where service is effected after 6pm, such service will be deemed to have been effected on the next service day.
- (2) Service shall not be effected on a Sunday or on a public holiday save in exceptional circumstances as may be authorized by the Court.

Time of service on certain day

Service of advance copies via email

16. Where parties are represented by counsel, advance copies of processes other than originating process may be served by email.

Service of hearing notice via email

17. The Court may serve hearing notices via email, WhatsApp, Telegram, SMS and/or any electronic means or as may be directed by the judge.

Recording of service

18. (1) The Registrar shall keep a register in such form as the Chief Judge may direct for recording service of processes by any process server. The Registrar shall record the names of the claimant and defendant, the method of service, and the manner used to ascertain that the right person was served.
- (2) Where any process was not served, the cause of failure shall be recorded in the register. Every entry in the register or certified copy shall be prima facie evidence of such matters.

ORDER 10

Service outside Nigeria and Service of Foreign Process

Where service of process is allowed outside Nigeria

1. The Court may allow any originating or other process to be served outside Nigeria where;
- (a) The subject matter of the claim is land situated within jurisdiction, or
- (b) Any act, deed, will, contract, obligation, or liability affecting land or hereditaments situated within jurisdiction, is sought to be construed, rectified, set aside or enforced, or
- (c) Any relief is sought against any person domiciled or ordinarily resident within jurisdiction, or
- (d) The claim is for administration of the personal estate of any deceased person, who at the time of his death was domiciled within jurisdiction or for the execution (as to property situated within jurisdiction) of the trusts or any

written instrument, which ought to be executed according to an Act of the National Assembly, or

(e) The claim is brought against the defendant to enforce, rescind, dissolve, annul or otherwise affect a contract or to recover damages or other relief for or in respect of a contract;

(i) Made within jurisdiction, or

(ii) Made by or through an agent residing or carrying on business within jurisdiction on behalf of a principal residing or carrying on business outside jurisdiction, or

(iii) Which by its terms or by implication is to be governed by the applicable law in the FCT, or parties have agreed that the Court shall have jurisdiction to entertain any claim in respect of such contract, or is brought against the defendant in respect of a breach committed within jurisdiction, of a contract wherever made notwithstanding that such breach was preceded or accompanied by a breach out of jurisdiction which rendered impossible the performance of the contract which ought to have been performed within jurisdiction.

(f) The claim is founded on a tort committed within jurisdiction, or

(g) An injunction is sought as to anything to be done or any nuisance within jurisdiction is sought to be prevented or removed, whether or not damages are sought or

(h) Any person out of the jurisdiction is a necessary or proper party to an action properly brought against some other person duly served within jurisdiction, or

(i) The claim is by a mortgagee or mortgagor in relation to a mortgaged property situated within jurisdiction and seeks relief of the nature or kind following, that is; sale, foreclosure, delivery of possession by the mortgagor; redemption, reconveyance, delivery of possession by the

mortgagee; but does not seek (unless and expect so far as permissible under paragraph (e) of this rule) any judgement or order for payment of any monies due under the mortgage, or

(j) The proceedings relate to a person under legal disability, or

(k) The proceedings relate to probate matters, or

(l) Where any proceedings under any law or rule of Court have been instituted by any originating process.

Agreement as to service

2. Where parties have by their contract prescribed the mode or place of service, or the person that may serve or the person who may be served any process in any claim arising out of the contract, service as prescribed in the contract shall be deemed good and sufficient service.

Service abroad by letter of request

3. Where leave is granted to serve an originating process in any foreign country with which no convention in that behalf has been made, the following procedure may be adopted;

Civil Form 8

(a) The process to be served shall be sealed with the seal of the Court for service outside Nigeria, and shall be transmitted to the Solicitor General of the Federation by the Chief Registrar, with a copy translated, if not in English, into the language of that country and with a request for its further transmission to the appropriate authority. The request shall be as in Form 8 with such modifications or variations as circumstances may require;

Civil Form 9

(b) A party wishing to serve a process under this rule shall file a praecipe as in Form 9 with such modifications or variations as circumstances may require;

(c) A certificate, declaration, affidavit or other notification of service transmitted to the Court through diplomatic channels by a Court or other appropriate authority of the foreign country, shall be deemed good and sufficient proof of service;

Civil Form 10

(d) Where a certificate, declaration, affidavit or other

notification transmitted as aforesaid states that efforts to serve a process have failed, the Court may, on an ex parte application, order substituted service. The process, a copy, the Order for substituted service, and a request as in Form 10 with such modifications or variations as circumstances may require shall be sealed and transmitted to the Solicitor General of the Federation;

Notwithstanding the foregoing provision a claimant may with leave of Court serve any originating process by courier.

These provisions shall not affect the powers of a Court in cases (the Court) where lands, funds, choses in action, rights or property within jurisdiction are sought to be dealt with or affected. The Court may, without assuming jurisdiction, over any person outside jurisdiction, cause such person to be informed of the nature or existence of the proceedings with a view to such person having an opportunity of claiming, opposing or otherwise intervening.

4. (1) where leave is granted or is not required in a civil suit and it is desired to serve any process in a foreign country with which a convention in that behalf has been made, the following procedure shall subject to any special provision contained in the convention, be adopted.

Where leave is not granted or not required

(a) The party desiring such service shall file in the registry a request as in Form 11 with such modifications or variations as circumstances may require and the request shall state the medium through which it is desired that service shall be effected, either;

Civil Form 11

(i) Directly through diplomatic channels or

(ii) Through the foreign judicial authority;

(b) The request shall be accompanied by the original document and a translation in the language of the country in which service is to be effected, certified by or on behalf of the person making the request, and a copy of each for every

person to be served and any further copies which the convention may require (unless the service is require to be made on a Nigerian subject directly through diplomatic channels in which case the translation and copies need not accompany the request unless the convention expressly requires that they should do so);

(c) The documents to be served shall be sealed with the seal of the Court for use out of the jurisdiction and shall be forwarded by the Chief Registrar to the permanent secretary, federal ministry of foreign affairs for onward transmission to the foreign country;

(d) An official certificate, transmitted through the Nigerian diplomatic agent to the Court, establishing the fact and the date of the service of the document, shall be deemed to be sufficient proof of service within the requirements of these rules.

(2) The Court, in granting leave to serve a process out of jurisdiction under this order, may upon request therefore in appropriate case direct that courier shall be used by the party effecting service.

*Service of foreign
process*

5. Where in any civil or commercial matter pending before a Court or tribunal of a foreign country a letter of request from such Court or tribunal for service on any person or citation in such matter is transmitted to the Court by the Attorney-General of the Federation stating that it is desirable that effect be given to it, the following procedure shall be adopted:

(a) The letter of request for service shall be accompanied by two copies of the process or citation in English and two translated copies to be served.

(b) Service of the process or citation shall be effected by a process server unless the Court otherwise directs;

(c) Service shall be effected by delivering to and leaving with the person to be served a copy of the process or citation, and a translated copy in accordance with the rules and practice of the Court.

(d) The process server shall file an affidavit of service after service has been effected which shall include particulars of charges for the cost of effecting the service. The affidavit shall be transmitted to the Chief Registrar with one copy of the process annexed;

(e) The Chief Registrar shall examine and verify the particulars of charges, approve or vary it (a lesser figure),

(f) The Chief Registrar shall forward to the Attorney-General a letter of request for service, the approved amount for service, evidence of service and a certificate appended to it.

6. Rule 5 of this order shall not apply to or render invalid, defective or insufficient any otherwise valid or sufficient mode of service in any foreign country with which a convention has been made, provided that no mode of service expressly excluded by the convention shall be allowed.

*Inapplicability of
Rule 5*

7. Where in any civil suit pending before a Court or tribunal in a foreign country with which a convention in that behalf has been made, request for service of any process or document on any person within the jurisdiction is received by the Chief Registrar from the appropriate authority in that country, the following procedure shall, subject to any special provisions in the convention, be adopted;

*Service on behalf of
foreign tribunals*

(a) The process server shall deliver the original or a copy, along with a copy of its translation to the party to be served;

(b) The process server shall submit the particulars of the costs and expenses of service to the Chief Registrar who shall certify the amount payable for service;

(c) The Registrar shall transmit to the appropriate foreign authority a certificate establishing the fact and date of service, or indicate reasons for failure to serve, and notify the authority of the amount certified under paragraph (b) of this rule.

*Substituted service
of foreign process*

8. In appropriate cases, upon application, a Court may order substituted or other service of the foreign process.

ORDER 11 Appearance

*Mode of entering
appearance and
service*

Civil Form 12

1. (1) Subject to the provisions of the Sheriff and Civil Process Act, a defendant served with an originating process shall, within twenty-one (21) days, file in the registry as many copies of the completed and signed memorandum of appearance for service on the other parties.
(2) The Registrar shall, on receipt of the memorandum of appearance, make an entry and stamp the copy with the seal showing the date he received it and return the sealed copy to the person making the appearance.
(3) A defendant entering appearance shall within the time prescribed in sub-rule (1) above, serve a sealed copy of the memorandum of appearance on a claimant's legal practitioner or on the claimant if he sues in person and on any other defendants. The memorandum shall in addition to any other endorsement required by these rules include the defendant's email address and telephone number.

*Defendant
appearing in
person or
represented by legal
practitioner*

2. (1) A defendant appearing in person shall state in the memorandum of appearance an address for service within FCT.
(2) Where a defendant appears by a legal practitioner, the legal practitioner shall state in the memorandum of appearance his place of business, an address for service within FCT, his telephone(s) and email address and where any such legal practitioner is only the agent of another legal practitioner, he shall also state the name and place of business of the principal legal practitioner.
3. The Registrar shall not accept any memorandum of appearance which does not contain an address for service.

- If any such address is illusory, fictitious or misleading, the appearance may be set aside by the Court on the application of a claimant or other parties. *Fictitious address*
4. If two or more defendants in the same action appear through the same legal practitioner the memorandum of appearance shall include the names of all the defendants appearing. *Defendants appearing through same legal practitioner*
 5. If a defendant files an appearance after the time prescribed in the originating process, he shall be bound by the provisions of Order 49 Rule 10 or any amount that the Chief Judge may determine from time to time for each day of default. *Penalty for late appearance*
 6. In probate matters any person not named in the originating process may intervene and appear in the matter on filing an affidavit showing his interest in the estate of the deceased. *Intervener in probate matters*
 7. Any person not named as a defendant in an originating process for recovery of land may with leave of the Court appear and defend, on filing an affidavit showing that he is in possession of the land either by himself or through his tenant. *Recovery of land*
 8. Any person appearing to defend an action for the recovery of land as a landlord, in respect of property of which he is in possession only through his tenant, shall state in his memorandum of appearance that he appears as landlord. *Landlord appearance*
 9. A person under legal disability shall enter an appearance by his guardian. *Appearance by person under legal disability*
 10. In this order the word "Tenant" includes a sub-tenant or any person occupying any premises whether on payment of rent or otherwise. *Tenant*

ORDER 12
Default of Appearance

Default of appearance by person under legal disability

1. Where an appearance has not been entered for a person under legal disability, a claimant shall apply to the Court for an order that a person be appointed guardian for such defendant and when appointed the person may appear and defend. The application shall be made after service of the originating process and notice of the application shall be served on the person intended to be appointed the guardian of the defendant.

Default of appearance

2. Where any defendant fails to appear, a claimant may proceed upon proof of service of the originating process under the appropriate provisions of these Rules.

Judgment for default of appearance in a case of liquidated demand

3. Where the claim in the originating process is a liquidated demand and a defendant or any of the defendants fail to appear, a claimant may apply to the Court for judgment on the claim in the originating process or such lesser sum and interest as the Court may order.

Judgment for default of appearance of several defendants

4. Where the claim in the originating process is a liquidated demand and there are several defendants of whom one or more appear to the process and another or others fail to appear, a claimant may apply to the Court for judgment against those who have not appeared and may execute the judgment without prejudice to his right to proceed with the action against those who have appeared.

Default judgment in pecuniary damages

5. Where the claim in the originating process is for pecuniary damages, or for detention of goods with or without a claim for pecuniary damages, and the defendant or any of the defendants fail to appear, a claimant may apply to the Court for judgment. The value of the goods and the damages or the damages only as the case may be shall be ascertained in such manner and subject to the filing of such

particulars as the Court may direct before judgment for that part of the claim.

6. Where the claim in the originating process is as provided in rule 5 of this Order and there are several defendants, judgement may be entered against the defendant in default of appearance. The value of the goods and the damages only as the case may be shall be ascertained in such manner and subject to filing such particulars as the Court may direct before judgment for that part of the claim.
Default judgment in pecuniary damages for several defendants
7. Where the claim in the originating process is for pecuniary damages or for detention of goods with or without a claim for pecuniary damages and includes a liquidated demand and any of the defendants fail to appear, a claimant may apply to the Court for judgment. The value of the goods and the damages, or damages only as the case may be shall be ascertained in such manner and subject to the filing of such particulars as the Court may direct before judgment in respect of that part of the claim.
Default judgment in pecuniary damages/ liquidated demand
8. If an appearance is not entered within the time prescribed in the originating process in a claim for recovery or if appearance is entered but the defence is limited to part only, a claimant may apply to the Court for judgment stating that the person whose title is asserted in the originating process shall recover possession of the land, or of that part of it to which the defence does not apply.
Recovery of land in default appearance
9. Where in an originating process for recovery of land a claimant claims mesne profits, arrears of rent, damages for breach of contract or wrong or injury to the premises, he may apply for judgment as in rule 8 of this order for the land, and may proceed to prove the other claims.
Mesne profit
10. In any case to which rules 3 - 8 of this order do not apply and the defendant or any of the defendants fails to appear, but by reason of payment, satisfaction, abatement of
Judgment for costs upon payments

nuisance, or any other reason, it is unnecessary for a claimant to proceed, he may apply to the Court for judgment for costs; but such application shall be filed and served in the manner in which service of the originating process was effected or in such manner as the Court shall direct.

Setting aside judgment

- 11.** Where judgment is entered under any of the preceding rules of this order, the Court may on an application by the defendant set aside or vary such judgment on terms. The application shall be made within a reasonable time, showing evidence of payment of penalty, a good defence to the claim and a reasonable cause for the default.

Default of appearance in actions not specifically provided for

- 12.** In all claims not specifically provided for under this order, where the party served with the originating process does not appear within the time prescribed, a claimant may proceed as if appearance had been entered.

Compulsory service

- 13.** Notice of any application under this order shall be served on the other party.

ORDER 13

I. Parties Generally

Joint or several claims

- 1.** All persons may be joined in one action as claimants in whom any right to relief is alleged to exist whether jointly or severally and judgment may be given for such claimant(s) as they may be found to be entitled to, without any amendment.

Action in the name of wrong claimant

- 2.** Where an action has been commenced in the name of the wrong person as claimant or where it is doubtful whether it has been commenced in the name of the right claimant, the Court may order the substitution or addition of any other person as claimant on such terms as may be just.

3. Where in commencing an action any person has been wrongly or improperly included as a claimant and a defendant has set up a counterclaim or set-off, such defendant may establish his set-off or counterclaim as against the parties other than a claimant so included, notwithstanding the inclusion of such claimant or any proceeding based on it *Misjoinder & counter-claimant*

4. Any person may be joined as defendant against whom the right to any relief is alleged to exist, whether jointly, severally or in the alternative. Judgment may be given against one or more of the defendants as may be found to be liable, according to their respective liabilities, without any amendment. *Joinder of defendant(s)*

5. Where an action has been instituted against a wrong defendant or where the name of a defendant has been incorrectly stated, the Court may upon application order a substitution or addition of any person as defendant or correction of any such name on any term as may be just. *Misjoinder of defendant(s)*

6. (1) It shall not be necessary for every defendant to be interested in the relief sought in every cause of action included in any proceeding against him. *Defendant need not be interested in all the reliefs*
(2) The Court upon considering the defence filed by any defendant, may on application by that defendant make such order as may appear just, to prevent him from being embarrassed, put to expense, attend or defend any proceedings in which he may have no interest.

7. A claimant may at his option join as parties to the same action, all or any of the persons severally or jointly and severally, liable on any contract, including parties to bills of exchange and promissory notes. *Joinder of persons by claimant*

8. Where a claimant is in doubt as to the person from whom he is entitled to redress, he may, in accordance with this Rules, or as may be prescribed by any special order, join *Doubt as to the person from whom relief is sought*

two or more defendants, so that the question as to which, if any, of the defendants is liable and to what extent, may be determined as between all parties.

- Persons unknown* 9. Where in land matters a claimant is unable to identify the person against whom he claims, he may subject to the Rules of this Court describe such a person as a "person unknown".
- Substitution of person unknown* 10. Any party sued as a "person unknown" may by leave of Court apply for the substitution of his name as a defendant.
- Person under disability* 11. Persons under legal disability may sue or defend by their guardians or a guardian appointed for that purpose.
- Authority letter for guardianship* 12. Where the name of any person is to be used in any action as guardian of a person under legal disability or other party or as relation, a written authority for that purpose signed by that person shall be filed with the process.
- Trustees, executors and administrators* 13. (1) Trustees, executors and administrators may sue and be sued on behalf of or as representing the property or estate of which they are trustees or representatives, without joining any of the persons beneficially interested in the trust or estate, and shall be considered as representing such person.
(2) The Court may, at any stage of the proceedings order any of such persons to be made parties in addition to or in lieu of the previously existing parties.
(3) This rule shall apply to trustees, executors and administrators in proceedings to enforce a security by foreclosure or otherwise.
- Parties in representative capacity* 14. (1) Where there are numerous persons having the same interest in one suit, one or more of such persons may sue or be sued on behalf of or for the benefit of all persons so interested.
(2) Where there are numerous persons having the same

interest in one suit and they seek to defend the action, the Court may allow one or more of such persons to defend the action on behalf or for the benefit of all persons so interested.

15. (1) Where in any proceedings concerning;
- (a) The administration of estate; or
 - (b) Property subject to a trust; or
 - (c) Land devolved under other interest as family or community property; or
 - (d) The construction of any written instrument, including a statute; or
 - (e) Torts or any other class action the Court is satisfied that;
 - (i) The person, the class or some members of the class interested cannot be ascertained or readily be ascertained;
 - (ii) The person, the class or some members of the class interested if ascertained cannot be found;
 - (iii) Though the person or the class and the members can be ascertained and found; it is expedient for the purpose of efficient procedure that one or more persons be appointed to represent that person or class or member of the class, the Court may make the appointment. The decision of the Court in the proceedings shall be binding on the person or class of person so represented.
- (2) Notice of appointment made by the Court under this rule and all processes filed in Court shall be served on a person(s) so appointed and published in a National newspaper.
- (3) If in any proceedings mentioned in sub-rule 1 of this rule, several persons having the same interest in relation to the matter to be determined attend the hearing by separate legal practitioners, then unless the Court considers that the circumstances justify separate representation, not more than one set of costs of the hearing shall be allowed to these persons, and the judgment or order shall be made accordingly.

*Representation of
persons or classes*

*Power to approve
compromise*

16. Where in any proceedings mentioned in sub-rule (1) of rule 13 of this order, a compromise is proposed and some of the absent persons who are interested in or may be affected by the compromise are not parties to the proceedings (including unborn or unascertained persons) but where:

(i) There are some other persons having the same interest before the Court who assent to the compromise or on whose behalf the Court sanctions the compromise, or

(ii) The absent persons are represented by a person under Rule 13 of this order who so assents; the Court if satisfied that the compromise will be for the benefit of the absent persons and that it is expedient to exercise this power, may approve the compromise and order that such compromise shall be binding on the absent persons, and they shall be bound accordingly, except where the order has been obtained by fraud or non-disclosure of material facts.

*Where there is no
personal
representative for a
deceased*

17. (1) If in any proceedings it appears to the Court that any deceased person who was interested in the proceedings has no legal representative, the Court may proceed in the absence of any person representing the estate of the deceased person, or may appoint some person to represent his estate for the purpose of the proceeding, on such notice to such persons (if any) as the Court may deem fit, either specifically or generally by public advertisement. The order so made and any order consequent thereon shall bind the estate of the deceased person in the same manner in every respect as if a duly constituted legal representative of the deceased had been a party to the proceedings.

(2) Where a party in a proceedings dies and the cause of action survives but the person entitled to proceed fails to proceed, the Court may on the application of the legal practitioner of either party order any person to take the place of the deceased and proceed with the suit.

(3) In default of such application or where the person substituted fails to proceed, judgment may be entered for the defendant or as the case may be for the person against whom the proceedings might have been continued.

18. (1) No proceedings shall be defeated by reason of misjoinder or nonjoinder of parties, and the Court may deal with the matter in controversy so far as regards the rights and interest of the parties actually before him.

Proceedings not defeated by misjoinder or nonjoinder

(2) The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the names of any parties improperly joined be struck out.

(3) The Court may order that the names of any party who ought to have been joined or whose presence before the Court is necessary to effectually and completely adjudicate upon and settle the questions involved in the proceedings be added.

(4) No person under legal disability shall be added as a claimant suing without a guardian and no person shall be added as the guardian of a claimant under legal disability without his own consent in writing.

(5) Every party whose name is added as defendant shall be served with the originating processes or notice in the manner prescribed in this Rules or in such manner as may be prescribed by the Court and the proceedings against such person shall be deemed to have begun on the service of such originating processes or notice.

19. (1) Any application to add or strike out or substitute or vary the name of a claimant or defendant may be made to the Court by motion.

Application to add or strike out a party by motion

(2) Where the application is to add a claimant or a defendant, the application shall be accompanied by the statement of claim or defence as the case may be, all the exhibits intended to be used and the depositions of all the witnesses; Except where the application is to substitute a deceased party with another person in which case the

application may not be accompanied by such documents specified above.

Amendment of processes

20. Where a defendant is added or substituted the originating process shall be amended accordingly and the claimant shall unless otherwise ordered by the Court file an amended originating process and cause the new defendant to be served in the same manner as the original defendant.

Joining of third parties by any of the parties

21. (1) Where it appears to the Court that any person not a party in the proceedings may bear eventual liability either in whole or in part, the Court may upon an ex-parte application allow that person to be joined as a Third Party by any of the defendants. The application shall state the grounds for the applicant's belief that such third party may bear eventual liability.
(2) The order and existing processes shall be served on the third party within the time prescribed for delivering the defence.

Appearance by third party

22. Where a party is joined to any proceeding as a third party he may after service enter appearance within 8 days and not later than 35 days if he resides or carries on business outside jurisdiction or within such further time as the Court may order.

Default by third party

23. If a third party duly served with the order and all processes does not enter an appearance or defaults in filing any pleading, he shall be deemed to admit the validity of and shall be bound by any judgment given in the action whether by consent or otherwise.

Subsequent third party

24. Party joined as a third party in any proceedings may join any other party in the same manner as he was joined and the expression "third party" shall apply to and include every person so joined.

II. Actions against firms and persons carrying on business in names other than their own.

25. Any two or more persons claiming or alleged to be liable as partners and doing business within the jurisdiction may sue or be sued in the name of the firms, if any, of which they were partners when the cause of action arose and any party to an action may in such case apply to the Court for a statement of the names and addresses of the persons who were partners in the firm when the cause of action arose, to be furnished in such manner, and verified on oath or otherwise as the Court may direct. *Action by and against firms*
26. (1) When an originating process is issued by partners in the name of their firm, the claimants or their legal practitioners shall, on demand in writing by or on behalf of any defendant declare in writing the names and residential addresses of all the persons constituting the firm on whose behalf the action is brought. *Disclosure of partners names*
(2) Where the claimants or their legal practitioners fail to comply with such demand, all proceedings in the action may, upon an application for that purpose, be stayed upon such terms as the Court may direct.
(3) Where the names of the partners are so declared, the suit shall proceed in the same manner and the same consequences in all respects shall follow as if they had been named as claimants in the originating process provided that the proceedings may continue in the name of the firm.
27. (1) Where persons are sued as partners in the name of their firm, they shall appear individually in their own names; but all subsequent proceedings shall continue in the name of the firm. *Appearance of partners*
(2) Where an originating process is served upon a person having the control or management of the partnership business no appearance by him shall be necessary unless he is a member of the firm sued.

Application of rules to actions between co-partners

28. The above rules in this Part shall apply to proceedings between a firm and one or more of its partners and between firms having one or more partners in common, provided such firm or firms carry on business within the jurisdiction.

Person trading as firm

29. Any person carrying on business within the jurisdiction in a name or style other than his own name may be sued in such name or style as if it were a firm name, and, so far as the nature of the case will permit, all rules relating to proceedings against firms shall apply.

III. Change of parties by death or otherwise.

Actions not abated where cause of action survives

30. No proceedings shall abate by reason of death or bankruptcy of any of the parties, if the cause of action survives and shall not become defective by the assignment, creation or devolution of any estate or title pendente lite and, whether the cause of action survives or not, there shall be no abatement by reason of the death of either party between the finding on issues of fact and judgment, but judgment may in such case be entered notwithstanding the death.

Order to carry on proceedings

31. (1) Where by reason of death or bankruptcy, or any other event occurring after the commencement of a proceeding and causing a change or transmission of interest or liability, or by reason of any person interested coming into existence after the commencement of the proceedings, it becomes necessary or desirable that any person not already a party should be made a party or that any person already a party should be made a party in another capacity, an order that the proceedings shall be carried on between the continuing parties and such new party or parties may be obtained ex parte upon an allegation of such change, or transmission of interest or liability, or of any such person interested having come into existence.

(2) An order obtained under this rule shall be served upon the continuing party or parties, or their legal practitioner

and upon such new party unless the person making the application is the new party.

(3) Every person served who is not already a party to the proceedings shall where applicable enter an appearance within the same time and in the same manner as if he had been served with the originating process, and shall be served with the originating and all processes.

(4) Any party served under this rule who was not already a party to the proceedings shall file his pleadings and other documents as if he had been an original party to the proceedings.

32. In case of an assignment, creation or devolution of any estate or title pendente lite, the cause or matter may be continued by or against the person to or upon whom such estate or title has inured or devolved. *Assignment creation or devolution of estate or title*

33. Where any person who is under no legal disability or being under any legal disability but having a guardian in the proceedings is served with an order under Rule 30, such person may apply to the Court within 14 days from the service of the order to discharge or vary such order. *Application to discharge order by persons under disability having a guardian*

34. Where any person under any legal disability and not having a guardian in the proceedings is served with an order under Rule 30, such a person may apply to the Court within 14 days from the appointment of the guardian for such party to discharge or vary such order and until such period has expired the order shall have no effect as against the person under legal disability. *Application by persons under disability having no guardian*

IV. Legal Practitioners or Agents

35. Where by these rules any act may be done by any party in any proceedings, such act may be done either by the party in person, or by his legal practitioner, or by his agent (unless an agent is expressly barred under these rules). *Acts by legal practitioner or agent*

ORDER 14
Joinder of Causes of Action

- | | |
|--|---|
| <i>Joinder of causes of action</i> | 1. Subject to the provisions of these Rules, the claimant may join in the same action several causes of action; but if it appears that they cannot be conveniently tried or disposed of together the Court may order separate trials of such causes of action or may make such order as may be necessary or expedient for their separate disposal. |
| <i>Recovery of land</i> | 2. (1) An action for recovery of land may be joined with an action for declaration of title, mesne profit, arrears of rent or damages for breach of any contract under which the land or any part of it is held, or for any wrong or injury to the premises.
(2) An action for foreclosure or redemption may be joined with a claim for delivery of possession of the mortgaged property and a claim for payment of principal money or interest secured by or any other relief on the mortgage or charge on such land. |
| <i>Foreclosure or redemption</i> | |
| <i>Claims by executor or administrator</i> | 3. Claims by or against an executor or administrator as such may be joined with claims by or against him personally if such claims are alleged to arise with reference to the estate over which the claimant or defendant sues or is sued as executor or administrator. |
| <i>Claims by claimants</i> | 4. Claims by joint claimants may be joined with claims by them or any of them separately against the same defendant. |

ORDER 15
Pleadings

- | | |
|----------------------------|---|
| <i>Filing of pleadings</i> | 1. (1) A statement of claim shall include the relief or remedy to which a claimant claims to be entitled.
(2) A defendant shall file his statement of defence, set-off or counterclaim, if any not later than 21 days after service on |
|----------------------------|---|

him of the originating process and accompanying documents. A counterclaim shall have the same effect as a cross action, so as to allow the Court deliver a final judgment in the same proceedings. A set-off must be specifically pleaded.

(3) A claimant shall within 14 days of service of the statement of defence and counterclaim if any file his reply and defence if any to such defence or counterclaim.

Where a defendant sets up a counterclaim, if a claimant or any other person named as a party to such counter claim contends that the claim raised ought not to be disposed of by way of counterclaim, but in a separate proceedings, the Court may at any time make such order as it deems fit.

2. (1) Every pleading shall contain, a statement in a summary form of the material facts on which the party pleading relies for his claim or defence, as the case may be, but not the evidence by which they are to be proved and shall, be divided into paragraphs numbered consecutively.
(2) Dates, sums and numbers shall be expressed in figures but may also be expressed in words.
(3) Pleadings shall be signed by a legal practitioner or by the party if he sues or defends in person.
Pleadings to state material facts and not evidence
3. (1) In all cases in which the party pleading relies on any misrepresentation, fraud, breach of trust, wilful default, or undue influence and in all other cases, in which particulars may be necessary, particulars (with dates and items if necessary) shall be stated in the pleadings.
(2) In an action for libel or slander if the claimant alleges that the words or matter complained of were used in a defamatory sense other than their ordinary meaning, he shall give particulars of the facts and matters on which he relies in support of his allegation.
Particulars to be given when necessary
4. An application for a further and better statement of the nature of the claim or defence, or further and better particulars of any matter stated in any pleading requiring
Further and better statement of particulars

particulars shall be made to the Court at any time before the close of pleadings. The Court may grant such application upon such terms as it deems fit.

Pleadings not specifically denied

5. (1) Every allegation of fact in any pleadings if not specifically denied in the pleadings of the opposing party shall be taken as admitted except as against a person under legal disability.
(2) A general denial in any pleadings shall not operate as denial of any specific fact in the pleadings of the opposing party.

Conditions precedent

6. Each party shall specify in his pleadings any condition precedent, the performance or occurrence of which is intended to be contested.

Grounds of defence to be specifically pleaded

7. (1) All grounds of defence or reply which makes an action unmaintainable or if not raised will take the opposing party by surprise or will raise issues of facts not arising out of the preceding pleadings shall be specifically pleaded.
(2) Where a party raises any ground which makes a transaction void or voidable or such matters as fraud, limitation law, release, payment, performance, facts showing insufficiency in contract or illegality either by any enactment or by common law, he shall specifically plead it.

Pleadings to be consistent

8. No pleading shall raise any new ground of claim or contain any allegation of fact inconsistent with the previous pleadings of the party.

Joinder of issues

9. A party may by his pleadings join issues upon the pleadings of the opposing party and such joinder of issues shall operate as a denial of every material allegation of fact in the pleading upon which issue is joined except any fact which the party may be willing to admit.

Effect of documents to be stated

10. Wherever the contents of any document are material it shall be sufficient in any pleading to state its effect as briefly

as possible, without setting out the whole or any part, unless the precise words of the document or any part are material.

11. Wherever it is material to allege notice to any person of any fact, matter or thing, it shall be sufficient to allege such notice as a fact, unless the form or the precise terms of such notice or the circumstances from which such notice is to be inferred are material. *Notice*
12. Wherever any contract or any relation between any persons is to be implied from a series of letters or conversations, or otherwise from a number of circumstances, it shall be sufficient to allege such contract or relation as a fact, and to refer generally to such letters, conversations or circumstances without setting them out in detail. If in such case the person so pleading desires to rely in the alternative upon more contracts or relations than one as to be implied from such circumstances, it may be stated in the alternative. *Implied contract or relation*
13. A party may not allege in any pleadings any matter or fact the law presumes in his favour or as to which the burden of proof lies upon the other side, unless it has been specifically denied. *Presumption of law*
14. In every case in which the cause of action is a stated or settled account it shall be alleged with particulars but in every case in which a statement of account is relied on by way of evidence or admission of any other cause of action which is pleaded, it shall not be alleged in the pleadings. *Stated or settled account*
15. No technical objection shall be raised to any pleadings on the ground of any alleged want of form. *Technical objection*
16. (1) Wherever it is material to allege malice, fraudulent intention, knowledge or other condition of the mind of any person, it shall be sufficient to allege the condition of mind *Malice, knowledge or other conditions of mind*

as a fact without setting out the circumstances from which it is to be inferred.

(2) Where in an action for libel or slander the defendant pleads that any of the words or matters complained of are fair comment on a matter of public interest or were published upon a privileged occasion, the claimant shall, if he intends to allege that the defendant was actuated by express malice, deliver a reply giving particulars of the facts and matters from which such malice is to be inferred.

(3) Where in an action for libel or slander the defendant alleges that the words complained of consist of statement of fact, they are true in substance and in fact, and where they consist of expressions of opinion, they are fair comment on a matter of public interest, or pleads to the like effect, he shall give particulars stating which of the facts and matters he relies on in support of the allegation that the words are true.

*Grounds for
striking-out
pleadings*

17. (1) The Court may at any stage of the proceedings order to be struck out or amended any pleading or the endorsement of any writ in the action or anything in any pleading or in the endorsement, on the ground that:

- (a) It discloses no reasonable cause of action or defence as the case may be; or
- (b) It is scandalous, frivolous, or vexatious; or
- (c) It may prejudice, embarrass or delay the fair trial of the action; or
- (d) It is an abuse of the process of Court;
- (e) The Court may order the action to be stayed or dismissed or judgement to be entered accordingly as the case may be.

(2) No evidence shall be admissible on application under paragraph (1) (a).

(3) This rule shall, so far as applicable, apply to an originating summons and a petition as if the summons or petition, as the case may be, were a pleading.

(4) No proceedings shall be open to objection on the ground

that only a declaratory judgement or order is sought and the Court may make binding declaration of right whether any consequential relief is claimed or not.

18. (1) Where a pleading subsequent to reply is not ordered, then, at the expiration of 7 days from the service of the defence or reply (if a reply has been filed) pleadings shall be deemed closed.
- (2) Where a pleading subsequent to reply is ordered, and the party who has been ordered or given leave to file fails to do so within the period limited for that purpose, then, at the expiration of the period so limited the pleadings shall be deemed closed.
- (3) This rule shall not apply to a defence to counterclaim and unless the claimant files a defence to counterclaim, the statements of fact contained in such counterclaim shall at the expiration of 14 days from the service or of such time (if any) as may by order be allowed for filing of a defence be deemed to be admitted, but the Court may at any subsequent time give leave to the claimant to file a defence to counterclaim.

Close of pleadings

ORDER 16 Statement of Claim

1. (1) Every statement of claim, defence or counter claim shall state specifically the relief claimed or sought in the alternative, and it shall not be necessary to ask for general or other relief, which may be given as the Court may deem fit.
- (2) Where the claimant seeks relief in respect of several distinct claims or causes of complaint based upon separate and distinct grounds, they shall, as far as the case may be, separately and distinctly be stated. The same rule shall apply where the defendant relies upon several distinct grounds of defence, set-off or counterclaim based upon separate and distinct facts.

Statement

endorsement on writ

2. Whenever a statement of claim is filed, the claimant may alter, modify or extend his claim without any amendment of the endorsement on the writ. The claimant may not completely change his cause of action endorsed on the writ without amending the writ.

ORDER 17

Statement of Defence and Counterclaim

Statement of defence in summary form

1. The statement of defence shall be a statement in summary form and shall be supported by copies of documentary evidence, list of witnesses and their written statements.

Evasive denial

2. When a party in any pleadings denies an allegation of fact in the pleadings of the opposing party, he shall not be evasive, but answer the point of substance. If an allegation is made with diverse circumstances, it shall not be sufficient to deny it in those circumstances.

Denials generally

3. (1) In an action for debt or liquidated money demand, a mere denial of the debt shall not be sufficient defence.
(2) In an action for money had and received, a defence in denial must deny the receipt of the money or the existence of those facts which are alleged to make such receipt by the defendant a receipt to the use of the claimant.
(3) In an action for goods sold and delivered, the defence must deny the order, contract, delivery, and amount claimed.
(4) In an action upon a bill of exchange, promissory note or cheque, a defence in denial must deny some matter of fact, such as the drawing, making, endorsing, accepting, presenting or notice of dishonour of the bill or note.

Persons in representative capacity

4. If either party wishes to deny the right of any other party to claim as executor, or a trustee or in any representative or other alleged capacity, or the alleged constitution of any partnership firm, he shall deny it specifically.

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| 5. | No denial or defence shall be necessary as to damages claimed or their amount; they are deemed to be in issue in all cases, unless expressly admitted. | <i>Denial to damages claimed</i> |
| 6. | Where any defendant seeks to rely upon any ground as supporting a right of set-off or counter claim, he shall in his defence state specifically that he does so by way of supporting a right of set off or counterclaim. | <i>Set off and counter-claim</i> |
| 7. | Where the defendant by his defence sets up any counter claim which raises questions between himself and the claimant along with any other persons, he shall add to the title of his defence a further title similar to the title in a statement of claim, stating the names of all persons who, if such counterclaim were to be enforced by cross action would be defendants to the cross action, and shall deliver his defence to as many of them as are parties to the action within the period required to deliver it to the claimant. | <i>Title of counter-claim</i> |
| 8. | Where any person stated in Rule 7 of this Order is not a party to the action he shall be summoned to appear by being served with a copy of the defence and counterclaim, and such service shall be regulated by the same rules as those governing the service of the originating process. Every defence and counter claim so served shall be endorsed in Form 13 with such modifications or variations as circumstances may require. | <i>Claim against persons not party</i>

<i>Civil form 13</i> |
| 9. | Any person not already a party to the action, who is served with a defence and counterclaim, must appear as if he had been served with an originating process to appear in an action. | <i>Appearance by added parties</i> |
| 10. | Any person not already a party to the action, who is named in a defence as party to a counterclaim, shall deliver a defence in a mode and manner prescribed under this order and the provisions of the order shall apply to such a person. | <i>Defence to counterclaim</i> |

- Discontinuance of the claimant's claim*
11. If, in any case in which the defendant sets up a counterclaim, the action of the claimant is stayed, discontinued or dismissed, the counterclaim may nevertheless be proceeded with.
- Judgment for balance in counterclaim*
12. Where in an action, a set off or counterclaim is established as a defence against the claimant's claim, the Court may, if the balance is in favour of the defendant, give judgment for the defendant for such balance, or may otherwise adjudge to the defendant such relief as he may be entitled to upon the merits of the case.
- Ground of defence after action is filed*
13. (1) Any ground of defence which arises after the action has been filed, but before the defendant has delivered his defence, and before the time limited for doing so has expired, may be raised by the defendant in his defence, either alone or together with other grounds of defence.
(2) If after a defence has been delivered along with a set-off or counterclaim and any basis for answer or ground of defence arises to any such set-off or counterclaim, it may be raised by the claimant in his reply (in the case of a set-off) or defence to counterclaim, either alone or with any other ground of reply or defence to counterclaim.
- Further defence or reply*
14. Where any ground of defence arises after the defendant has delivered a defence, or after the time limited for his doing so has expired, the defendant may, and where any ground of defence to any set-off or counterclaim arises after reply, or after the time limited for delivery of a reply has expired, the claimant may, within 8 days after such ground of defence has arisen or at any subsequent time by leave of the Court deliver a further defence or further reply, as the case may be.
- Concession to defence*
15. Whenever any defendant in his defence or in any further defence under Rule 14 of this order alleges any ground of defence which has arisen after the commencement of the action, the claimant may concede to such defence (which
- Civil Form 14*

concession may be as in form 14 with such modification as circumstances may require) and may obtain judgment up to the time of the pleading of such defence, unless the Court either before or after the delivery of such concession otherwise orders.

16. A respondent to an originating summons shall file a counter affidavit with all the exhibits he intends to rely upon and a written address within 21 days after service of the originating summons.

*Exhibits to
response to
originating
summons*

ORDER 18 Reply

1. Where the claimant desires to make a reply, he shall file it within 14 days from the service of the defence.
2. Where a counterclaim is pleaded, a defence to the counterclaim shall be included in the reply and shall be subject to the rules applicable to defence.

Filing of reply

*Reply to counter-
claim*

ORDER 19 Admissions

1. Any party to a proceeding may give notice by his pleadings or otherwise in writing, that he admits the truth of the whole or any part of the case.
2. (1) Either party may by notice in writing file and serve, not later than 7 days before the day fixed for hearing, require any other party to admit any document or facts mentioned in the notice and the party so served shall not later than 4 days after service give notice of admission or non-admission of document or facts mentioned in the notice, failing which he shall be deemed to have admitted it unless the Court otherwise orders.

*Notice of admission
of facts*

*Notice to admit
documents*

(2) Where a party decides to challenge the authenticity of any document, he shall not later than 7 days of service of that document give notice that he does not admit the document and requires it to be proved at the trial.

(3) Where a party gives notice of non-admission and the document is proved at the trial, the cost of proving the document, which shall not be less than five thousand naira, shall be paid by the party who has challenged it, unless at the trial or hearing the Court shall certify that there were reasonable grounds for not admitting the authenticity of the document.

Notice to admit facts

3. The Court may, on application, at any other stage of the proceedings where admissions of facts have been made, either on the pleadings or otherwise enter judgment as upon such admissions as a party may be entitled to, without waiting for the determination of any other question between the parties.

Cost of notice where documents are not necessary

4. Where a notice to admit or produce comprises documents that are not necessary, the cost occasioned thereby which shall not be less than N5,000 (five thousand naira) shall be borne by the party giving such notice.

ORDER 20

Default of pleadings

Claims for liquidated demand

1. If the claim is only for a debt or liquidated demand, and the defendant does not within the time allowed for the purpose, file a defence, the claimant may, at the expiration of such time, apply for final judgment for the amount claimed with costs.

Default of one or several defendants for final judgment

2. Where in any such action as in Rule 1 of this Order there are several defendants, if one of them makes default, the claimant may apply for final judgment against the defendant(s) making default and issue execution upon

such judgment without prejudice to his right to proceed with his action against the other defendants.

3. If the claim is for pecuniary damages or for detention of goods with or without a claim for pecuniary damages, and the defendant or all the defendants, if more than one, make default as mentioned in Rule 1 of this order, the claimant may apply to the Court for interlocutory judgment against the defendant(s) and the value of the goods and the damages, or the damages only as the case may be, shall be ascertained in any way which the Court may order.
Damages and detention of goods
4. Where in any such action as in Rule 3 of this Order there are several defendants, if one or more of them make default as mentioned in Rule 1 of this Order, the claimant may apply to the Court for interlocutory judgment against the defendant(s) so making default and proceed with his action against the others. In such case the value and amount of damages against the defendant(s) making default shall be assessed at the trial of the action or issues therein against the other defendants, unless the Court shall otherwise order.
Default of one or more defendants for interlocutory judgment
5. Where the claim is for debt or liquidated demand and also for pecuniary damages or for detention of goods with or without a claim for pecuniary damages and includes a liquidated demand and any defendant makes default as mentioned in Rule 1 of this Order, the claimant may apply to the Court for final judgment for the debt or liquidated demand, and may also apply for interlocutory judgment for the value of the goods and damages, or the damages only as the case may be, and proceed as mentioned in Rules 3 and 4.
Debt or damages and detention of goods or damages
6. In an action for the recovery of land, if the defendant makes default as mentioned in Rule 1, the claimant may apply for a judgment that the person whose title is asserted in the writ of summons shall recover possession of the land with costs.
Recovery of land

Claims for mesne profit, arrears or damages

7. Where the claimant has endorsed a claim for mesne profits or arrears of rent in respect of the premises claimed, or any part of them, or damages for breach of contract, wrong or injury to the premises claimed upon a writ for recovery of land, if the defendant makes default as mentioned in Rule 1 of this Order, or if there be more than one defendant and one or more of the defendants make such default, the claimant may apply for final judgment against the defaulting defendant or defendants and proceed as mentioned in Rules 3 and 4.

Where a defence is filed to part of claim only

8. (1) If the claimant's claim is for a debt or liquidated demand or for pecuniary damages only, or for detention of goods with or without a claim for pecuniary damages, or for any such matters, or for the recovery of land, and the defendant files a defence which purports to offer an answer to part only of the claimant's alleged cause of action, the claimant may apply for judgment, final or interlocutory, as the case may be, for the part unanswered. The unanswered part consists of a separate cause of action or is severable from the rest, as in the case of part of a debt or liquidated demand;
(2) Where there is a counterclaim, execution on any such judgment as above mentioned in respect of the claimant's claim shall not issue without leave of the Court.

Defendant in default in cases not mentioned above

9. In all actions other than those in the preceding rules of this Order, if the defendant makes default in filing a defence, the claimant may apply to the Court for judgment, and such judgment shall be given upon the statement of claim as the Court shall consider the claimant to be entitled to.

One of several defendants in default

10. Where in any such action as provided in Rule 9 of this Order, there are several defendants, if one of such defendants makes such default, the claimant may apply for judgment against the defendant, and proceed against the other defendants.

11. In any case in which issues arise in a proceeding other than between claimant and defendant, if any party to any such issue makes default in filling any pleadings, the opposing party may apply to the Court for judgment, if any, on the pleadings he may appear to be entitled to, and the Court may order judgment to be entered accordingly or may make such other order as may be necessary to do justice between the parties. *Default of third party*
12. Any judgment by default under this Order may be set aside upon application made within 14 days of the date of the judgment and upon such terms as the Court may deem fit. *Setting aside default judgment*

ORDER 21
Payment into and out of Court

1. (1) Where after service in any proceedings for debt or damages, a defendant intends to pay money into Court in respect of the proceedings, he shall notify the Chief Registrar who will thereupon direct him to pay the money into an interest yielding account in a commercial bank and he shall file the teller for such payment with the Chief Registrar. *Payment into and out of Court*
- (2) Where a teller for payment is filed with the Chief Registrar, he shall give notice of the payment to the claimant who may apply to the Court for an order to withdraw the amount paid.
- (3) Where a defence of tender before action is set up, the sum of money alleged to have been tendered shall be brought into Court.
- (4) The defendant may without leave give a written notice to the Chief Registrar of an intention to increase the amount of any sum paid into Court.
- (5) Where the money is paid into Court in satisfaction of one or more causes of action, the notice shall specify the cause(s) of action for which payment is made and the sum paid for each such cause of action unless the Court

Civil Form 16

otherwise directs.

(6) The notice shall be as in Form 16 with such modifications or variations as circumstances may require. The claimant shall acknowledge in writing within 3 days the receipt of the notice. The notice may be modified, withdrawn or delivered in an amended form by leave of the Court on such terms as may be just.

(7) Where money is paid into Court with denial of liability, the amount paid shall be applied so far as is necessary in satisfaction of the claim, and the balance, if any, shall on the order of the Court be repaid to the defendant. Where the defendant succeeds on the claim, the whole amount paid into Court shall be repaid to him on the order of the Court.

Acceptance of the
paid money by
claimant

Civil Form 17

2. (1) Where money is paid into Court under Rule 1, the claimant within 14 days of the receipt of the notice of payment into Court, or where more than one payment into the Court has been made within 14 days of the receipt of the notice of the last payment, accept the whole sum or any one or more of the specific sum in satisfaction of the cause(s) of action to which the specified sum(s) relate by giving notice to the defendant as in Form 17 with such modifications or variations as circumstances may require. The claimant shall be entitled to receive payment of the accepted sum(s) in satisfaction of the claim.

(2) Payment shall be made to the claimant or on his written authority to his legal practitioner and thereupon proceedings in the action or in respect of the specified cause(s) of action (as the case may be) shall abate.

(3) If the claimant accepts money paid into Court in satisfaction of his claim, or if he accepts a sum(s) paid in respect of one or more specified cause(s) of action, and gives notice that he abandons the other causes of action, he may after 4 days of payment and unless the Court otherwise orders, tax his costs incurred to the time of payment into Court, and 48 hours after taxation may sign judgment for his taxed costs.

(4) Where in an action for libel or slander, the claimant

accepts money paid into Court, either party may apply by summons to the Court for leave to make a statement in open Court in terms approved by the Court.

3. If the whole money in Court is not taken out under Rule 2, the money remaining in Court shall not be paid out except in satisfaction of the claim or specified cause(s) of action for which it was paid under an order of the Court which may be made at any time before, at or after trial. *Money remaining in Court*

4. (1) Money may be paid into Court under rule 1 of this order by one or more of several defendants sued jointly or in the alternative upon notice to the defendant(s). *Several defendants*
(2) If the claimant within 14 days after receipt of notice of payment into Court elects to accept the sums paid into Court, he shall give notice as in Form 18 with such modifications or variations as circumstances may require to each defendant and all further proceedings in the action or on the specified cause(s) of action (as the case may be) shall abate. *Civil Form 18*
(3) The money shall not be paid out except under an order of the Court dealing with the whole cause(s) of action.
(4) In an action for libel or slander against several defendants sued jointly, if any defendant pays money into Court, the claimant may within 14 days elect to accept the money paid into Court in satisfaction of his claim against the defendant making the payment and shall give notice to all the defendants as in Form 18 with such modifications or variations as circumstance may require. The claimant may tax his costs against the defendant who has made such payment in accordance with Rule 2 (3) of this order and the action shall abate against that defendant. *Civil Form 18*
(5) The claimant may continue with the action against any other defendant but the money paid into Court shall be set off against any damages awarded to the claimant against the defendant or defendants against whom the action is continued.

Money by a defendant to counterclaim

5. A person made a defendant to a counterclaim may pay money into Court in accordance with the foregoing rules, with necessary modification.

Persons under legal disability

6. (1) In any proceeding in which money or damages is or are claimed by or on behalf of a person under legal disability suing either alone or in conjunction with other parties, no settlement, compromise, payment or acceptance of money paid into Court, whether before, at or after the trial, shall as regards the claims of any such person be valid without the approval of the Court.

(2) No money (which expression for the purposes of this rule includes damages) in any way recovered, adjudged, ordered, awarded or agreed to be paid in any such proceedings on the claims of any such person under legal disability whether by judgement, settlement, compromise, payment into Court or otherwise, before, at or after the trial, shall be paid to the claimant, his guardian or his legal practitioner unless the Court shall so direct.

Payment into and withdrawal of money from Court

(3) All monies so recovered, adjudged, ordered, awarded or agreed to be paid shall be dealt with, as the Court shall direct. The directions given may include any general or special directions that the Court may deem fit to give, including directions on how the money is to be applied or dealt with and as to any payment to be made either directly or out of money paid into Court to the claimant or his guardian for money paid or expenses incurred, for maintenance or otherwise for, on behalf of, for the benefit of the person under legal disability, or otherwise to the claimant's legal practitioner for costs or of the difference between party and party and legal practitioner and client costs.

Application by motion on notice

7. Every application on notice for payment into or transfer out of Court shall be made on notice.

ORDER 22
Proceedings in Lieu of Demurrer

1. No demurrer shall be allowed. *Demurrer abolished*

2. (1) Any party may by his pleadings raise any point of law and the Court may dispose of the point so raised before, at or after the trial. *Points of law may be raised by pleading*
(2) Where in the opinion of a Court or judge, the decision on the point of law substantially disposes of the whole action or of any distinct cause of action, ground of defence, set-off, counter-claim, or reply in part, the Court may then dismiss the action or make such other orders as may be just. *Striking out of pleadings*
(3) A Court or judge may order any pleadings to be struck out on the ground that it discloses no reasonable cause of action or answer, and where a pleadings is shown to be frivolous or vexatious, the Court or a judge may order the action to be stayed or dismissed, or judgement to be entered accordingly.

ORDER 23
Withdrawal or Discontinuance

1. (1) The claimant may, by notice duly filed and served, at any time before receipt of the defence, wholly or in part, withdraw or discontinue his claim or any proceedings, against all or any of the defendants. *Claimant may discontinue before defence*
(2) Where a defence has been filed, the claimant may with the leave of the Court discontinue the proceedings or any part thereof on such terms and conditions including orders as the Court may deem fit. *Discontinuance after filing defence*
(3) Where proceedings have been struck out upon a claimant's withdrawal or discontinuance under this Order, no subsequent claim shall be filed by him on the same or substantially the same facts until the terms imposed on him by the Court have been fully complied with. *Compliance with terms of discontinuance*
(4) The Court may in the same manner and discretion as to *Withdrawal or striking-out of defence*

terms, upon the application of a defendant order the whole or any part of his alleged grounds of defence or counterclaim to be withdrawn or struck out.

Withdrawal by consent of parties

2. When a cause is ready for trial, it may be withdrawn by either claimant or the defendant upon producing to the Registrar a consent in writing signed by the parties and thereupon the Court shall strike out the matter without the attendance of the parties or their legal practitioner.

When to dismiss a suit

3. Where a suit is withdrawn or discontinued after the party withdrawing has called evidence, the suit shall be liable to be dismissed.

ORDER 24 Amendment

Number of Amendment required

1. Except with the special leave of Court, no party shall be permitted to amend his processes more than twice before judgment.

Mode of application

2. Application to amend shall be supported by an affidavit exhibiting the amendment with the proposed amended paragraphs of the pleadings duly highlighted. The amendment may be allowed upon such terms as to costs or otherwise as may be just; provided that the Court may permit the amendment of clerical errors upon oral application.

Accompanying documents for amendment

3. Where any originating process or a pleading is to be amended a list of any additional witness to be called with his written statement and a copy of any document to be relied upon on such amendment shall be filed with the application.

Penalty for default of amendment

4. If a party who has obtained an order to amend does not do so within the time limited for that purpose, or if no time is

limited, then within 7 days from the date of the order, such party shall pay an additional fee of N100 (One hundred naira) for each day of default.

5. Whenever any originating process or pleading is amended, a copy of the amended document shall be filed in the Registry and copies served on all the parties to the action. *Filing of amended processes*

6. Whenever any endorsement or pleadings is amended, it shall be marked in the following manner:

"Amended... .. day of pursuant to Order of (name of Judge) dated the... .. day of... .."

Marking of amendment

7. The Court may at any time correct clerical mistakes in judgments or orders, or errors arising from any accidental slip or omission upon an application, without an appeal being filed. *Correction of clerical mistakes and accidental omissions*

8. Subject to the provision of Rule 1 of this order, the Court may at any time and on such terms as to cost or otherwise as may be just, amend any defect or error in any proceedings. *General power to amend*

ORDER 25

Application for Account and Inquiries

1. Where in an originating process a claimant seeks an account under Order 6 Rule 5 or where the claim involves taking an account, if the defendant either fails to appear, or after appearance fails to satisfy the Court that there is a preliminary question to be tried, the Court shall, on application make an order for the proper accounts, with all necessary inquiries and directions. *Application for accounts*

2. An application for account shall be supported by an affidavit filed on a claimant's behalf, stating concisely the *Mode of application*

grounds of his claim to an account. The application may be made at any time after the time prescribed for defence.

Order for an account, Civil Form 19

3. Where an order is made for account under this order, the account may be taken by the Court or a referee appointed by the Court.

Verification of account by affidavit

4. (1) Where an account has been ordered to be taken, the accounting party shall make out his account and unless the Court otherwise directs, verify it by an affidavit to which the account shall be exhibited.

(2) The items on each side of the account shall be numbered consecutively.

(3) Unless the order for the taking of the account otherwise directs, the accounting party shall lodge the account with the Court and shall at the same time notify the other parties that he has done so and of the filing of any affidavit verifying the account and of any supporting affidavit.

Notice for erroneous account

5. Any party who seeks to charge an accounting party with an amount beyond that which he has by his account admitted to have received or who alleges that any item in his account is erroneous in respect of amount or any other respect shall give him notice thereof stating, so far as he is able, the amount sought to be charged with brief particulars thereof or to back as the case may be, the grounds for alleging that the item is erroneous.

Allowances

6. In taking any account directed by any judgment or order, all just allowance shall be made without any direction to that effect.

Consequences of delay in prosecution of account

7. (1) If it appears to the Court that there is undue delay in the prosecution of any account or inquiry, or in any other proceedings under any judgment or order, the Court may require the party having the conduct of the proceedings or any other party to explain the delay and may then make such order for staying the proceedings or expediting them

or for the conduct thereof and for costs as the circumstances require.

(2) The Court may direct any person or legal practitioner to take over the conduct of proceeding in question and to carry-out any directive made by an order under this rule and may make such orders as it deems fit as to the payment of legal practitioner's costs.

8. Where some of the persons entitled to share in a fund are ascertained, and difficulty or delay has occurred or is likely to occur in ascertaining the other persons so entitled, the Court may order or allow immediate payment of their shares to the persons ascertained without reserving any part of the shares to meet the subsequent costs of ascertaining those other persons.

Distribution of funds before all entitled persons are ascertained

ORDER 26 **Interpleader**

1. Relief by way of Interpleader may be granted where the person seeking relief (the applicant) is under liability for any debt, money, goods, or chattels, for or on which he is, or expects to be sued by two or more parties (the claimants) making adverse claims. But where the applicant is a sheriff or other officer charged with the execution of process by or under the authority of the High Court, the provisions of Section 34 of the Sheriffs and Civil process Act and the rules made under it shall apply.
2. The applicant must satisfy the judge by affidavit or otherwise that he:
 - (a) Claims no interest in the subject matter in dispute other than for charges or costs;
 - (b) Does not collude with any of the claimants; and
 - (c) Is willing to pay or transfer the subject matter into Court or to dispose of it as the judge may direct.

The grant of interpleader

The requirement for grant

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| <i>The adverse title of claimant</i> | 3. | The applicant shall not be disentitled to relief by reason only that the titles of the claimants have no common origin, but are adverse to and independent of one another. |
| <i>Application by a defendant</i> | 4. | Where the applicant is a defendant, application for relief may be made at any time after service of the originating process. |
| <i>Summons by applicant</i> | 5. | The applicant may take out a summons calling on the claimants to appear and state the nature and particulars of their claims and to maintain or relinquish them. |
| <i>Stay of proceedings</i> | 6. | If the application is made by a defendant in an action the Court may stay all further proceedings in the action. |
| <i>Order of Court upon summons</i> | 7. | If the claimants appear in pursuance of the summons, the Court may order either that any claimant be made a defendant in any action already commenced in respect of the subject matter in dispute in lieu of, or in addition to the applicant or that an issue between the claimants be stated and tried, and in the latter case may direct which of the applicants is to be claimant or defendant. |
| <i>Questions of Law</i> | 8. | Where the question is a question of law and the facts are not in dispute, the Court may either decide the questions without directing the trial of an issue or order that a special case be stated for the opinion of the Court. |
| <i>Default of appearance by claimant</i> | 9. | If a claimant, having been duly served with a summons calling on him to appear and maintain or relinquish his claim, does not appear in pursuance of the summons or having appeared, neglects or refuses to comply with any order made after his appearance, the Court may make an order declaring him and all persons claiming under him, for ever barred against the applicant and persons claiming under him but the order shall not affect the rights of the claimants as between themselves. |

10. The Court may, in or for the purposes of any interpleader proceedings, make all such orders as to costs and all other matters as may be just. *Costs*

ORDER 27
Reference to Referees and Accounts

1. In any legal proceeding the Court may at any time order the whole cause or matter or any question or issue of fact arising, to be tried before an official referee or officer of the Court, notwithstanding that it may appear that there is a special or other relief sought or some special issue to be tried, as to which it may be proper that the cause or matter should proceed in the ordinary manner. *Matter ordered by Court to referee*
2. In any case in which a matter is referred to a referee the Court shall furnish the referee with such part of the proceedings and such information and detailed instructions as may appear necessary for his guidance, and shall direct the parties if necessary to attend upon the referee during the inquiry. *Instructions to Referee*
3. The referee may, subject to the order of the Court, hold the inquiry at or adjourn it to any place which he may deem most expedient, and have any inspection or view for the disposal of the controversy before him. He shall, so far as practicable, proceed with the inquiry from day to day. *The general powers of referee*
4. (1) Subject to any order made by the Court ordering the inquiry, evidence shall be taken at any inquiry before a referee, and the attendance of witnesses to give evidence before a referee may be enforced by the Court in the same manner as such attendance may be enforced before the Court; and every such inquiry shall be conducted in the same manner or as nearly as circumstances will admit as trials before a Court. *Evidence before a referee*
- (2) The referee shall have the same authority in the conduct

of any inquiry as a judge when presiding at any trial.

(3) Nothing in these rules shall authorise any referee to commit any person to prison or to enforce any order by attachment or otherwise; but the Court may, in respect of matters before a referee, make such order of attachment or commitment as he may consider necessary.

*Reports of referees
under a reference to
the Court*

5. (1) The report made by a referee under a reference order shall be made to the Court and notice served on the parties to the reference.
- (2) A referee may by his report submit any question arising for the decision of the Court or make a special statement of fact from which the Court may draw such inferences as it deems fit.
- (3) On the receipt of a referee's report, the Court may:
- (a) Adopt the report in whole or part;
 - (b) Vary the report;
 - (c) Require an explanation from him;
 - (d) Remit the whole or any part of the question or issue originally referred to him for further consideration by him or any other referee;
 - (e) Decide the question or issue originally referred to him on the evidence taken before him, with or without additional evidence.
- (4) When the report of the referee has been made, an application to vary the report or remit the whole or any part of the question or issue originally referred may be made at the hearing by the Court for further consideration of the cause or matter, after giving not less than 4 days notice and any other application based on the report may be made at the hearing.
- (5) Where on a reference under this Order the Court orders that the further consideration of the cause or matter in question shall be adjourned until the receipt of the referee's report, the order may contain directions with respect to the proceedings on the receipt of the report and the foregoing provision of this rule shall have effect subject to any such directions.

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| 6. | The Court may order or direct an account to be taken or by any subsequent order give special directions with regard to the mode in which the account is to be taken or vouched and in particular may direct that in taking the account, the books of account in which the accounts in questions have been kept shall be taken as prima facie evidence of the truth of their contents, with liberty to the interested parties to object. | <i>Taking of account</i> |
| 7. | Where any account is directed to be taken, the accounting party shall make out his account and verify it by affidavit. The items on each side of the account shall be numbered consecutively, and the account shall be attached to the affidavit as an exhibit and filed in the registry. | <i>Verification of account</i> |
| 8. | The Court may, upon the taking of any account direct that the voucher be produced at the chambers of the accounting party's legal practitioner or at any other convenient place and that only such items as may be contested or surcharged shall be brought before the Court. | <i>Mode of vouching accounts</i> |
| 9. | Any party seeking to charge any accounting party beyond what he has by his account admitted to have received shall give notice to him, stating so far as he is able, the amount sought to be charged with particulars. | <i>Surcharge</i> |
| 10. | Where by any judgment or order any account is directed to be taken or inquiries to be made, each such direction shall be numbered so that as far as may be, each distinct account and inquiry may be designated by a number and such judgment or order shall be in Form 24 with such modification or variations as the circumstances may require. | <i>Accounts and enquiry to be numbered</i>

<i>Civil Form 24</i> |
| 11. | In taking any account directed by any judgment or order, all just allowances shall be made without any direction for that purpose. | <i>Just allowances</i> |

Expediting proceedings in case of undue delay

12. If it appears to the Court that there is any undue delay in the prosecution of any proceedings, the Court may require the party having the conduct of the proceedings or any other party, to explain the delay and may make such order with regard to expediting the proceedings, the conduct, or the stay and as to the costs of the proceedings as the circumstances of the case may require; and for these purposes any party may be directed to summon the persons whose attendance is required, and to conduct any proceeding and carry out any directions which may be given.

ORDER 28

Settlement Out of Court/ Alternative Dispute Resolution

Out of Court settlement

1. In the course of proceedings, the judge may grant the parties time within which they may explore possibilities for settlement of dispute.

Judge to encourage ADR

2. It shall be the duty of a Court or a judge to encourage settlement of matters by any applicable method of Alternative Dispute Resolution (ADR).

Consent cases to be referred to AMDC by enrolment order, Civil Form 15

3. (1) Where parties consent to settlement of disputes, the Court or judge shall by an enrolled order as in Form 15, refer the case to the AMDC for resolution within 21 days except otherwise ordered by the Court.

Time within which to report settlement

(2) Where a Court makes a referral, the Court or judge shall by an enrolled order as in Form 15 refer the case to the AMDC for resolution within 14 days except otherwise ordered by the Court.

Penalty for refusal

(3) Where a party refuses to submit to ADR and loses the case in Court, he shall pay a penalty as may be determined by the Court.

ADR directives and sanctions

4. (1) Where a case is deemed suitable for ADR under Order 2 Rule 7 or has by directives been referred to ADR under Rule (2)(2) above, the judge may consider and give

appropriate directives to parties on the filing of statement of case and other necessary issues.

(a) The claimant shall file his statement of case within fourteen (14) days of the Order of the judge.

(b) The defendant shall file his response within fourteen (14) days of service of the claimant's statement of claim.

(2) The parties shall file a notice of compliance with Rule 3(1) above to the judge within twenty (20) days of giving the Order.

(3) Failure to comply with filing the notice of compliance within time shall attract a sum of two hundred (N200) naira fine per day.

(4) A party applying for an extension of time to comply with Rule 3(1) above, shall upon filing such application attach thereto evidence of payment.

5. The Court in making any order as to cost during or after a trial shall consider any directive made under this Order and the disposition of the parties thereto. *Cost*

6. Where parties are unable to complete the settlement process within the time specified in the order, the referring judge may extend the order whenever he considers it expedient having regard to the facts and circumstances of the case. *Extension of time to report settlement*

7. The referring judge shall proceed to entertain a case where parties report that the settlement has broken down or it cannot be resolved through the ADR mechanism. *Where settlement has broken down*

8. (1) The Court or judge shall, on the application of parties enrol the terms of settlement reached at the AMDC as consent judgement, such terms shall thereupon have the same force and effect as judgement. *Enrolment of terms of settlement as consent judgment*
(2) Parties in a "walk in" ADR process may apply to an ADR judge by a Motion on Notice for an order to enroll the

decision or terms of settlement at the AMDC as a consent judgement.

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| <i>Designation of ADR Judges</i> | 9. | The Chief Judge may by order under his hand and seal appoint and designate judges as ADR judges who shall have jurisdiction to handle sessions and other ADR related matters. |
| <i>Settlement Week</i> | 10. | The Chief Judge may designate a week(s) during the course of the legal year for the resolution of disputes at the Multi-Door Courthouse. This week(s) shall be known as Settlement Week and the proceedings of the week shall be as directed by the Chief Judge in a Practice Direction. |
| <i>Sifter Committee to identify ADR cases</i> | 11. | The Chief Judge may set up a Sifter Committee to identify cases that may be effectively resolved during the settlement week or any time he deems fit. |

ORDER 29
Cause/ Counsel List

A - Cause List

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| <i>Daily cause List for hearing</i> | 1. | The Registrar shall keep a daily cause list of all actions fixed for hearing which shall form part of the record of the Court. |
| <i>Content & arrangement of cause list</i> | 2. | The Registrar shall post a daily Cause List containing the suit number, names of parties and shall set out the arrangement of causes before a judge sitting in Court. |
| <i>Endorsement on case file</i> | 3. | On any day when the Court does not sit, a minute recording the parties present and the step taken by the Registrar, shall be endorsed on the case file. |
| <i>Posting of cause list</i> | 4. | Daily Cause List and other such lists shall be posted on one or more notice boards set up in such place or places within the Court premises as the Chief Judge may designate. |

B – Counsel List

5. The Registrar shall keep a daily counsel list of all counsel appearing in causes fixed for the day which shall form part of the record of the Court. *Daily counsel list*
6. The Counsel List shall contain names and contact phone numbers of counsel appearing in the causes fixed for the day. *The content of counsel list*

ORDER 30 Motions and other Applications

1. (1) Whereby in this Rules any application is authorised to be made to the Court, it shall be made by motion which may be supported by affidavit and shall state the rule of Court or enactment under which the application is brought. *Applications by motion*
- (2) Every application shall be accompanied by a written address. *Service of motion*
- (3) Where the other party intends to oppose the application, he shall within 7 days of the service on him of such application, file his written address and may accompany it with a counter affidavit.
- (4) The applicant may within 5 days of being served with the written address of the opposing party file and serve an address in reply on points of law with an affidavit.
2. No motion or application for an Order nisi or order to show cause shall be made in any action except where application ex-parte is required or permitted under any enactment or rules. *Restriction on motion*
3. (1) No application for an injunction shall be made ex-parte unless the applicant files with it a motion on notice of the application. *Ex-parte application for an injunction*
- (2) An order of injunction made upon application ex-parte

shall abate after 7 days unless extended for a further period, as the Court may consider imperative, upon application ex-parte before the abatement of the Order.

Application in chambers

4. The Court may deal with non-contentious applications in chambers with or without the appearance of counsel and may deem the written addresses as having been adopted.

Motion relating to arbitral award

5. (1) Subject to the provisions of Arbitration Proceedings Rules made pursuant to the Arbitration and Mediation Act, every motion on notice to set aside, remit or enforce an arbitral award shall state the grounds of the application.
(2) The party relying on an award, on applying for its enforcement, shall provide:
 - (a) The duly authenticated original award or a certified copy;
 - (b) The original arbitration agreement or a certified copy

Enforcement of an award

- (3) An award made by an arbitrator or a settlement reached at the Abuja Multi-Door Courthouse or at any lawfully recognised ADR institution may by leave of the Court be enforced in the same manner as a judgment or order of Court.
- (4) An application to set aside or remit an award may be made within 3 months after such award was published.

Special leave

6. Unless the Court grants special leave to the contrary, there must be at least 2 clear days between the service of motion on notice and the day for hearing.

Where notice is not given

7. If on the hearing of a motion or other application the Court shall be of the opinion that any person to whom notice has not been given ought to have had such notice, the Court may either strike out the motion or application or adjourn the hearing in order that such notice may be given upon such terms, if any, as the Court may deem it fit to impose.

8. The hearing of any motion or application may from time to

time be adjourned upon such terms, as the Court shall deem fit. An application for adjournment at the request of a party shall not be made more than two times.

Adjournment of hearing of motion

9. The claimant may file any application along with an originating process and may serve both on any defendant simultaneously.

Service of motion with originating process

10. Where the relationship of legal practitioner and client exists or has existed, a summons may be issued by the client or his representative for the delivery of a cash account, the payment of moneys or the delivery of securities, and a judge may from time to time order the respondent to deliver to the applicant a list of the moneys or securities which he has in his custody or control on behalf of the applicant or to bring into Court the whole or any part of the same, within such time as the judge may order. In the event of the respondent alleging that he has a claim for costs, the Court may make such provision for the taxation and the payment or security or the protection of the respondent's lien (if any) as he may deem fit.

Account by legal practitioner

11. If during the taxation of any bill of costs or the taking of any account between legal practitioner and client, it appears to the taxing officer that there must be any event moneys due from the legal practitioner to the client, the taxing officer may from time to time make an interim certificate as to the amount so payable by the legal practitioner. Upon the filling of such certificate, the Court may order the moneys so certified to be forthwith paid to the client or brought into Court.

Interim certificate

ORDER 31 Affidavits

1. Upon any motion, petition, summons or any other application, evidence may be given by affidavit, but the

Affidavit evidence

Court may, suo motu or on application, order the attendance for cross-examination of the deponent and where, the order has been made and the person in question does not attend, his affidavit shall not be used as evidence except by special leave.

Title of affidavit

2. Every affidavit shall bear the title in the cause or matter in which it is sworn but in every case in which there is more than one claimant or defendant, it shall be sufficient to state the full name of the first claimant or defendant respectively and that there are other claimants or defendants as the case may be.

Use of defective affidavit

3. The Court may receive any affidavit sworn for the purpose of being used in any cause or matter, notwithstanding any defect in description of parties or otherwise in the title or jurat, or any other irregularity in form, and may direct an endorsement to be made on the document that it has been so received.

Leave to file affidavit out of time

4. Where time is limited for filing affidavits, no affidavit filed after the time shall be used, unless by leave of the Court.

Leave to enforce ex-parte order on affidavit

5. Unless by leave of the Court, no order made ex-parte in Court founded on any affidavit shall be of any force unless the affidavit on which the application was based was made before the order was applied for, or filed at the time of making the application.

Notice of intention to use affidavit

6. The party intending to use any affidavit in support of any application made by him shall give notice to the other parties.

Alterations in accounts to be initialed

7. Every alteration in any account verified by affidavit shall be marked with the initials of the commissioner before whom the affidavit is sworn and such alterations shall not be made by erasure.

8. Accounts, extracts from registers, particulars of creditors' debt, and other documents referred to by affidavit, shall not be annexed to the affidavit or referred to as annexed, but referred to as exhibits. *Documents referred as Exhibits*
9. Every certificate on an exhibit referred to in an affidavit signed by the commissioner before whom the affidavit is sworn shall be marked with the short title of the cause or matter. *Certificate of exhibit*

ORDER 32

Application for Preservative Orders

1. (1) Whereby in any contract a prima facie case of liability is established and there is alleged as a matter of defence a right to be relieved wholly or partially from such liability, the Court may make an order for the preservation or interim custody of the subject-matter of the litigation or order that the amount in dispute be brought into Court or otherwise secured. *Preservation of subject matter of litigation*
- (2) An application for an order under Rule 1 sub-rule 1 of this Order may be made by the claimant at any time after his right appears from the pleadings.
2. When an application is made before trial for an injunction or other order and at any time before or during the hearing, it appears to the Court that the matter in controversy in the cause or matter is one which can be most conveniently dealt with by an early trial, without first going into the merits on affidavit or other evidence for the purpose of the application, it shall make an order for such trial and such other order as the justice of the case may require. *Early trial of cause*
3. The Court may on the application of any party make any order for the sale of any goods, wares or merchandise which may be of a perishable nature, or likely to injure from keeping, or which for any other just and sufficient reason *Order for sale of perishable goods*

may be desirable to sell at once by any person or persons named in such order in the manner and terms as the Court may deem desirable.

*Detention,
preservation or
inspection of
property*

4. (1) The Court may upon the application of any party to an action or matter and upon such terms as may be just:

(a) Make any order for the detention, preservation or inspection of any property or thing, being the subject of such action or matter or as to which any question may arise therein and for all or any of the purposes.

(b) Authorize any person to enter upon or into any land or building in the possession of any party to such action or matter, and for all or any of the purposes aforesaid.

(c) Authorize any samples to be taken or any observation to be made or experiment to be tried, which may be necessary or expedient for the purpose of obtaining full information or evidence.

(2) Where an order for the inspection of any property or thing is made on an application under this rule (including an application made before any pleadings have been delivered in the action or matter) it appears that inspection was requested in writing by the application and was not given, then, unless the Court is satisfied that the respondent did not unreasonably fail or refuse to permit the inspection, the Court shall order the costs to be paid by the respondent in any event and except where the respondent is a "Poor Person", shall order the cost to be paid.

Inspection by Judge

(3) The judge by whom any action or matter may be heard or tried, may inspect any property or thing concerning which any question may arise.

*Sale of property in
possession of Court*

5. (1) Where any property is in possession of the Court before or after judgment and it has remained so for a period of 12 months, the Court may upon application on notice by any

of the parties make an order for the sale of that property and the proceeds to be paid into an interest yielding account in a commercial bank directed by the Court for the benefit of the person that succeeds at the trial or on appeal.

(2) The money paid after disposal of any goods or chattel shall be withdrawn from the bank by the successful party who shall present to the Chief Registrar a certified true copy of the enrolment of the judgment.

6. Where an action or counterclaim is filed to recover specific property and the party from whom such recovery is sought does not dispute title but claims to retain the property by virtue of a lien or otherwise as security for any sum of money, the Court may at the pre-trial conference order that the party claiming to recover the property be at liberty to pay into Court, to abide the event of the action, the amount of money on which the lien or security is claimed and such further sum, if any, for interest and costs as the Court may direct and that upon such payment into Court being made, the property claimed be given up to the party claiming it.
Recovery of property other than land subject to lien
7. Where any real or personal estate or property forms the subject of any proceedings and the Court is satisfied that it will be more than sufficient to answer all the claims which ought to be provided for in such proceedings, the Court may at any time after the commencement of the proceedings allow the parties interested or any one or more of them, the whole or part of the annual income of the real estate or a part of the personal estate or property or the whole or part of the income, up to such time as the Court shall direct.
Allowance of income of property pendent lite
8. In any action or matter in which an injunction has been or might have been claimed, the claimant may, before or after judgment, apply for an injunction to restrain the defendant or respondent from the repetition or continuance of the wrongful act or breach of contract complained of or from the commission of any injury relating to the same property
Injunction against repetition of wrongful act for breach of contract

or right or arising out of the same contract and the Court may grant the injunction upon or without terms as may be just.

Appointment of a receiver by way of equitable execution

9. In every case in which an application is made for the appointment of a receiver by way of equitable execution, the Court in determining whether such appointment is just or convenient shall have regards to:
- (a) The amount of the debt claimed by the applicant.
 - (b) The amount which may probably be obtained by the receiver and to the probable costs of his appointment and may if it deems fit, direct any inquiries on these or other matters before making the appointment.

Receiver's security and remuneration

10. (1) Where an order is made directing a receiver to be appointed, the person to be appointed shall unless otherwise ordered -
- (a) Give security, as may be approved by the judge to duly account for what he shall receive as such receiver, and to pay the same as the judge shall direct and
 - (b) Be allowed a proper salary or allowance.

Civil forms 38 & 39

- (2) The security shall be -
- (a) By guarantee or by undertaking as in Forms 38 and 39 with such variation as circumstances may require.
 - (b) Filed in the registry and form part of the record of proceedings until it has been duly vacated.

Adjournment for the receiver to give security

11. Where an order or judgment has been granted appointing a person as a receiver in the course of any proceedings, the Court may adjourn the proceedings to allow the person named in the order as receiver to give security as provided under Rule 10 of this Order and may direct such judgment or order to be drawn up.

12. (1) When a receiver is appointed with a direction that he

- shall pass accounts, the Court shall fix the days upon which he shall (quarterly or at shorter periods) leave and pass such accounts.
- (2) The days upon which he shall pay the balances appearing due on the accounts so left, or such part of them as shall be certified as proper to be paid by him.
- (3) Any such receiver who neglects to leave and pass his accounts and pay the balances at the time fixed for the purpose, the Court may from time to time when his subsequent accounts are produced to be examined and passed, disallow the salary claimed by such receiver and may also charge him with interest at a rate not exceeding 25% per annum upon the balances so neglected to be paid by him during the time it appears to have remained in his custody.
13. Receivers' accounts shall be as in Form 40 with such variations as circumstances may require.
14. (1) Every receiver shall deliver to the Registrar his account, together with an affidavit verifying the same as in Form 41 with such variations as circumstances may require.
(2) An appointment shall be obtained by the claimant or person having the conduct of the action for the purpose of passing such account.
15. (1) Where any receiver fails to leave any account, affidavit, pass such account, or make any payment or otherwise, the receiver or the parties or any of them, may be required to show cause why such account passed or such payment was made or any other proper proceedings taken.
(2) The judge shall after the parties or the receiver has shown cause, give such directions as may be proper, including the discharge of a receiver or appointment of another receiver and payment of costs.
16. The accounts of guardians shall be passed and verified in the same manner as provided in this Order for receiver's accounts.
- Days for receiver to pass accounts*
- Days to pay balance*
- Penalty for failure to pass account or pay balance*
- Form of receivers' accounts*
Civil Form 40
- Leaving account at the Registry*
Civil Form 41
- Consequences of default by receiver*
- Passing of guardian's accounts*

ORDER 33
Security for an Absconding Defendant

*Application
against defendant
leaving Nigeria*

1. If in any action the defendant is about to leave Nigeria the claimant may, either at the institution of the suit or at any time until final judgment, apply by ex-parte motion to the Court for an order on the defendant to show cause why security should not be taken for his appearance to answer and satisfy any judgment that may be passed against him in the suit.

*Summons to
appear*

2. If the Court after making such inquiry as he may consider necessary is of the opinion that there is probable cause for believing that the defendant is about to leave Nigeria and that by reason, the execution of any judgment which may be made against him is likely to be obstructed or delayed, the Court shall issue a summons for the defendant to appear on a date specified, to show cause why he should not give good and sufficient security for his appearance.

*Security for
appearance*

3. If the defendant fails to show cause, the Court shall order him to give security for his appearance at any time when called upon while the suit is pending and until execution or satisfaction of any judgment that may be passed against him in the suit or to give security for the satisfaction of such judgment and the surety or sureties shall undertake in default of such appearance or satisfaction to pay any sum of money that may be adjudged against the defendant in the suit with cost.

*Deposit in lieu of
security*

4. (1) Where a defendant offers to deposit a sum of money in lieu of security for his appearance, sufficient to answer the claim against him with costs of the suit, the Court may accept such deposit and direct that the deposit be paid into an interest yielding account in a bank.
(2) Where a defendant offers security other than money in lieu of security for his appearance, sufficient to answer the claim against him, the Court may accept such security and

make such order as he may deem fit in the circumstance.

5. (1) If the defendant fails to furnish security or offer a sufficient deposit, the Court may commit him into custody until the decision of the suit or if judgment has been given against the defendant until the execution of the judgment. *Committal in default of deposit of security*
- (2) Under this Rule committal to custody shall not exceed a period of 6 months.
- (3) The Court may at any time upon reasonable cause being shown and upon such terms as to security or otherwise as may seem just, release the defendant.
6. The expenses incurred for the subsistence in custody of the person arrested shall be paid by the claimant in the action in advance, and the amount disbursed may be recovered by the claimant in the suit, unless the Court shall otherwise order. The Court may release the person in custody on failure by the claimant to pay the subsistence money, or in case of serious illness order his removal to hospital. *Cost of sustenance of person in custody*

ORDER 34

The Undefended List

1. (1) Where an application in Form 1, as in the Appendix is made to issue a writ of summons in respect of a claim to recover a debt or liquidated money demand, supported by an affidavit stating the grounds on which the claim is based, and stating that in the deponent's belief there is no defence to it, the judge in chambers, may enter the suit for hearing in what shall be called the "Undefended List". *Application for undefended list*
- (2) The judge in chambers, upon examining the claimant's claim as endorsed on the writ being satisfied that the claim is not fit to be tried as an undefended suit, shall direct that the matter be transferred to the general Cause List for trial.
- (3) A writ of summons for a suit in the undefended list shall contain the return date of the writ. *Content of the writ*

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| <i>Copies of documents to be served</i> | 2. | A claimant shall deliver to the Registrar on the issue of the writ of summons, as many copies of the supporting affidavit, as there are parties against whom relief is sought, for service. |
| <i>Notice of intention to defend</i> | 3. | (1) Where a party served with the writ delivers to the Registrar within twenty-one (21) days before the day fixed for hearing, a notice in writing that he intends to defend the suit, together with an affidavit disclosing a defence on the merit; the Court, on the return date, may give him leave to defend upon such terms as the Court may deem just.
(2) Where leave to defend is given under this Rule, the action shall be removed from the Undefended List and placed on the general Cause List; and the Court may order pleadings, or proceed to hearing without further pleadings. |
| <i>Judgment in undefended suit</i> | 4. | Where a defendant neglects to deliver the notice of defence and an affidavit prescribed by Rule 3(1) or is not given leave to defend by the Court the suit shall be heard as an undefended suit and judgment given accordingly. |
| <i>Oral Evidence</i> | 5. | A Court may call for hearing or require oral evidence where it feels compelled at any stage of the proceedings under Rule 4. |

ORDER 35
Summary Judgment

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| <i>Application for summary judgment</i> | 1. | Where a claimant believes that there is no defence to his claim, he shall file with his originating process the statement of claim, the documents to be relied upon, the depositions of his witnesses and an application for summary judgment supported by an affidavit stating the grounds for his belief and a written address in support of the application. |
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2. A claimant shall deliver to the Registrar as many copies of the processes and documents referred to in Rule 1 of this Order for the use of the Court and service on the defendant(s). *Copies of process for service*
3. Service of processes and documents referred to in Rule 1 of this Order shall be effected in the manner provided under Order 9. *Service*
4. Where a party served with the processes and documents referred to in Rule 1 of this Order intends to defend the suit he shall, not later than the time prescribed for defence, file: *Intention to defend the suit*
- (a) His statement of defence;
 - (b) Depositions of his witnesses;
 - (c) The documents to be used in his defence;
 - (d) Counter affidavit; and
 - (e) A written address in reply to the application for summary judgment.
5. (1) Where it appears to the Court that a defendant has a good defence and ought to be permitted to defend the claim he may be granted leave to defend. *Leave to defend*
- (2) Where it appears to the Court that the defendant has no good defence the Court may enter judgment for a claimant. *Judgment*
- (3) Where it appears to the Court that the defendant has a good defence to part of the claim, the Court may enter judgment for that part of the claim and grant leave to defend that part to which there is a defence. *Judgment in part and leave to defend*
6. Where there are several defendants and it appears to the Court that any of the defendants has a good defence and ought to be permitted to defend the claim and other defendants have no good defence and ought not to be permitted to defend the former may be permitted to defend and the Court shall enter judgment against the latter. *Several defendants*

ORDER 36
Summary proceedings for possession of landed
Property occupied by squatters or without the owner's
consent.

- Application of this Order*
1. (1) This order shall not apply where the person in occupation of land is:
- (a) A tenant; or
 - (b) A tenant holding over after termination of his tenancy; or
 - (c) A licensee of the owner or person entitled to possession; or
 - (d) A person who had the consent of the predecessor in title of the person who is entitled to possession.
- Proceedings by originating summons*
- (2) Where a person claims possession of land which he alleges is occupied solely by a person not listed in sub-rule 1 above, proceedings may be brought by originating summons in accordance with the provisions of this Order.
- No acknowledgment of service is required Form 42*
2. The originating summons shall be as in Form 42 and no acknowledgement of service shall be required.
- Affidavit in support*
3. The claimant shall file in support of the originating summons an affidavit stating:
- (a) His interest in the land supported by documentary evidence;
 - (b) The circumstances in which the land has been occupied without licence or consent and in which his claim to possession arises; and
 - (c) That he does not know the name of any person occupying the land who is not named in the summons.
- Service*
4. (1) Where any person in occupation of the land is named in the originating summons, the summons together with a

copy of the affidavit and accompanying documents in support shall be served on him:

- (a) Personally or in accordance with Order 9 Rule 1 sub-rule 2; or
- (b) By leaving a copy of the processes at the premises; or
- (c) In such other manner as the Court may direct.

(2) The summons shall, in addition to being served on the named defendants, if any, in accordance with sub-rule 1 of this rule be served, unless the Court otherwise directs by affixing a copy of the processes to the main door or other conspicuous part of the premises.

(3) Every copy of an originating summons for service under sub-rule 1 or 2 of this rule shall be sealed with the seal of the Court from which the summons was issued.

5. Without prejudice to rule 16 of order 13, any person not named as a defendant who is in occupation of the land and wishes to be heard on the question whether an order for possession should be made may apply at any stage of the proceedings to be joined as a defendant.

Application by occupier to be made a party

6. (1) An order for possession in proceedings under this order shall be as in Form 43 with such variations as circumstances may require.

*Order for possession
Civil Form 43*

(2) The Court may forthwith order a writ of possession to issue.

(3) Nothing in this Order shall prevent the Court from ordering possession to be given on a specified date, in the exercise of any power which could have been exercised if possession had been claimed in an action commenced by writ.

7. (1) No writ of possession to enforce an order for possession under this order shall be issued after the expiration of 3

Writ of possession

months from the date of the order without the leave of the Court.

(2) The application for leave may be made ex parte unless the Court otherwise directs.

Setting aside of order

8. (1) The Court may, on such terms as it deems fit, set aside or vary any order made in proceedings under this Order
(2) In this order "landed property" means land with or without building.

ORDER 37 Transfers and Consolidation

I - Transfers

Power of transfer by the Chief Judge

1. (1) The Chief Judge may, in exercise of powers conferred on him under any enactment, order the transfer of any action or matter from a lower Court to the High Court.
(2) Upon receipt of the order, the Registrar of the lower Court shall immediately transmit the file to the High Court.

Payment of filing fees

2. (1) On receipt of the case file, the Registrar shall notify the party who applied for the transfer or where the transfer was not made on the application of any party, the claimant, to attend at the registry and pay the fees for filing the documents. Such payments shall be without prejudice to the question of how the costs shall ultimately be borne.
(2) Such notification shall be effected by serving a notice personally on the party concerned, or where an address for service has been given by such party, at that address.
3. (1) Upon payment of the prescribed fees, the Registrar shall within 7 days:
- (a) File the documents received from the lower Court;

- (b) Make an entry of the filing in the Cause Book; and
 - (c) Transmit the document to the Chief Judge or any other Judge appointed by the Chief Judge.
- (2) The Registrar shall then give notice to the parties to attend in person or by counsel before a named Judge on the day and at the time specified in the notice. The fees for the service of this notice shall be borne in the first instance by the party who has paid the fees for filing as provided by Rule 2 of this Order. *Duties of Registrar*
- 4. (1) The Chief Judge or such other Judge appointed by him shall, not later than 14 days after receiving the documents referred to in Rule 3 of this order: *Direction for hearing*
 - (a) Hear the parties or their legal practitioners;
 - (b) Take cognizance of the documents; and;
 - (c) Give directions for the trial or hearing of the action or matter.
- (2) Directions given under this Rule may include directions for the filing and service of pleadings.
- 5. (1) If the claimant fails to attend in compliance with a notice given under sub-rule 2 of Rule 3 of this order, the Court shall record his default and may, suo motu or on application, dismiss the action or matter. Upon an application by a defendant to dismiss the action or matter the Court may either dismiss the action or matter or make such other orders on such terms as he deems just. *Default of attendance*
- (2) If a defendant fails to attend in compliance with a notice given under sub-rule 2 of Rule 3, the claimant may apply to enter judgment with costs or obtain the order prayed for in the transferred proceedings against that defendant(s).
- 6. In the preceding rules of this Order, the references to the claimant and the defendant shall in relation to proceedings commenced otherwise than by writ, be construed as references to the applicant and the respondent. *Construction in relation to parties*

II - Consolidation

Consolidation of actions

7. (1) The Court may on application consolidate several actions pending before it where it appears that the issues are the same in all the actions, and can therefore be properly tried and determined at the same time.
- (2) Where actions are pending before different Judges, a party desiring consolidation shall first apply to the Chief Judge for transfer of the matter to the Court before whom one or more of the matters are pending.
- (3)(1) An Order to consolidate may be made where two or more actions are pending between:
- (a) The same claimant and the same defendant;
 - (b) The same claimant and different defendants;
 - (c) Different claimants and the same defendant, or
 - (d) Different claimants and different defendants;
- (2) Where the claimant brings action against different defendants, they will not be consolidated without the consent of all parties unless the issues to be tried are identical.
- (4) Where an order for consolidation has been made, it shall be drawn up at the expense of the party or parties who applied for consolidation and shall be recorded in the Cause Book.

ORDER 38 Trial Proceedings

Date for hearing

1. Upon completion of pleadings, the trial Judge shall set a date for hearing and the Registrar shall cause hearing notices to be issued to all parties in the suit.

Default of appearance by parties

2. Where a cause on a daily cause list has been called for hearing and neither party appears, the Court may unless he sees good reason to the contrary, strike the cause out.

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| 3. | Where a cause is called for hearing, if the claimant appears and the defendant does not appear, the claimant may prove his claim, so far as the burden of proof lies upon him. | <i>Default of appearance by defendant</i> |
| 4. | Where a cause is called for hearing, if the defendant appears and the claimant does not appear, the defendant if he has no counter claim shall be entitled to judgment striking out the action but if he has a counterclaim, then he may prove such counterclaim so far as the burden of proof lies upon him. | <i>Default of appearance by claimant</i> |
| 5. | (1) Where a cause is struck out under Rule 2 of this order either party may apply that the cause be relisted on such terms as the Court may deem fit.
(2) A judgment obtained where any party does not appear at the trial may be set aside by the Court upon such terms as it deems fit.
(3) A party may file an application to relist a cause struck-out or apply to set aside an order or judgment within six day after the order or judgment was delivered or such longer period the Court may direct. | <i>Re-listing of a case</i> |
| 6. | The Court may, if it thinks expedient in the interest of justice, postpone or adjourn a trial for such time and upon such terms, if any. | <i>adjournment</i> |
| 7. | The Registrar or other officer present at any trial or hearing shall make a note of the time of commencement and termination of the trial and the duration on each day it goes on, for communication to the taxing officer, if required. | <i>Note by the Registrar</i> |
| 8. | The order of proceedings at the trial of a cause shall be as provided in the following rules. | <i>Order of proceedings</i> |
| 9. | The party on whom the burden of proof lies, by the nature of the issues or questions between the parties, shall begin documentary evidence. | <i>Documentary evidence by parties</i> |

Nature of documentary evidence

10. Documentary evidence shall be put in and may be read or taken as read by consent.

Leave to call witness

11. (1) A party who desires to call any witness not being a witness whose deposition on oath accompanied his pleading shall apply to the Court for leave to call such witness.
(2) An application for leave in sub-rule 1 above shall be accompanied by the deposition on oath on such witness.

Close of case of parties

12. (1) A party shall close his case when he has concluded his evidence. The claimant or defendant may make an oral application to have the case closed.
(2) Notwithstanding the provisions of sub-rule 1 above, the Court may suo-motu where he considers that either party fails to conclude his case within a reasonable time, close the case for the party.

Custody of exhibit during trial

13. (1) The Registrar shall take charge of every document or object put in as an exhibit during the trial of an action and shall mark or label every exhibit with a letter or letters indicating the party by whom the exhibit is put in (or where more convenient the witness by whom the exhibit is proved) and with a number, so that all the exhibits put in by a party (or proved by a witness) are numbered in one consecutive series.
(2) The Registrar shall cause a list of all the exhibits in the action to be made.
(3) The list of exhibits when completed shall form part of the records of the action.
(4) For the purpose of this rule a bundle of documents may be treated and counted as one exhibit.
(5) In this rule a witness by whom an exhibit is proved includes a witness in the course of whose evidence the exhibit is put in.

Written address by party beginning

14. When the party beginning has concluded his evidence, the Court shall ascertain whether the other party intends to call

evidence. Where the other party declines to call evidence, the party beginning, shall, within 15 days after close of evidence file a written address. Upon being served with the written address, the other party shall within 15 days file a final written address.

15. Where the other party calls evidence he shall within 21 days after the close of evidence file a written address. *Written address where the other party calls evidence*
16. Upon being served with other party's written address the party beginning shall within 21 days file his own written address. *Written address of party beginning*
17. The party who files the first final written address shall have a right of reply on points of law only. The reply shall be filed within 7 days after service of the other party's final written address. *Reply on points of law*
18. (1) An exhibit shall not be released after the trial to the party who has put it in unless the period during which notice of appeal may be given has elapsed without such notice having been given, and then only if the trial judge (or in his absence another judge) grants leave to release such exhibit on being satisfied:
 - (a) That the exhibit will be kept duly marked and labelled and will be produced, if required, at the hearing of an appeal (if any such appeal is lodged), or
 - (b) That the release of the exhibit will not in any way prejudice any other party.(2) After a notice of appeal has been filed, an exhibit produced at the trial shall not be released by the High Court unless leave to release such exhibit is granted by the Court of Appeal. *Release of exhibit(s)*
19. (1) where a document is tendered as an exhibit and is *Rejected exhibits*

rejected by the Court, it shall be marked “Rejected”, and shall be retained together with the accepted exhibits.

(2) All rejected exhibits shall be transmitted to the Appeal Court in the event that a case where it is tendered goes on appeal.

List of exhibits

20. (1) Any party may apply for and on payment of the prescribed fee obtain an office copy of the list of exhibits.
(2) Where there is an appeal an office copy of the list of exhibits shall be included amongst the documents supplied for the purpose of the appeal.

Non-diligent prosecution

21. The Court may, suo motu or on application strike out any proceedings not being prosecuted diligently.

Questions in cross-examination

22. A judge may in all cases disallow any question put in cross examination which appears to him to be vexatious and not relevant to any matter to be inquired into in the action.

ORDER 39 **Filing of Written Address**

Application

1. This order shall apply to all applications and final addresses.

Format for written address

2. (i) A written address shall be printed on white A4 size paper, in Times New Roman font size 14, set out in paragraphs, numbered serially, in 1.5 spacing and shall contain:
- (a) The claim or application on which the address is based;
 - (b) A brief statement of the facts with reference to the exhibit(s) attached to the application or tendered at the trial;
 - (c) The issue arising from the evidence; and
 - (d) A succinct statement of argument on each issue

incorporating the purpose of the authorities referred to with full citation of each authority.

(ii) A written address shall not exceed thirty (30) pages. Where an address exceeds the required number of pages, the Court shall discountenance the address. Provided that in action where a counter-claim is included, a final address shall not exceed thirty-five (35) pages.

(iii) A reply on points of law shall not exceed ten (10) pages.

(iv) Upon request, a soft copy of the address shall be provided to the Court.

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| 3. | A list of all authorities referred to shall be submitted with the written address. Where any unreported judgment is relied upon the certified true copy thereof shall be submitted along with the written address. | <i>Summation of written address</i> |
| 4. | Oral argument of not more than twenty minutes may be allowed for each party to emphasize and clarify the written address already filed. | <i>Oral argument</i> |
| 5. | Where a party is absent on the date fixed for adoption, he shall be deemed to have adopted his written address. | <i>Adoption of written address</i> |
| 6. | Each party shall file two copies of his written address in Court and serve a copy on every party. | <i>Copies of written address & service</i> |

ORDER 40
Evidence Generally

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| 1. | (1) Subject to these rules and to any enactment relating to evidence, any fact required to be proved at the trial of any action shall be proved by written deposition and oral examination of witnesses in open Court. | <i>Proof of facts</i> |
| | (2) Certified true copies of documents may be tendered from the bar or by the party and or his witness where he is not represented by a legal practitioner. | <i>Certified copies of documents</i> |
| | (3) The oral examination of a witness during his evidence in | <i>Tendering of real evidence</i> |

chief shall be limited to adopting his written statement and tendering in evidence all documents referred to in his statement.

(4) Real evidence shall be tendered during the trial.

Particular facts

2. (1) The Court may, before or at the trial of an action, order or direct that evidence of any particular fact be given in such manner as may be specified by the order or direction.
- (2) The power conferred by sub-rule 1 of this rule extends in particular to ordering or directing that evidence of any particular fact be given at the trial in any of the following ways:
- (a) By statement on oath of information or belief;
 - (b) By the production of documents or entries in books;
 - (c) By electronically generated evidence;
 - (d) By copies of documents or entries in book; or
 - (e) In the case of a fact which is or was a matter of common knowledge either generally or in a particular district, by the production of a specified newspaper which contains a statement of that fact.

Limitation of medical and expert evidence

3. The Court may, before or at the trial of an action order or direct that the number of medical or expert witnesses who may be called be limited as specified by the order or direction.

Filing of documentary evidence with pleadings

4. Unless the Court for special reasons orders otherwise or directs at trial, all documents, plans, photographs or models to be tendered in evidence shall be filed along with the pleadings of the parties under these Rules.

Revocation and variation of order

5. Any order or direction under this order may, on sufficient cause being shown, be revoked or varied by a subsequent order or direction of the Court made or given before or at the trial.

6. Where an order is made for the issue of a request to examine witness or witnesses in any foreign country with which a convention in that behalf has been or shall be made, the following procedure shall be adopted:
- Examination of witnesses abroad*
- (a) The party obtaining such order shall file in the registry an undertaking as in form 21 which may be necessary to meet the circumstances of the particular case;
- Civil Form 21*
- (b) The undertaking shall be accompanied by-
- (i) A request as in Form 21, with such modifications or variations as may be directed in the order for its issue, with translation in the language of the country in which it is to be executed (if not English);
- (ii) A copy of the interrogatories (if any) to accompany the request(s), with a translation, if necessary;
- (iii) A copy of the cross-interrogatories (if any) with a translation, if necessary.
- Civil Form 21*
7. Where an order is made for the examination of a witness or witnesses before the Nigerian Diplomatic Agent in any foreign country with which a Convention in that behalf has been made, the order shall be as in Form 22. The Form may be modified or varied as may be necessary to meet the circumstances of the case.
- Form for examination of witnesses abroad*
- Civil Form 22*
8. The Court may at any stage of any proceedings order the attendance of any person for the purpose of producing any writings or other documents named in the order: provided that no person shall be compelled to produce under any such order, any writing or other document which he could not be compelled to produce at the hearing or trial.
- Order for attendance of person to produce document*
9. Any person wilfully disobeying any order requiring his
- Default of order for attendance*

attendance for the purpose of being examined or producing any document shall be in contempt of Court, and may be dealt with accordingly.

Expenses of persons ordered to attend

10. Any person required to attend for the purpose of being examined or of producing any document, shall be entitled to payment for expenses and loss of time occasioned by his attendance.

Contempt of Court

11. If any person summoned by subpoena to attend for examination refuses to attend or if having attended, refuses to be sworn or answer any lawful question, he shall be in contempt of Court and may be dealt with accordingly by the Judge.

Filing of examination of witnesses

12. Where the examination of any witness before any examiner under Rule 7 has been conducted, the original deposition authenticated by the signature of the examiner, shall be transmitted by him to the registry and filed.

Disposition with consent of party or leave of a judge

13. (1) Except otherwise provided under this Order or directed by the Court, no deposition shall be given in evidence at the hearing or trial of the cause or matter without the consent of the party against whom it may be offered, unless the Court is satisfied that the deponent is dead or beyond the jurisdiction of the Court or due to illness or other infirmity unable to attend the hearing or trial.
(2) In any case, the depositions certified under the hand of the person taking the examination shall be admissible in evidence, saving all just exceptions, without proof of the signature to such certificate.

Administration of Oaths

14. Any officer of the Court or other person directed to take the examination of any witness or person or any person nominated or appointed to take the examination of any witness or person pursuant to the provisions of any convention now made or which may be made with any foreign country, may administer oaths.

15. A party may by *subpoena ad testificandum* or *ducestecum* require the attendance of any witness before an officer of the Court or other person appointed to take the examination, for the purpose of using his evidence upon any proceedings in the cause or matter in like manner as such witness would be bound to attend and be examined at the hearing or trial, and any party or witness having made an affidavit to be used in any proceedings in the cause or matter shall be bound on being so *subpoenaed* to attend before such officer or person for cross-examination. *Attendance of witness by subpoena*
16. The practice with reference to the examination, cross examination and re-examination of witnesses at a trial shall extend and be applicable to evidence taken in any cause or matter at any stage. *The mode of taking evidence at any stage of cause or matter*
17. The practice of Court with respect to evidence at a trial, when applied to evidence to be taken before an officer of the Court or other person in any cause or matter after the hearing or trial, shall be subject to any special directions, which may be given in any case. *Special directions as to taking evidence*
18. Subject to the relevant provisions of the Evidence Act, all evidence taken at the hearing or trial of any cause or matter may be used in any subsequent proceedings in the same cause or matter. *Use of evidence in subsequent proceedings in trial*
19. (1) Where it is intended to issue a subpoena, a praecipe for that purpose as in Form 23 containing the name or firm and the place of business or residence of the legal practitioner intending to issue it, and where such legal practitioner is only an agent, then the name or firm and place of business or residence of the principal legal practitioner, shall in all cases be delivered and filed at the registry. *Filing of praecipe of a subpoena Civil Form 23*
 (2) No *subpoena* shall be issued unless all Court fees have been paid (including fee for service) and unless sufficient money on the prescribed scale is deposited to cover the first day's attendance.

- Form of subpoena
Civil Form 24, 25
or 26* 20. A subpoena shall be as in any of Forms 24, 25 or 26 with such variations as circumstances may require.
- Subpoena for
attendance of
witness in
Chambers* 21. Where a subpoena is required for the attendance of a witness for the purpose of proceedings in chambers, such subpoena shall issue from the registry as the Court may direct.
- Correction of errors
in subpoena* 22. In the interval between the issuance and service of any subpoena, the legal practitioner issuing it may:
(a) Correct any error in the names of parties or witnesses, and
(b) Have the writ resealed upon leaving a corrected praecipe of the subpoena marked with words "altered and resealed", with the signature, name and address of the legal practitioner.
- Personal service of
subpoena* 23. A *subpoena* shall be served personally unless the Court has ordered substituted service where a person persistently evades service. The provisions of Order 9 shall so far as possible apply to service of a *subpoena*.
- Duration of
subpoena* 24. A *subpoena* shall remain in force from the date of issue until the trial of action or matter in which it is issued.
- Action to
perpetuate
testimony* 25. Any person who would under the circumstances alleged by him to exist become entitled upon the happening of any future event to any honour, title, dignity or office, or to any estate or interest in any property, real or personal the right or claim to which cannot be brought to trial by him before the happening of such event, may commence an action to perpetuate any testimony which may be material for establishing such right or claim.
- Examination
of witnesses
to perpetuate
testimony* 26. A witness shall not be examined to perpetuate his testimony unless an action has been commenced for that purpose.

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| 27. | No action to perpetuate the testimony of a witness shall be set down for trial. | <i>Action not to be set down for trial</i> |
| 28. | Subject to the provision of the Evidence Act, a Judge sitting at trial may admit evidence of a witness, including a protected witness, through video conference or any other electronic device capable of recording live (as if he is physically in attendance in Court) a witness whenever the Judge considers it expedient to do so. | <i>Evidence of a protected witness by electronic means</i> |

ORDER 41
Fast Track Proceedings

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| 1. | The Chief Judge shall designate such number of Judges as he may deem fit, to hear and determine actions designated as Fast Track under this Order. | <i>Fast track judges</i> |
| 2. | Subject to Rule 3 of this Order, Fast Track proceedings shall be applicable only to the following causes and actions;
(a) Banker/ customer transactions;
(b) Commercial transactions; | <i>Jurisdiction of fast track Court</i> |
| 3. | The substantive monetary claim in actions under this Order shall not be less than One Hundred Million Naira. | <i>Monetary claim</i> |
| 4. | Subject to Order 2 of these Rules, a claimant or a defendant shall present his originating process accompanied with a duly completed application form as in Forms 27, 28, 29, 30 designated in that regard to place the cause or matter under the Fast Track procedure. | <i>Application for fast track procedure
Forms 27, 28,
29,30</i> |
| 5. | Proceedings under this Order shall be conducted expeditiously and as scheduled by the Court and the Court shall adopt an effective case management procedure subject to the following;
(a) Amendment of processes shall not be entertained after commencement of trial. | <i>Timetable/
Case management</i> |

(b) Adjournments shall not be granted except in compelling circumstances.

(c) Each party shall file and serve his final address within a period of seven (7) days; and the reply shall be filed and served within five (5) days.

(d) Final addresses shall be deemed adopted in the absence of parties.

Penalty for extension of time

6. Any application for extension of time to file any process under this Order shall attract a penalty of Two Thousand Naira (N2,000.00) per day.

Filing fee

7. All causes under this Order shall attract a non-refundable Fast Track fee of Five Hundred Thousand Naira (N500,000.00) only.

ORDER 42 Judgment and Orders

Delivery of judgment

1. The Court shall deliver judgment in open Court.

Judgment to be dated

2. Where any judgment is pronounced by the Court the judgment shall be dated the day on which such judgment is pronounced and shall take effect from that date unless the Court otherwise orders.

Directives in judgment by the judge

3. The Court at the time of making any judgment or order or at any time afterwards, may direct the time within which the payment is to be made or other act is to be done, reckoned from the date of the judgment or order, or from some other point of time, as the Court may deem fit and may order interest at a rate not more than 10% per annum to be paid upon any judgment.

Judgment to state Time for any act

4. Every judgment or order made in any cause or matter requiring any person to do an act shall state the time or the time after service of the judgment or order, within which the act is to be done.

5. In any cause or matter where the defendant has appeared by legal practitioner, no order for entering judgment shall be made by consent unless the consent of the defendant is given by his legal practitioner or agent. *Judgment by consent where defendant appears by a Legal Practitioner*
6. Where the defendant has no legal practitioner, such order shall not be made unless the defendant gives his consent in person in the open Court. *Judgment by consent where defendant has no legal practitioner*
7. Every order shall bear the date on which it was made unless the Court otherwise directs and shall take effect accordingly. *Order to be dated*
8. (1) Where an order has been made not embodying any special terms, or special directions, but simply enlarging time for taking any proceedings or doing any act or giving leave for - *Orders that may not be drawn up*
- (a) The issuance of any writ other than a writ of attachment;
- (b) The amendment of any writ or pleading;
- (c) The filing of any document; or
- (d) Any act to be done by any officer of the Court other than a legal practitioner, it shall not be necessary to draw up such order unless the Court otherwise directs; but the production of a note or memorandum of such order signed by a Judge shall be sufficient authority for such enlargement of time, issuance, amendment, filing or other act.
- (2) A direction that the costs of such order shall be cost in any cause or matter shall not be deemed to be special direction within the meaning of this Rule.
9. An order shall be sealed, and shall be marked with the name of the Judge by whom it is made. *Format for an order*

ORDER 43
Application for Judicial Review

Cases for judicial review

1. (1) An application for:
 - (a) An order of mandamus, prohibition or certiorari;
or
 - (b) An injunction restraining a person from acting in any office in which he is not entitled to act shall be made by way of an application for judicial review in accordance with the provisions of this Order.(2) An application for a declaration or an injunction (not being an injunction in rule (1)(b) of this Rule) may be made by way of an application for judicial review and the Court may grant the declaration or injunction if it deems it just and convenient, having regard to:
 - (a) The nature of the matters which relief may be granted by way of an order of mandamus, prohibition or certiorari;
 - (b) The nature of the person and bodies against whom relief may be granted by way of such an order;
 - (c) All the circumstances of the case.

Joinder of claims for relief

2. On an application for judicial review any relief mentioned in Rule 1 may be claimed as an alternative or in addition to any other relief so mentioned if it arises out of, relates to or is connected with the same matter.

Leave to apply for judicial review

3. (1) No application for judicial review shall be made unless the leave of the Court has been obtained in accordance with this rule.
(2) An application for leave shall be made ex-parte to the Court and shall be supported by:
 - (a) A statement setting out the name and description of the application, the reliefs and the grounds on

- which they are sought;
- (b) An affidavit verifying the facts relied on; and
- (c) A written address in support of application for leave.

(3) The Court hearing an application for leave may allow the applicant's statement to be amended, whether by specifying different or additional grounds of relief or otherwise on such terms, if any, as he deems fit.

(4) The Court shall not grant leave unless he considers that the application has a sufficient interest in the matter to which the application relates.

(5) Where leave is sought to apply for an order of certiorari to remove for the purpose of its being quashed any judgement, order, conviction or proceedings which is subject to appeal and a time is limited for the bringing of the appeal, the Court may adjourn the application for leave until the appeal is determined or the time for appealing has elapsed.

(6) Where leave to apply for judicial review is granted, then:

- (a) If the relief sought is an order of prohibition or certiorari and the Court so directs, the grant shall operate as a stay of the proceedings to which the application relates until the determination of the application or until the Court otherwise orders;
- (b) If any other relief is sought, the Court may at any time grant in the proceedings such interim relief as could be granted in an action commenced by writ;
- (c) The Court may impose such term as to cost and as to giving security as he deems fit.

4. An application for judicial review shall be brought within 3 months of the date of occurrence of the subject of the application.

Time within which to apply

*Mode of applying
for judicial review*

5. (1) where leave has been granted and the Court directs, the application may be made by motion or by originating summons.
- (2) The notice of motion or summons shall be served on all persons directly affected and where it relates to any proceedings before the Court and the object of the application is either to compel the Court or its officer to do any act in relation to the proceedings, or to quash them or any order made. The notice or summons shall be served on the clerk or Registrar of the Court and where any objection to the conduct of the Court is to be made, on the Court.
- (3) The motion or summons shall be fixed for hearing within 14 days of the grant of leave.
- (4) If on the hearing of the motion or summons the Court is of the opinion that any person who ought, whether under this rule or otherwise, to have been served has not been served, the Court may adjourn the hearing on such terms, if any, as it may direct in order that the notice or summons may be served on that person.

*Service of
application with
motion*

6. (1) Copies of the statement in support of an application for leave under Rule 3 shall be served with the notice of motion or summons and subject to sub-rule 2, no grounds shall be relied upon or any relief sought at the hearing except the grounds and reliefs set out in the statement.
- (2) The Court may on the hearing of the motion or summons allow the applicant to amend his statement whether by specifying different or additional grounds of relief or otherwise, on such terms, if any, as he deems fit and may allow further affidavits to be used if they deal with new matters arising out of an affidavit of any other party to the application.
- (3) Where the applicant intends to ask to be allowed to amend his statement or to use further affidavits, he shall give notice of his intentions and of any proposed amendment to every other party.
- (4) Each party to the application shall supply to every other party a copy of every affidavit which he proposes to use at

the hearing including, in the case of the applicant, the affidavit in support of the application for leave under Rule 3.

7. On an application for judicial review the Court may, subject to Rule 2, award damages to the applicant if:
Award of damages
 - (a) He has included in the statement in support of his application for leave under Rule 3 a claim for damages arising from any matter to which the application relates; and
 - (b) The Court is satisfied that if the claim had been made in an action commenced by the applicant at the time of making his application, he could have been awarded damages.

8. Any interlocutory application in proceedings on an application for judicial review may be made to the Court.
Interlocutory application

9. (1) On the hearing of any motion or summons under Rule 5, any person who desires to be heard on the motion or summons, and appears to the Court to be a proper person to be heard, shall be heard notwithstanding that he has not been served with notice of the motion or the summons.
Hearing of application for judicial review
 - (2) Where the reliefs sought is or includes an order of certiorari to remove any proceedings for the purpose of quashing them, the applicant may not question the validity of any order, warrant, commitment, conviction, inquisition or record unless before the hearing of the motion or summons he:
 - (a) Has filed a copy of such verified by affidavit or
 - (b) Account for his failure to do so to the satisfaction of the Court hearing the motion or summons.
 - (3) Where an order of certiorari is made in any such case as is referred to in sub-rule 2, the order shall, subject to sub-rule 4, direct that the proceedings shall be quashed immediately on their removal into Court.

(4) Where the relief sought is an order of certiorari and the Court is satisfied that there are grounds for quashing the decision to which the application relates, the Court may, in addition to quashing it, remit the matter to the Court, tribunal or authority concerned with a direction to reconsider it and reach a decision in accordance with the findings of the Court.

(5) Where the relief sought is a declaration, an injunction or damages and the Court considers that it should not be granted on an application for judicial review but might have been granted if it had been sought in an action begun by writ by the applicant at the time of making his application, the Court may, instead of refusing the application, order the proceedings to continue as if they had been commenced by writ.

Obedience to an order of mandamus

10. No action or proceedings shall be brought or prosecuted against any person for anything done in obedience to an order of mandamus.

Consolidation of applications

11. Where there is more than one application pending against several persons in the same matter and on the same grounds, the Court may order the applications to be consolidated.

ORDER 44

Habeas corpus, Attachment for Contempt

I - HABEAS CORPUS

Application

1. Where a person is alleged to be wrongly detained, application may be made for an order that he be produced in Court for the purpose of being released from detention.

Mode of application

2. (1) No application under rule (1) shall be made unless leave has been granted in accordance with this rule.
(2) Application for such leave shall be made ex-parte to the

Court and shall be supported by a statement stating out the name, and description of the applicant, the relief sought, and the grounds on which it is sought; it shall also be supported by an affidavit verifying the fact relied on.

(3) The affidavit verifying the facts relied on in making the application shall be made by the person detained; but where the person detained is unable owing to the detention to make the affidavit, the application shall be accompanied by an affidavit to the like effect made by some other persons, which shall also state that the person detained is unable to make the affidavit himself.

(4) The applicant shall file, in the Court, the application for leave not later than the day preceding the date of hearing, and shall at the same time lodge in the Court enough copies of the statement and affidavit for service on any party or parties as the Court may order.

(5) The Court or Judge may, in granting leave, impose such terms as to giving security for cost as it deems fit.

(6) The Court or Judge may: -

- (a) make an order forthwith for the release of the person being detained the provision of paragraph (1) notwithstanding;
- (b) direct that an originating summons be issued in form 2 of the Fundamental Rights (Enforcement Procedure) Rules, 1999; or
- (c) adjourn the ex parte application so that notice thereof may be given to the person against whom the order for the person released is sought.

(7) The summons or notice of motion shall be served on the person against whom the order for the release of the person detained is sought and on such other persons as the Court or Judge may direct, and, unless the Court or the Judge otherwise directs, there shall be at least five (5) clear days between the service of the summons or motion and the date named therein for the hearing of the application.

3. (1) Without prejudice to rule 2(6), the Court or Judge

*Production of a
detainee in Court*

hearing the application may, in his discretion, order that the person be produced in Court.

(2) An order under paragraph 6 of this rule shall be a sufficient summons for any superintendent of a correctional centre, police officer in charge of a police station, police officer in charge of the person detained or any other person responsible for his detention, for the production in Court of the person detained.

(3) Where an order is made for the production of the person detained, the Court or judge by whom the order is made shall give directions as to the Court or judge before whom, and the date on which the order is returnable.

Service of order

4. (1) Subject to paragraphs two (2) and three (3), an order for production of the person detained shall be served personally on the person to whom it is directed.

(2) If it is not possible to serve such an order personally, or it is directed to a police officer or correctional facility superintendent or other public official, it shall be served by leaving it with any person or official working in the office of the police officer, or the correctional facility or office of the superintendent or the office of the public official to whom the order is directed.

(3) If the order is made against more than one person, the order shall be served in a manner provided by the rule on the person first named on the order and copies shall be served on each of the other persons in the same manner.

Form 4

(4) There shall be served with the order (in form 4 in the Fundamental Rights (Enforcement) Rules, 1999) stating the Court or Judge before whom, and the date on which, the person detained is to be brought.

*Endorsement on
the return to the
order*

5. (1) The return to an order for the release of a person detained shall be endorsed on or annex to the order and shall state all the causes or justifications of the detainer of the person detained.

(2) The return may be amended, or another return substituted therefor, by the leave of Court or Judge before

whom the order is returnable.

6. When a return to the order has been made, the return shall first be read in open Court and an oral application then made for discharging or remanding the person detained or amending or quashing the return, and where that person is brought upon in Court in accordance with the order, his legal representative shall be heard first, then the legal representative for the state or for any other official or person detaining him. The legal representative for the person detained would then be heard in reply.
Procedure for hearing
7. An order for the release of the person detained shall be made in clear and simple terms having regard to all circumstances.
Order is to be made in clear terms
8. (1) An application for a writ of habeas corpus ad testificandum or habeas corpus ad respondendum shall be made on affidavit.
Application by affidavit
(2) An application for an order to bring up detainee, otherwise than by writ of habeas corpus, to give evidence in any cause or matter, civil or criminal, before any Court or tribunal shall be made on affidavit.
9. A writ of habeas corpus shall be as in form 24, 25 or 26 in the appendix whichever is appropriate.
Form of Habeas Corpus, Form 24, 25, 26

II - Attachment for Contempt

10. (1) In cases where this rule applies, the procedure in applications for attachment for contempt of Court shall so far as may be applicable, apply to order for judicial review under Order 43.
Procedure for attachment
(2) The notice of motion shall be personally served unless the judge dispenses with such service.
(3) This rule applies to cases where the contempt is committed:

- (a) In connection with proceedings to which this Order relates;
- (b) In connection with criminal proceedings;
- (c) Subject to the provisions of the Sheriff and Civil Process Act, any proceedings in the High Court, or where the contempt consists of disobedience to an order of the Court;
- (d) In connection with proceedings in an inferior Court; but this rule shall not apply where the contempt is committed in facie curiae.

Endorsement on committal order

11. When an order enforceable by committal has been made against a judgment debtor, and if the order is for delivery of goods without the option of paying their value or is in the nature of an injunction, the Registrar shall when the order is drawn up immediately endorse it as follows:

Notice of Consequence of Disobedience to Court Order.

To.....of.....
 TAKE NOTICE that unless you obey the direction (s) contained in this order you will be guilty of contempt of Court and will be liable to be committed to prison.
 Dated this.....day of..... 20

.....
Registrar

Response

12. Upon service of the application for committal issued in a case to which Rule 10 of this Order applies, the Respondent shall at least two (2) clear days before the return date stated in the application file a statement stating the reasons why an order for attachment should not be issued. The statement shall be verified by an affidavit deposed to by the respondent.

Return

13. Every order of attachment issued in a case to which Rule 10 of this Order applies shall be made returnable before the

Judge. If a return of non est inventus (not found) is made, a subsequent order or orders may be issued on the return of the previous order.

ORDER 45
Proceedings before the Chief Registrar

1. In this Order, any reference to the Chief Registrar means the Chief Registrar of High Court and includes the deputy Chief Registrar. *Chief Registrar*

2. The Chief Registrar may transact business and exercise authority in the following matters: *Business to be conducted by Chief Registrar*
 - (a) Applications for the taxation and delivery of bills of costs and applications for the delivery by any legal practitioner of deeds, documents and papers;
 - (b) The taking of an account in any case where the Court has ordered that the account be taken by the Chief Registrar;
 - (c) The taxation of bills of costs;
 - (d) Applications leading to the issue of the grant of probate or letters of administration of the estates of deceased persons in non-contentious or common form probate business.

3. If the Chief Registrar considers that any matter requires the decision of a Judge, he may refer it to the Chief Judge or the Court who referred the matter to the Chief Registrar. The Chief Judge or the Court may either dispose of the matter or refer it back to the Chief Registrar with such directions as he may deem fit. *Chief Registrar may refer matter to the Chief Judge*

4. Any person affected by an order or decision of the Chief Registrar in the exercise of the authority vested in him by this Order may appeal to a Judge. Such appeal shall be by *Appeal from order of*

notice in writing to attend before the Judge without a fresh summons within 5 days after the decision complained of or such further time as may be allowed by the Judge. Unless otherwise ordered, there shall be at least 2 clear days between service of the notice of appeal and the day of hearing. An appeal from the decision of the Chief Registrar shall not operate as a stay of proceedings unless so ordered by the Judge.

- Chief Registrar's list of matters* 5. Lists of matters to be heard by the Chief Registrar shall be made out and published by being posted on the Court's notice boards.
- Legal representation of party* 6. A legal practitioner may represent any party in any proceedings before the Chief Registrar under the authority vested in him by this Order,
- No particular form for directives* 7. Except as otherwise provided for in these rules, the directions to be given for or concerning any proceedings before the Chief Registrar shall require no particular form, but the result of such proceedings shall be concisely stated in a certificate.
- Reference to judgment* 8. The certificate of the Chief Registrar regarding accounts and inquires shall not, unless the circumstances of the case render it necessary, set out the judgment, order, any document, evidence or reasons but shall refer to the judgment, order, documents and evidence or particular paragraphs, so that it may appear on the face of it what the result stated in the certificate is founded on.
- Form and Contents of certificate* 9. (1) In case of accounts and inquiries the certificate of the Chief Registrar shall be as in Form 37 with such variations as the circumstances may require.
(2) The certificate shall state the result of the account and not set it out by way of schedule, but shall refer to the account verified by the affidavit filed and shall specify by the numbers attached to the items in the account which (if
- Civil Form 37*
- Content of certificate in cases of accounts and transcripts*

any) of such items have been disallowed or varied and shall state what additions (if any) have been made by way of surcharge or otherwise. Where the account verified by the affidavit has been so altered that it is necessary to have a fair transcript of the account so altered, such transcript may be required to be made by the party prosecuting the judgment or order and shall be referred to in the certificate. The account and transcripts (if any) referred to in certificates shall be filed.

10. Every certificate with the accounts (if any) to be filed shall be transmitted by the Chief Registrar to the registry for filing and shall be binding on all the parties to the proceedings unless discharged or varied upon an application made to the Court before the expiration of 8 clear days after the filing of the certificate.

Binding effect of certificate

11. When taxing a bill of costs, the Chief Registrar shall insert in red ink against every item disallowed, reduced or altered and the substance of the modification and at the bottom of the bill of costs he shall certify the net result of the taxation. The bill of costs shall be transmitted by the Chief Registrar to the registry for filing and the provisions of Rule 10 of this Order shall apply to the certificate.

Bill of costs

12. The Court may, if the special circumstances of the case require, upon an application direct a certificate to be discharged or varied at any time after it has become binding on the parties.

Discharge or variation of certificate

ORDER 46

Appeals from District/ Magistrate Courts

1. Except for interlocutory appeals which shall be brought within 15 days, every appeal shall be brought by notice of appeal lodged in the Appeals Registry within 30 days of the decision appealed from and served on all other parties

Time to bring notice of appeal

affected by the appeal.

*Contents of notice
of appeal*

2. (1) The notice of appeal shall set out in full the reference number of the proceedings in which the decision complained of was given, the names of the parties, the date of the decision and the grounds of appeal.
(2) Where the appellant complains only of a part of the decision, the notice of appeal shall specify the part complained of; otherwise the appeal shall be taken to be against the decision as a whole.
(3) The notice of appeal shall give an address within the Federal Capital Territory, Abuja, where the lower Court appealed from is situated, to which notices may be sent for the appellant by registered post.
(4) The notice of appeal shall be in Form 38, as in the Appendix and may be varied to suit the circumstances of the case but no variation of substance shall be made.

Civil Form 38

*Copies of
proceedings*

3. (1) A Registrar of the lower Court shall, within 3 months of decision appealed from, prepare as many certified copies of the proceedings required for the consideration of the appeal as there are parties on record.
(2) Except where the fees for preparing the certified copies are remitted, a deposit decided on by the Registrar as likely to cover the fees, shall be made by the appellant before the preparation of the copies.

*Transmission of
records of
proceedings*

4. (1) A Registrar of the lower Court shall within 7 days of preparing the certified copies send them to the Registrar (appeals) of the High Court as the record of appeal, and the appeal shall be deemed to have been entered.
(2) The Registrar (appeals) shall within 7 days of receipt of the records of appeal forward it to the parties.

Hearing notice

5. The Registrar (appeals) shall send to each party a notice of the date, time and the venue fixed for the hearing of the Appeal.

6. The time prescribed in Rule 1, may be enlarged at any time by the Court on such terms as it may deem fit, after notice is given to the respondent by the appellant of his application for enlargement of time. *Enlargement of time after service of notice of appeal*
7. Where the time available to the appellant for the taking of any step has expired before such step has been taken or completed, the respondent may, on notice to the appellant, apply to the Court to strike out the appeal, and the Court may strike out, or enlarge the time for sufficient reason shown. *Where time elapsed*
8. All appeals from lower Courts may be heard by one or more Judges of the Court. *Constitution of Court hearing appeal*
9. Unless the Court gives leave to the contrary:
- (a) All appeals from Courts below shall be heard and determined on briefs of argument filed and exchanged between the parties; *Briefs of argument*
 - (b) The appellant shall file an appellant's brief within 21 days of the receipt of the records of appeal from the Court;
 - (c) The respondent shall file and serve a respondent's brief within 14 days of service on him of the appellant's brief;
 - (d) The appellant may file a reply brief which shall deal with any new issue raised in the respondent's brief, within 7 days of the receipt of the respondent's brief.
 - (e) Every brief shall clearly identify the issues distilled from the grounds of appeal on the basis of which parties desire the Court to determine the appeal;
 - (f) Any issue which is not covered by any ground of appeal shall not be considered by the Court in its judgment.
10. A Court may direct a departure from these Rules in respect of compilation of records from the lower Court upon the application of any party to an appeal. *Direction for departure from the Rules*

Default of appearance by appellant

11. (1) Where on the day of hearing or at an appointed day of the case, the appellant does not appear, the appeal may be struck out, unless the Court deems fit, for sufficient cause to order otherwise.
(2) Where a respondent appears, the judgment shall be with costs of the appeal against the appellant, unless the Court expressly orders, but if the respondent does not appear, the costs of the appeal shall be at the discretion of the Court.

Default of appearance by respondent

12. Where on the day of hearing and at any appointed day of the case, the appellant appears, the Court shall, whether the respondent appears or not, proceed to the hearing or further hearing and determination of the appeal and shall give judgment according to the merits of the case but 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, the Court may dismiss the appeal with or without costs of appeal against the appellant.

Amendment of notice of appeal

13. The Court, may allow an amendment of the notice of appeal upon such terms and conditions as it may deem fit.

Affirmation of judgment

14. (1) A respondent may give notice that he intends at the hearing to ask the Court to affirm the judgment of the lower Court on grounds other than those stated by that Court.
(2) The notice shall be accompanied by a clear statement of the grounds on which the respondent intends to ask the Court to affirm the judgment of the lower Court.
(3) Such notice and grounds shall be filed in Court within 14 days of service on the respondent of the notice and grounds of appeal, and shall be served on the appellant or his legal practitioner.

Filing of any grounds of appeal by respondent

15. (1) A respondent may file grounds of appeal against any part of the judgment of the lower Court.
(2) The grounds shall be filed by the respondent within 14 days of service on him of the appellant's notice and

grounds of appeal, and shall be served on the appellant or his legal practitioner before the hearing.

16. (1) No objection on account of any defect in the form of stating any ground of appeal shall be allowed, unless the Court is of the opinion that the ground of appeal is so imperfectly or incorrectly stated such that it is insufficient to enable the respondent to enquire into the subject-matter or to prepare for the hearing.
- (2) Where a Court is of the opinion that an objection to any ground of appeal ought to prevail, it may, allow the ground of appeal to be amended upon such terms and conditions as it may deem just.
- Defect of grounds of appeal*
17. (1) On an appeal from a decision of a lower Court, no objection shall be taken or allowed to any proceeding in such Court for a defect or error which might have been amended by that Court, or to any complaints, summons, warrant, or other process to or of such Court for any alleged defect in substance or in form, or for any variance between any complaint or summons and the evidence adduced in support in such Court.
- (2) Where an error, defect, or variance mentioned in this Rule appears to the Court at the hearing of any appeal to be such that the appellant has been thereby deceived or misled, it shall be lawful for the Court either to refer the case back to the lower Court with directions to re-hear and determine it or to reverse the decision appealed from, or to make such other order for disposal of the case as justice may require.
- Objection to notice of appeal*
18. No objection shall be taken or allowed, on an appeal, to a notice of appeal which is in writing or to any recognizance entered into under this Order for the due prosecution of the appeal for any alleged error or defect, but if the error or defect appears to the Court to be such that the respondent on the appeal has been thereby deceived or misled, it shall be lawful for the Court to amend it, and, if it is expedient to
- Defects in notice of appeal or recognizance*

do so, also to adjourn the further hearing of the appeal, the amendment and the adjournment, if any, being made on such terms as the Court may deem just.

Adducing evidence

19. A Court may, where it considers it necessary that evidence should be adduced, either:
- (a) order such evidence to be adduced before the Court on a day to be fixed; or
 - (b) refer the case back to the lower Court to take such evidence, and may in such case either direct the lower Court to adjudicate afresh after taking such evidence and subject to such directions in law, as the Court may deem fit to give after taking such evidence, to report specific findings of fact for the information of the Court, and on any such reference the case shall, so far as may be practicable and necessary, be dealt with as if it were being heard in the first instance.

Additional evidence

20. (1) Where additional evidence is to be taken by a lower Court and specific findings of fact reported, it shall certify the evidence to the Court which shall then proceed to dispose of the appeal.
- (2) The appellant or his legal practitioner shall be present when the additional evidence is taken.
- (3) Evidence taken in pursuance of rule 18 of this Order shall be taken as if it were taken at the trial before the lower Court.
- (4) When forwarding to a Court any additional evidence taken by a lower Court in pursuance of Rule 20, the lower Court may express its evidence and may also, if it is the same Court against whose decision the appeal has been made, state whether or not it would have come to a different decision had the additional evidence been brought forward at the trial.

*Fees
First Schedule*

21. The fees in the First Schedule shall be chargeable in civil appeals except where they would have to be paid by a

Government officer acting in his official capacity or where the lower Court or the Court waives or remits the fees on the ground of the poverty of the person chargeable where it appears that there are substantial grounds of appeal.

22. Allowances may be made to witnesses in accordance with the provisions of the Schedule.

Allowances

23. (1) On an application made for stay of execution under any enactment establishing the lower Court, the lower Court or the Court may impose one or more of the following conditions:

Application for 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 satisfaction of the Court 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 satisfaction of the Court for the said sum;

(c) that the appellant shall, where the decision or judgment appealed from relates to possession of land or houses, give security to the satisfaction of the Court for the performance of the decision or judgment in the event of the appeal being dismissed;

(d) That the appellant's property shall be attached pending the making of a deposit or the giving of security, including a deposit or security for expenses incidental to the seizure and attachment;

(2) An Order made on an application shall limit the time (not being more than 30 days) for the performance of the conditions imposed, and direct that in default of the performance within the time so limited execution may issue or proceed.

(3) An application for stay of execution under the enactment establishing the lower Court may be made at

any time after lodgment of the notice of appeal and shall in the first instance be made to the lower Court; but where execution has been ordered by the lower Court the application shall not be made to the lower Court but to the Court.

(4) An application for stay of execution shall be on notice.

(5) Where an appellant 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.

(6) A party dissatisfied with an order made by the lower Court may apply to the Court by motion on notice for a review of the order, and the Court may then make such order as it deems fit.

(7) An appeal shall not operate as a stay of execution.

Costs

24. A Court may make such Order as to the payment of costs by or to the appellant as it may consider just and the Order may be made also in any case where an appeal has not been entered or prosecuted.

*Security for
respondent's cost of
appeal*

25. (1) A Court may, in special circumstances, on an application on notice supported by an affidavit, order the appellant to deposit such sum or give such security as may deem fit for respondent's costs of appeal including the costs incidental to the application.

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

(3) Where an appeal is dismissed, 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 Court of its own motion or on application made ex-parte or on notice, as the Court may deem fit.

(4) Subject to the discretion of the Court to grant costs where it deems proper on an application made under sub

rule (1), costs shall not be granted to the applicant except where the net proceeds of execution levied on the appellant's goods are sufficient to satisfy the amount payable under the judgment or decision appealed from.

26. (1) Where a case is decided on appeal the Court shall certify its judgment or order to the lower Court in which the decision appealed against was pronounced. *Certification of judgment or order*
(2) The lower Court to which the Court certifies its judgment or order shall then make such orders as are conformable to the judgment or order of the Court, and if necessary, the records shall be amended accordingly.
27. After the pronouncement of the judgment of the Court, the lower Court from which the appeal came shall have the same jurisdiction and power to enforce, any decision which may have been affirmed, modified, amended, or substituted by the Court or any judgment which may have been pronounced by the Court, in the same manner in all respects as if such decision or judgment had been pronounced by itself. *Enforcement of judgment*
28. Any order given or made by the Court may be enforced by the Court or by the lower Courts as may be most expedient. *Enforcement of order*
29. A Court may, if it deems fit, enlarge any period of time prescribed by this Order. *Enlargement of time*
30. In this Order- *Interpretation*
 “appeals” include appeals from Magistrate Courts
 “the lower Court” means District Court and Magistrate Court
 “Judgement” includes an Order or a Ruling

ORDER 47

Appeals to the High Court from Decision of Auditors

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|---|----|---|
| <i>Application of this order</i> | 1. | This order shall apply to an appeal to the Court from a decision of an auditor made under the provisions of any written law which confers the right to appeal to the High Court against any such decision. |
| <i>Mode of appeal</i> | 2. | An appeal to the Court from a decision of an auditor shall be by notice of motion. |
| <i>Evidence by affidavit</i> | 3. | The evidence upon the hearing of the appeal shall be by affidavit except otherwise direct by the Court. |
| <i>Service of notice of motion</i> | 4. | The notice of motion shall be served, before the expiration of 6 weeks after the date of the decision to which it relates, on the auditor in charge of the audit in which the decision has been made and also upon the area council or other body in relation to whose accounts or to the accounts of whose officer the decision was given, if that Area Council or other body is not the appellant. |
| <i>Contents of notice and date of hearing</i> | 5. | The notice of motion shall state the grounds of appeal, and the date mentioned in the notice for the hearing of the appeal shall, not be less than 28 days after the service of the notice. |
| <i>Filing of notice & hearing</i> | 6. | (1) An appellant shall within 7 days after service on the auditor of the notice of motion, file with the Registrar (appeals) a copy of such notice and an affidavit setting out the reasons stated by the auditor for his decision and the facts upon which the appellant intends to rely at the hearing and the motion shall be set down for hearing.
(2) Where a notice of motion is not set down accordingly, either the Area Council or other body or the auditor may apply to the Court, upon notice to the appellant for an order discharging the notice of motion and for the costs of the application. |

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|----|---|--|
| 7. | An appellant shall deliver immediately to the Area Council or other body and to the auditor a copy of any affidavit filed under Rule 6 in support of the motion and any person intending to oppose the motion shall, within 4 days before the hearing, deliver to the appellant a copy of an affidavit intended to be filed by him in opposition to the motion. | <i>Time within which to oppose motion</i> |
| 8. | Where under Rule 4 of this Order, a notice of motion is served on an auditor other than that auditor who gave the decision that other auditor may appear in opposition, as if he were the auditor by whom the decision was given, and these provisions shall apply accordingly. | <i>Service on Auditor other than the auditor who gave the decision</i> |

ORDER 48
Court Sittings and Vacation

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|----|--|--|
| 1. | Subject to the provisions of the Law, the Court may, in its discretion, appoint any day or days and any place or places from time to time for the hearing of causes as circumstances may require. | <i>Discretion of Court on sittings/hearing</i> |
| 2. | The sittings of the Court for the hearing of causes shall ordinarily be public but subject to the provisions of the Constitution of the Federal Republic of Nigeria, the Judge may for special reasons, hear any particular cause or matter in the presence of the parties only, their legal practitioners, if any, and the officers of Court. | <i>Public or private sittings of Court</i> |
| 3. | The offices of the Court shall be open at such times as the Chief Judge shall direct. | <i>Operational time for offices of Court</i> |
| 4. | Subject to the directions of the Chief Judge, sittings of the High Court for the despatch of civil matters will be held on every weekday, except: | <i>Days of sittings and annual vacation</i> |
| | (a) On any public holidays; | |

- (b) During the weeks ending with Good Friday and beginning with Easter Monday;
- (c) During the period beginning on Christmas eve and ending on the 2nd January of the succeeding year;
- (d) During the week designated as settlement week;
- (e) During the annual vacation, effective from any week in July and ending on a date not less 6 weeks later as the Chief Judge may declare by notification in the Gazette or any other means he deems appropriate.

Urgent matters on vacation

5. (1) Notwithstanding the provisions of Rule 4, any cause or matter may be heard by the Court during any of the periods mentioned in paragraphs (b), (c) or (d) of Rule 4 (except on a Sunday or public holiday) where such cause or matter is urgent or the Court, at the request of all the parties concerned, agrees to hear the cause or matter.

Ex-parte motion for urgent hearing of matters

- (2) An application for an urgent hearing shall be made by motion ex-parte and the decision of the Court on such an application shall be final.

Exemption for pleadings during vacation

6. The time for filing and service of pleadings shall not run during the annual vacation unless otherwise directed by the Court.

ORDER 49 **Costs**

Principles to be observed in fixing cost

1. (1) In fixing the amount of costs, the principle to be observed is that the party who is in the right is to be indemnified for the expenses to which he has been necessarily put in the proceedings, as well as compensated for his time and effort in coming to Court. The Court may take into account all the circumstances of the case.
- (2) When costs are ordered to be paid, the amount of such costs shall, if practicable, be summarily determined by the

Court at the time of delivering the judgment or making the order.

(3) When the Court finds it impracticable to determine summarily the amount of any costs which he has adjudged or ordered to be paid, all questions relating to it shall be referred by the Court to a taxing officer for taxation.

(4) This Order shall not apply to proceedings commenced under Order 51 of these Rules.

2. In any cause or matter in which security for costs is required, the security shall be of such amount, time, manner and form as the Court shall direct. *Security for costs*
3. A claimant ordinarily resident out of the jurisdiction may be ordered to give security for costs, though he may be temporarily resident within the jurisdiction. *Security for costs by claimant temporarily within jurisdiction*
4. In actions brought by persons resident out of the jurisdiction, when the claimant's claim is founded on a judgment, order, a bill of exchange or other negotiable instrument, the power to require the claimant to give security for costs shall be exercised at the Court's discretion. *Action founded on judgment or bill of exchange*
5. Where a bond is to be given as security for costs, it shall, unless the Court otherwise directs, be given to the party or person requiring the security and not to an officer of the Court. *Bond as security for costs*
6. Subject to the provisions of any applicable law and these rules, the costs incidental to all proceedings in the High Court, including the administration of estates and trusts, shall be at the discretion of the Judge, and he shall have power to determine by whom and the costs to be paid. *Cost at discretion of Court*
7. The Court may order any cost to be paid out of any fund or property to which a suit or proceedings relates. *Costs out of fund or property*

- Stay of proceedings till cost paid* 8. Where the Court orders costs to be paid or security to be given for costs by any party, the Court may order all costs by or on behalf of that party in the same suit or proceedings connected with it, 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.
- Cost at any stage of proceedings* 9. Costs may be dealt with by the Judge at any stage of the proceedings.
- When cost is to follow the event* 10. In addition to any penalty payable for default under these rules, the costs occasioned by any application to extend the time fixed by the rules or any direction or order, for delivering or filing any document or doing any other act, including the costs of any order made on the application shall be borne by the party making the application unless the Court otherwise directs.
- Matters to be taken into account in exercising discretion* 11. The Court in exercising its discretion as to costs shall take into account any offer or contribution made by any of the parties, payment into Court and the amount of such payment.
- Costs arising from misconduct or neglect* 12. (1) Where in any cause or matter anything is improperly or unnecessarily done or omitted to be done by or on behalf of a party, the Court may direct that any cost arising from it shall not be allowed to him and that any cost occasioned by it to other parties shall be paid by him to them.
(2) Without prejudice to the generality of sub-rule 1 of this rule, the Court shall for the purpose of that sub-rule have regard in particular to the following matters:
- (a) The omission to do anything which if done would have been calculated to save costs;
 - (b) The doing of anything calculated to occasion or in a manner or at a time calculated to occasion unnecessary costs; and

(c) Any unnecessary delay in the proceedings.

(3) The Court may instead of giving a direction under sub-rule 1 of this rule in relation to anything done or omission made, direct the taxing officer to enquire into it and if it appears that such a direction should have been given, to act as if the appropriate direction had been given.

13. (1) Subject to the following provisions of this rule, where in any proceedings costs are incurred improperly, without reasonable cause, by undue delay or by any other misconduct or default, the Court, may make an order against any legal practitioner whom it considers to be responsible, whether personally or through a servant or agent:

*Personal liability of
Legal Practitioner
for costs*

- (a) Disallowing the costs between the legal practitioner and his client; and
- (b) Directing the legal practitioner to pay to his client costs which the client has been ordered to pay to other parties; or
- (c) Directing the legal practitioner personally to indemnify such other parties against costs payable by them.

(2) The provisions of rule 13 sub-rule I shall apply where proceedings in Court cannot conveniently proceed or are adjourned without useful progress being made because of the failure of the legal practitioner to;

- (a) Attend in person or by a proper representative; or
- (b) Deliver any document for the use of the Court which ought to have been delivered or to be prepared with any evidence, account or generally to proceed.

(3) No order under this rule shall be made against a legal practitioner unless he has been given a reasonable

opportunity to appear before the Court to show cause why the order should not be made.

(4) The Court may direct that notice of any proceedings or order against a legal practitioner under this rule shall be given to his client in such manner as may be specified in the direction.

(5) If, on the taxation of costs to be paid out of a fund, one-sixth or more of the amount of the bill for those costs is taxed off, the legal practitioner whose bill it is shall not be allowed the fees to which he would otherwise be entitled for drawing the bill and for attending the taxation.

Taxation of costs 14. Every bill of costs, other than a bill delivered by a legal practitioner to his client which falls to be taxed under the Legal Practitioners Act, shall be referred to the Registrar for taxation and may be taxed by him or such other taxing officer as the Chief Judge may appoint.

Notice to other party 15. The party applying for taxation, shall file the bill and give notice to any other party entitled to be heard on the taxation, and shall, if he has not already done so, supply them with a copy of the bill.

Power of taxing officer 16. A taxing officer shall have power to tax any cost the taxation of which is required by any law or directed by order of the Court.

Supplementary powers of taxing officers 17. A taxing officer may, in the discharge of his functions on taxation of costs, take an account of any dealing in money made in connection with the payment of the costs being taxed, if the Court;

- (a) Require any party represented jointly with any other party in any proceedings before him to be separately represented;
- (b) Examine any witness in those proceedings;
- (c) Direct the production of any document which may be relevant in connection with those

proceedings.

18. (1) A taxing officer may:

Extension of time

(a) Extend the period within which a party is required by these rules to begin proceedings for taxation or to do anything in connection with proceedings before him;

(b) Where no period is specified by these rules or by the Court for the doing of anything in connection with such proceedings, specify the period within which the thing is to be done.

(2) Where an order of the Court specifies a period within which anything is to be done by or before a taxing officer, unless the Court otherwise directs, the taxing officer may on such terms as he deems fit extend the period so specified.

(3) A taxing officer may extend any such period as is referred to in the foregoing provisions of this rule although the application for extension is not made until after the expiration of that period.

19. Where a party entitled to be paid costs is also liable to pay costs, the taxing officer may;

(a) Tax the costs which that party is liable to pay and set off the amount allowed against the amount he is entitled to be paid and direct payment of any balance; or

(b) Delay the issue of a certificate for the costs he is entitled to be paid until he has paid or tendered the amount he is liable to pay.

Power of taxing officer where party liable to be paid and to pay costs

20. (1) A party entitled to require any costs to be taxed shall begin proceedings for the taxation of those costs by filing in the registry a bill of costs and obtain a date and time for the taxation. Such party shall give at least 7 days notice to every other party of the date and time appointed for taxation

Mode of beginning proceedings for taxation

proceedings and at the same time serve a copy of its bill of costs to the other party if he has not already done so.

(2) A notice under sub-rule 1 of this rule need not be given to any party who has not entered an appearance or taken any part in the proceedings which gave rise to the taxation proceedings.

Provisions as to bills of costs

21. (1) In any bill of costs the professional charge and the disbursements shall be entered in separate columns and every column shall be set out before the bill is left for taxation.
- (2) Before a bill of costs is left for taxation it shall be endorsed with:

- (a) The name or firm and business address of the legal practitioner whose bill it is; and
- (b) If the legal practitioner is the agent of another with the name or firm and business address of that other legal practitioner.

Taxation proceedings

22. (1) If any party entitled to be heard in any taxation proceedings does not attend within a reasonable time after the time appointed for the taxation, the taxing officer, if satisfied by affidavit or otherwise that the party had due notice of the time appointed, may proceed with the taxation.
- (2) The taxing officer by whom any taxation proceedings are being conducted may, if he deems it necessary, adjourn those proceedings from time to time.

Scale of costs

23. (1) Subject to Rule 20, and the following provisions of this rule, the scale of costs contained in schedule B of this Rule together with the notes and general provisions contained in that schedule, shall apply to the taxation of all costs incurred in relation to contentious business done after the commencement of these rules.
- (2) Where the amount of a legal practitioner's remuneration in respect of non- contentious business connected with

sales, purchases, leases, mortgages and other matters of conveyance or in respect of any other non-contentious business is regulated in the absence of agreement to the contrary, the amount of the costs to be allowed on taxation in respect of the like contentious in the scale shall be contained in the said appendix of these rules.

24. Upon the completion of the taxation of any bill of costs the taxing officer shall certify the result of his taxation including the costs. *Certificate by taxing officer*
25. The fees payable on taxation shall be paid by the party on whose application the bill is taxed and shall be allowed as part of the bill. *Fees on taxation
Application for review*
26. Any party to any taxation proceedings who is dissatisfied with the taxation in whole or in part of any item by a taxing officer or with the amount allowed by a taxing officer on any item, may apply to the Court for an order to review the taxation as to that item.
27. (1) An application under the preceding rules shall be made by summons at any time within 14 days after the taxing officer's certificate. *Application by summons*
(2) Unless the Court otherwise directs, no further evidence shall be received on the hearing of an application under this rule, and no ground of objection shall be raised which was not raised on taxation except, on the hearing of any such application the Court may exercise all such powers and discretion as are vested in the taxing officer in relation to the subject matter of the application.
(3) On an application under this rule the Court may make such order as the circumstances require and in particular may order the taxing officer's decision to be amended or, except where the dispute as to the item under review is as to amount only, order the item to be remitted to the same or another taxing officer for taxation.

ORDER 50
Computation of Time

*Details for
computation of
time*

1. Where by any law or order made by the Court a time is appointed or limited for the doing of any act, the period shall be reckoned:
 - (a) As excluding the day on which the order is made or on which the event occurs;
 - (b) Where the last day of the period is a holiday, the time shall continue until the end of the next day following which is not a public holiday;
 - (c) Where the act is required to be done within a period which does not exceed 6 days, holiday shall be left out of account in computing the period.

Holiday

2. In this order “holiday” means a day which is a Sunday or a public holiday.

*Time for service of
processes*

3. No pleadings, summons, motions, orders, originating process, documents and other processes shall be served before 6.00a.m. or after 6.00p.m. Service effected after 6.00p.m. shall be deemed to have been effected the following day, but service effected after 6.00p.m. on Saturday shall be deemed to have been effected on the following Monday.

*Extension of time
by Court*

4. (a) The Court may, either before or after the expiration of the time appointed by these Rules or by any judgment or order of the Court, extend the time or adjourn for doing any act or taking any proceedings.
(b) The Court may upon application and/or with the consent of parties, abridge the time appointed by these Rules for the doing of any act or taking any proceedings.

Penalty for default

5. (1) Any party who defaults in performing an act within the time authorized by the Court or under these Rules, shall

pay to the Court an additional fee of N500.00 (Five hundred naira) for each day of such default at the time of compliance.

(2) Every application for enlargement of time shall be accompanied by proof of compliance with Rule 5(1) of this order.

ORDER 51 **Proceedings in Forma Pauperis**

1. This Order shall apply to proceedings for which there is no statutory provision for Legal Aid. *Application*

2. The Court may allow a person to sue or defend *in forma pauperis* if satisfied that his means do not permit him to employ a legal practitioner in the prosecution of his case and that he has reasonable grounds for suing or defending as the case may be. *Persons to sue or defend in forma pauperis*

3. (1) A person seeking relief under this Order shall write an application to the Chief Judge accompanied by an affidavit, signed and sworn to by the applicant himself, stating that by reason of poverty he is unable to afford the services of legal practitioner. *Qualification*
(2) If in the opinion of the Chief Judge the application has merit, the Chief Judge shall appoint a legal practitioner to act for the applicant.
(3) Where a legal practitioner is so appointed the applicant shall not dispense with his service except with the leave of the Chief Judge.

4. Court fees payable by a person allowed to sue or defend in forma pauperis may be remitted either in whole or in part as the Court may deem fit and such person shall not, unless the Court otherwise orders, be liable to pay or receive any costs. *Fees and costs*

Procedure to be followed

5. (1) The legal practitioner shall not, except by leave of the Chief Judge, take or agree to take any payment whatsoever from the applicant or any other person connected with the applicant or the action taken or defended.
(2) If the applicant pays or agrees to pay any money to any person whatsoever in connection with his application or the action taken or defended, the order appointing the legal practitioner shall be revoked.
(3) If the legal practitioner assigned to the applicant discovers that the applicant is of means beyond those stated in the affidavit, if any, he shall at once report the matter in writing to the Chief Judge.

Revocation of order

6. (1) The Chief Judge may at any time revoke the order granting the application and the applicant shall not be entitled to the benefit of this order in any proceedings to which the application relates unless otherwise ordered.
(2) The applicant or the legal practitioner assigned to him shall not discontinue, settle or compromise the action without the leave of the Court.

Payment to Legal Practitioner

7. The Court may order payment to be made to the legal practitioner out of any money recovered by the applicant or may charge in favour of the legal practitioner upon any property recovered by the applicant, such sum as in all the circumstances may deem fit.

Duty of Legal Practitioner

8. Every order, notice or application on behalf of the applicant, except an application for the discharge of his legal practitioner, shall be signed by his legal practitioner, who shall take care that no application or notice is made or given without reasonable cause.

Appeals

9. No person shall be permitted to appeal in forma pauperis except by leave of the trial or the appellate Court; but if so permitted the provisions of this order shall apply mutatis mutandis to all proceedings on the appeal.

ORDER 52
Change of Legal Practitioner

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| 1. | Every legal practitioner who is engaged in any cause or matter may, by notice withdraw from or discontinue his representation either for the claimant or the defendant. | <i>Discontinuance by
Legal Practitioner</i> |
| 2. | A notice for a change of legal practitioner or withdrawal shall be filed and served by the party or the legal practitioner as the case may be. | <i>Notice for
change of Legal
Practitioner or
withdrawal</i> |
| 3. | A legal practitioner who has withdrawn appearance for a party in a cause or matter may be re-engaged by the same party, by notice to the Court. | <i>Re-engagement of
legal practitioner</i> |

ORDER 53
Application and Proceedings in Chambers

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| 1. | The business which may be disposed of in chambers by a Judge shall consist of the following matters, in addition to the matters under any other written law, that is to say; | <i>Businesses in
disposed of in
chambers</i> |
| | (a) Application – | |
| | (i) To issue and serve a writ or other process out of the jurisdiction; | |
| | (ii) For substituted service of a writ or other process; | |
| | (iii) To have cases heard during vacation; | |
| | (iv) For enlargement of time; | |
| | (v) For a writ of attachment or for a garnishee order; | |
| | (vi) For payment or transfer to any person of any cash or securities standing to his credit in a cause or matter where there has been a judgement or order declaring the rights or where the title depends only upon proof of the identity of the birth, marriage or death of any person; | |
| | (vii) As to the guardianship and maintenance of advancement of infants; | |
| | (viii) Connected with the management of | |

- property; or
- (b) Any matter relating to the adoption of children; and
 - (c) Such other matters of an interlocutory nature as the Judge may deem expedient to dispose of in chambers.

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| <i>Procedure for application in chambers</i> | 2. | The provisions of Order 30 with regards to interlocutory application by way of motion in Court shall apply <i>mutates mutandis</i> to application to a Judge in chambers. |
| <i>Notes of proceedings in chambers</i> | 3. | Notes shall be kept of all proceedings in chambers with proper dates, so that all such proceedings in such cause or matter may appear consecutively and in chronological order, with a short statement of the question or points decided at every hearing. |
| <i>Drawing up orders made in chambers</i> | 4. | Orders made in chambers shall, unless the Court otherwise directs, be drawn up by the Registrar and signed by the Judge. Such order shall be entered in the same manner as orders made in Court. |
| <i>Cost</i> | 5. | Subject to the provisions of any enactment and of these rules, the costs of, and incidental to all proceedings in chambers shall be at the discretion of the Court. |
| <i>Mode of setting aside and varying decision made in chambers</i> | 6. | <p>(1) Where any party to proceedings in chambers does not intend to accept the decision of the Court in chambers as final, he shall forthwith request to have the summons adjourned into Court for argument. If such request is refused, the party may proceed by way of motion with notice in Court to discharge, set aside or vary the order made or the judgment given in chambers.</p> <p>(2) The notice of motion shall be filed not later than 7 days after the drawing up of the order made in chambers unless the Court grants an extension of time on good and sufficient reason being shown, and the motion shall be heard and determined by the Judge who has dealt with the matter in chambers, unless this proves impossible or inconvenient owing to such Judge's death or retirement or</p> |

prolonged absence.

(3) This rule shall apply to decisions given by the Court in chambers on appeal from the Chief Registrar under rule 2 of Order 45.

ORDER 54

Foreclosure and Redemption

1. Any mortgagor or mortgagee, whether legal or equitable, or any person entitled to or having property subject to a legal or equitable charge, or any person having the right to foreclose or redeem any mortgage, whether legal or equitable, may take out an originating summons, for such relief of the nature or kind following as may be specified in the summons, and as the circumstances of the case may require; that is
 - (a) Payment of moneys secured by the mortgage or charge;
 - (b) Sale;
 - (c) Foreclosure;
 - (d) Delivery of possession whether before or after foreclosure to the Mortgagee or person entitled to the charge by the mortgagor or person having the property subject to the charge, or by any other person in, or alleged to be in possession of the property;
 - (e) Redemption;
 - (f) Reconveyance; and
 - (g) Delivery of possession by the mortgagee.

2. Orders for payment and for possession shall be as in Forms 39, 40 and, 41 of these Rules with such variations as the circumstances of the case may require, and similar forms shall be used under corresponding circumstances in actions for similar relief commenced by writ.

*Commencement by
originating
summons*

*Civil Forms 39, 40,
& 41*

Service and execution of judgment

3. The Court may give any special directions concerning the execution of the judgment, or the service to persons not parties to the cause or matter as he deems fit.

ORDER 55

Applications pending Appeal

Application for stay of execution

1. Where any application is made to the Court for stay of execution or proceedings under any judgement or decision appealed against, such application shall be made by motion on notice supported by affidavit stating the grounds upon which a stay of execution or proceedings is sought.

Compilation of records

2. An applicant for stay of proceedings or execution shall apply for compilation of the records of appeal within 14 days from the date of filing a notice of appeal and where the cost of compilation of records is not paid, the respondent may apply to strike out the application or discharge the order if already granted.

Refusal of order for stay

3. Where the Court has struck out an application for stay, no further application for stay of execution shall be made in the matter.

ORDER 56

Grant of Probate or Administration in General

Application for probate

1. Where a person subject to the jurisdiction of the court dies, all petitions for the granting of any letters of administration of the estate of the deceased person, with or without a Will attached, and for the granting of probate of the Will of a deceased person, and all applications on other matters connected, shall be made to the Probate Registrar of the court.

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| <p>2. There shall be kept at the Probate Registry:</p> <p>(a) Register of Wills.</p> <p>(b) Register of letters of administrations.</p> <p>(c) Register of grant of probate.</p> | <p><i>Registers to be kept at probate registry</i></p> |
| <p>3. Any person who seeks to conduct a search into the register of Wills in order to ascertain whether a deceased died testate or as to whether Letters of Administration has been issued or the process initiated regarding the deceased's estate, shall apply to the Probate Registrar with a copy of the death certificate of the deceased. The Probate Registrar may at his discretion request for further information or documents before approving the search upon payment of prescribed fees.</p> | <p><i>Application to conduct search in the probate registry</i></p> |
| <p>4. No grant of Probate or Letters of Administration with Will annexed shall be initiated within 14 days of the death of the deceased and no grant of administration without Will annexed shall be initiated within 21 days of the death.</p> | <p><i>Time to initiate grant of probate</i></p> |
| <p>5. In furtherance of any provisions under this Order and Orders 57, 58, 59, 60, and 61, the Registrar shall administer such forms as prescribed by this Rules or as he may deem appropriate in circumstances not contemplated by the Rules.</p> | <p><i>Registrar to administer appropriate Forms</i></p> |
| <p>6. The Court may, where the circumstances of a case require, on the death of a deceased person, or as soon after as may be, appoint and authorize an officer of Court, or some other fit person, to take possession of his property within jurisdiction, or put it under seal, and keep it until it can be dealt with according to law.</p> | <p><i>Authority to take possession of property</i></p> |
| <p>7. (1) Without prejudice to any provisions of these Rules, any person who is interested in a deceased's estate may file a notice to prohibit (caveat) with the Registrar forbidding the prospective grant of probate or letters of administration (without or with a Will attached) to any</p> | <p><i>Notice and procedures to prohibit grant (Caveat)</i></p> <p><i>Form 51, 52 53</i></p> |

person in respect of a deceased's estate which, if granted, will work to his prejudice or that of someone to whom he is a guardian, and upon such filing, the Probate Registrar shall abstain from taking any step to process any application for the grant of probate or letters of administration in respect of the estate indicated. PROVIDED that the caveat shall remain in force for 6 months from the date on which it is entered and shall then cease to have effect, without prejudice to the entry of a further caveat or caveats.

(2) A notice to prohibit a grant of probate or administration (without or with a Will attached) shall not affect a grant made on the day on which the notice is filed.

Index of caveat

(3) The Registrar shall maintain an index of caveats entered in the registry and on receiving an application for a grant in the Registry he shall cause the index to be searched and shall notify the applicant in the event of a caveat having been entered against the issue or sealing of a grant for which application has been made.

Warning

(4) A caveator may be warned by the issue from the registry of a warning in a prescribed Form at the instance of a person interested (in this Rule called 'the person warning') which shall state his interest and, if he claims under a Will, the date of the Will and shall require the caveator to give particulars of any contrary interest which he may have in the estate of the deceased and every warning or a copy of it shall be served on the caveator.

(5) A caveator who has not entered an appearance to a warning may at any time withdraw his caveat by giving notice at the registry and the caveat shall then cease to have effect, and if he has been warned, the caveator shall promptly give notice of withdrawal of the caveat to the person warning.

(6) A caveator who has an interest contrary to that of the person warning, may, within 8 days of service of the warning upon him inclusive of the day of such service, enter an appearance in the registry by filing prescribed Form, accompanied with an affidavit disclosing the nature

of his interest and promptly serve on the person warning, sealed with the seal of the registry.

(7) A caveator who has no interest contrary to that of the person warning, but wishing to show cause against the sealing of a grant to that person, may, within 8 days of service of the warning upon him inclusive of the day of such service, issue and apply for directions, which shall be returnable before the Registrar.

(8) If the time limited for appearance has expired and the caveator has not entered an appearance, the person warning may file in the registry an affidavit showing that the warning was duly served and that he has not received application for directions under sub-rule (7), and thereupon the caveat shall cease to have effect.

(9) Upon the commencement of a probate action, the Registrar shall, for each caveat then in force (other than a caveat entered by the claimant), give to the caveator notice of the commencement of the action, and on subsequent entry of a caveat at any time when the action is pending, shall likewise notify the caveator of the existence of the action.

8. Where a person other than the person named as executor or administrator, or an officer of the Court or person authorized by the Court, takes possession of and administers or deals with the property of a deceased person, he shall, besides other liabilities he may incur, be liable to a fine as the Court may order.

Penalty for an unauthorized possession of property

9. (1) An applicant for a grant of probate or letters of administration shall file in the Court a true declaration of all the personal and real properties of the deceased and their value.

Declaration of value of property

(2) For purposes of the fees payable on probate and such letters of administration, the value of the property for which the grant is made shall be deemed not to include –

Fees

(a) Gratuity payable by the Federal or State Government of a State, or the Federal Capital Territory,

Abuja, to the estate of a person formerly employed by it or a Statutory Corporation;

(b) A sum of money payable to an estate from a Provident Fund or Pension Fund established under any enactment.

*Application
through legal
practitioner*

10. (1) Subject to Rule 11(4) of this Order, an applicant for a grant may apply through a legal practitioner at the probate registry.

(2) A legal practitioner through whom an application for a grant is made shall:

(i). Append a seal to the application.

(ii). Indicate a telephone number, email address and a business address.

(3) Where an applicant desires for a legal practitioner, through whom he applied, to receive the instruments of grant on his behalf when issued, the applicant shall issue a letter of authority to that effect which shall be produced to the Registrar along with the application and a clause of which shall be an indemnity in favour of the Registrar against liability for acting on the letter of authority.

*Personal
application*

11. (1) An applicant for a grant may apply in person at the probate registry.

(2) A personal applicant may not apply through an agent, whether paid or unpaid and may not be represented by any person acting or appearing to act as his adviser.

(3) No personal application shall be received or proceeded with where -

(a) It becomes necessary to bring the matter before the Court on motion or by action;

(b) An application has already been made by a legal practitioner on behalf of the applicant and has not been withdrawn; or

(c) The registrar directs otherwise.

(4) Where a personal applicant is not able to appear in person to meet the requirements of signing necessary

processes before the Registrar or taking necessary oaths before the commissioner for oaths, by reason only that the applicant is resident outside Nigeria, upon an application made by a legal practitioner appointed by the applicant, at full cost to the applicant at a rate the Registrar may determine from time to time, such forms may be forwarded to the applicant at an address provided by him through registered courier company and the necessary signatures appended and oaths taken before a notary public in that jurisdiction, who shall notarize all the processes and further accompany them with a written affirmation by the notary public that the applicant signed the forms and took the oath before him, after which the processes are forwarded to the Probate Registrar through registered courier company.

(5) A personal applicant shall supply all information necessary to enable the papers leading to the grant to be prepared in the registry or may himself prepare such papers and lodge them unsworn, provided all prescribed fees are paid.

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| 12. | A personal applicant shall produce the death certificate of the deceased or such other evidence of the death as the Registrar may approve. | <i>Evidence of death</i> |
| 13. | Except the Registrar directs, every oath, affidavit or guarantee required of a personal applicant shall be sworn or executed by all the deponents or sureties before an authorized officer of Court. | <i>Oath to be taken before authorized Officer</i> |
| 14. | (1) An application for a grant shall be supported by an affidavit sworn by the applicant and by such other documents as the Registrar may require.
(2) Unless otherwise directed by a Registrar, the oath shall state where the deceased died domiciled. | <i>Affidavit in support of grant</i> |
| 15. | Where it is necessary to describe the deceased in a grant by some name in addition to his true name, the applicant shall state in the affidavit the true name of the deceased along | <i>Grant in additional name(s)</i> |

with such other name(s) and shall depose that some part of the estate, specifying it, was held in the other name(s) or as to any other reason that there may be for the inclusion of the other name in the grant.

*Supplementary
Letters of
Administration or
grant for additional
assets*

16. (1) Where there are additional asset(s) not included in the Letters of Administration issued prior, an application for supplementary letters of administration could be made to the Registrar by the administrators of the grant or their legal representative.
- (2) An application may be made to the Registrar by the executor of estate for the inclusion of any property or asset not mentioned in the Will of the testator or any additional asset discovered after probate was granted to be included in the estate of the testator.
- (3) The provisions of Rule 9 shall apply to sub rule (1) and (2) of this Rule as it relates to the requirement for a true declaration and valuation of properties and assets affected by this rule.

Accounts to be filed

17. (1) Every person to whom a grant of probate or letters of administration has or have been made and every administrator appointed by the Court shall, if called upon by the Court, file in Court the account of his administration and shall thereafter file such further periodic accounts as the Court may direct until the completion of the administration.
- (2) An executor or administrator who fails within any such period to file his accounts as specified shall be liable to such penalty not less than N1,000.00 as a Court may deem fit to impose, and every such fine shall, on non-payment, be enforceable by distress and where distress is insufficient, by imprisonment for a term not exceeding 6 months.
- (3) Where an account is filed in Court under this Rule, the Court shall scrutinize the account and if it appears to the Court that by reason of improper or unjustifiable entries or that the account is not a full and proper account, the Court may give written notice to the person filing the account to

remedy such defects within such time as the Court may deem reasonable for the purpose, and on failure to remedy such defects within such time, the person who filed such defective account shall be taken to have failed to file an account within the meaning of this Rule, and proceedings may be taken against that person accordingly.

(4) A Court may, on the motion of an interested party, or on its own, summon any executor or administrator failing to file account, to show cause why he should not be punished.

(5) A Court may for good cause shown extend the time for such filing of accounts.

(6) An executor or administrator who has been granted an extension of time to file such accounts and who fails within such extended time to file such accounts, shall be liable to the penalty stated above and the procedure for bringing him before the Court shall be invoked.

(7) In an appropriate form, the Registrar shall bring to the notice of the Court the fact that any executor or administrator has failed to file his accounts as required by this Rule.

(8) The accounts shall be open, free of charge to the inspection of all persons satisfying the Registrar that they are interested in the administration.

(9) In this rule, the word "accounts" includes an inventory, an account of the administration, the vouchers in hands of the executor or administrator, and an affidavit in verification.

18. (1) The duties and powers of a Court by this Order and Orders , 57, 58 and 59, shall be undertaken by the Registrar on behalf of the Court subject to any directions which the Chief Judge may give, but a Court shall have power, either on its own or on the application of an interested person, to review any action undertaken by the Registrar and on such review a Court shall have power to cancel anything which may have been done by the Registrar or make such order as may be just in the circumstances.

(2) A Court may refuse to entertain an application under

*Powers of a Court
undertaken by the
Registrar*

this Rule where it considers that there was an unreasonable delay by the applicant in making his application.

Effect of abandonment of process by applicant

19. Where an application for grant of probate or letters of administration has been made and a file opened for that purpose but, either due to failure of the applicants to meet requirements imposed or abandonment of the application by the applicant or for any other fault attributable to the applicant, the grant is not made within 6 months of the date of commencement, the application shall lapse, and where the applicant desires to pursue the grant thereafter, he shall commence the process afresh, provided that the period during which a publication as required under this Rules is made or any delay occasioned by any official step taken by the probate registry shall not be taken into account in computing the 6 months.

Notice to Federal Capital Territory of intended application for grant

20. Where it appears that the Federal Capital Territory, is or may be beneficially interested in the estate of a deceased person, notice of intended application for a grant shall be given by the applicant to the Attorney- General of the Federation, and the Registrar may direct that no grant shall issue within a specified time after the notice has been given.

Resealing of grant

21. (1) An application for the resealing of probate or letters of administration granted by the Court of a place not within the Federal Capital Territory, shall be made by the person to whom the grant was made or, subject to Rule 11(4) of this Order, by a legal practitioner authorized to apply on his behalf.
- (2) On any such application –
- (a) an affidavit shall be lodged as if the application were one for a grant in the Federal Capital Territory;
- (b) The application shall be advertised in such manner as the Registrar may direct and shall be supported by an oath sworn by the person making the application.

(3) On an application for the resealing of such a grant the Registrar shall not require sureties except where it appears to him that there are special circumstances making it desirable to require sureties.

(4) Except by leave of the Registrar, no grant shall be resealed unless it was made to such a person mentioned in the Probate or Letters of Administration sought to be resealed.

(5) No limited or temporary grant shall be resealed except by leave of the Registrar.

(6) A grant lodged for resealing shall include a copy of any Will or letters of administration to which the grant relates or shall be accompanied by a copy of it certified as correct by or under the authority of the Court by which the grant was made.

(7) Upon receipt of an application for resealing; the Registrar shall send notice of the application to the Court which made the grant, at a cost to be borne by the applicant, and if after 21 days no adverse response is received regarding the authenticity of the grant, he may proceed to process the application.

(8) Where notice is received in the Registry from outside the Federal Capital Territory, of the resealing of a grant made in the Federal Capital Territory, notice of any amendment or revocation of the grant shall be sent to the Court by which it was resealed.

22. (1) A grant of probate or letters of administration may be revoked by the Probate Registrar for any of the following reasons:

(a) the proceedings to obtain the grant were defective in substance; or

(b) the grant was obtained fraudulently by making a false claim, or by concealing from the Court something material to the application; or

(c) the grant was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant, though such allegation was made in ignorance or

Revocation of grant

- inadvertently; or
- (d) the grant has become useless and inoperative through circumstances; or
 - (e) the person to whom the grant was made has willfully and without reasonable cause omitted to exhibit an inventory or account as necessary to assist the probate registry, or has exhibited an inventory or account which is untrue in a material respect.

(2) Where the Registrar is satisfied that a grant should be revoked, he may make an order accordingly, but in special circumstances, no grant shall be revoked under this Rule except on the application or with the consent of the person to whom the grant was made.

Limited grant

23. (1) An application for an order for a grant limited to part of an estate may be made to the Registrar and shall be supported by an affidavit stating –
- (a) Whether the application concerns the real estate only or any part of it, or real estate together with personal estate or of a trust estate only;
 - (b) Whether the estate of the deceased is known to be insolvent;
 - (c) That the persons entitled to a grant of the whole estate in priority to the applicant have been cleared off.

(2) An application for a limited grant shall not be granted where the objective of the application can be achieved by a re-issue of an earlier grant or by a supplementary grant to an existing grant.

Application for leave to swear to the death of the deceased

24. An application for leave to swear to the death of a person in whose estate a grant is sought may be made to the Registrar and shall be supported by an affidavit setting out the grounds of the application and containing particulars of any policies of insurance effected on the life of the presumed deceased.

25. (1) Where a surviving spouse who is the sole personal representative of a deceased is entitled to a life interest in a part of the residuary estate and elects to have the life interest redeemed, he may give written notice of the election to the Registrar by filing a notice in the prescribed form in the registry.
- (2) A notice filed under this Rule shall be noted on the grant and the Record and shall be open to inspection.
- Notice of election by surviving spouse to redeem life interest*
26. (1) Where a citizen of any foreign country dies within jurisdiction without leaving a spouse or next-of-kin within jurisdiction, the Registrar shall collect and secure all moneys and other properties belonging to the deceased, and shall then request the Permanent Secretary Ministry of Foreign Affairs to inform the nearest consular officer of that country of the death of the deceased and transmit to him a list of the money(s) and property(ies) of the deceased.
- (2) An application may be made to a Court by a consular officer or by any person authorized by him in writing and under the consular seal, for leave to administer the estate of the deceased and the Court may make or vary such order as to security for payment of debts and the method of administration as the Court shall deem fit.
- (3) Where an application for grant of probate or letters of administration is made in respect of the estate of the citizen of a foreign country, the application will be processed as if it were that of a Nigerian citizen, without prejudice to the discretion of the Registrar to request such further information or confirmations from the Permanent Secretary Ministry of Foreign Affairs or the nearest consular office of the deceased person's country.
- Death of citizen of foreign country within jurisdiction*
27. Where a deceased died domiciled outside jurisdiction, the Registrar may order that a grant be issued to –
- (a) A person entrusted with the administration of the estate by the Court having jurisdiction at the place where the deceased died;
- (b) A person entitled to administer the estate by the law of
- Grant where deceased died domiciled outside jurisdiction*

the place where the deceased died domiciled;

(c) Any other person as the Registrar may direct where paragraphs (a) and (b) do not apply;

(d) Any other person jointly with a person referred to in paragraphs (a) and (b), or at least two administrators where the Registrar directs, Provided that without any order as aforesaid,

(i) Probate or any Will which is admissible to proof may be granted where –

(a) The Will is in English or in the local vernacular, to the executor named therein;

(b) The Will describes the duties of a named person in terms sufficient to constitute him an executor according to the tenor of the Will;

(ii) Where the whole of the estate in the jurisdiction, consists of immovable property, a grant limited to it may be made in accordance with law applicable in the Federal Capital Territory.

Limited grants to Attorneys

28. (1) Where a person entitled to a grant resides outside jurisdiction, a grant may be made to his lawfully constituted attorney for his use and benefit, though limited, until that person obtains a grant, but where the person entitled is an executor, administration shall not be granted to his attorney without notice to other executors, if any.

(2) Where a Registrar is satisfied by an affidavit that it is desirable for a grant to be made to the lawfully constituted attorney of a person entitled to a grant and resident within jurisdiction, he may direct that a grant be made to the attorney for the use and benefit of that person, though limited, until that person obtains a grant.

Grants on behalf of infants

29. (1) Subject to sub-rule (3) below, a grant to a minor before the attainment of the age of 18, shall be issued to –
(a) One or both parents of the infant jointly or to any guardian appointed by a Court of competent jurisdiction;
or

(b) if there is no guardian able and willing to act and the infant has attained the age of 16 years, to any next of kin nominated by the infant or where the infant is a married woman, to any such next of kin or to her husband if nominated by her.

(2) A person, nominated under sub-rule (1)(b), may represent any other infant whose next of kin he is, being an infant below the age of 16 years entitled in the same degree as the infant who made the nomination.

(3) Administration for the use and benefit of the infant until he attains the age of 18 years may be granted to any person assigned as guardian by order of a Court in default of, or jointly with or to the exclusion of, a person mentioned in sub rule (1), and such an order may be made on an application by the intended guardian, who shall file an affidavit in support of the application and if required by the Court, an affidavit of fitness sworn by a responsible person.

(4) Where a grant is required to be made to not less than 2 persons and there is only one person competent and willing to take a grant under the preceding provisions of this rule, a grant, unless the Registrar directs, may be made to such person jointly with any other person nominated by him as a fit and proper person to take a grant.

(5) Where an infant who is sole executor has no interest in the residuary estate of a deceased, administration with the Will attached for the use and benefit of the infant until he attains the age of 18 years shall, unless the Registrar directs, be granted to the person entitled to the residuary estate.

30. (1) Where a Registrar is satisfied that a person entitled to a grant is by reason of mental or physical incapacity incapable of managing his affairs, a grant for his use and benefit, limited during his incapacity or in such other way as the Registrar may direct, may be made –
- (a) In the case of mental incapacity, to the person authorized by the Court to apply for the grant; or
- (b) Where no person is authorized or in the case of physical incapacity, if the person incapable is entitled –

*Grants in case of
mental or physical
incapacity*

- (i) As executor and has no interest in the residuary estate of the deceased, to the person entitled to such residuary estate;
 - (ii) As an executor having an interest in residuary estate of the deceased, to the person who would be entitled to a grant in respect of his estate if he had died intestate or to such other person.
- (2) Except the Registrar directs, no grant shall be made under this rule unless all persons entitled in the same extent as the person incapable have been cleared off.
- (3) In the case of mental incapacity, notice of intended application for a grant under this rule shall, except the Registrar directs, be given to the person alleged to be so incapable.

Guarantee as a condition

31. (1) The Registrar shall not require a guarantee as a condition of making a grant except where it is proposed to make it –
- (a) To a creditor or the personal representative of a creditor or to a person who has no immediate beneficial interest in the estate of the deceased but may have such an interest in the event of an accretion to the estate;
 - (b) To a person or some of the persons who would, if the person beneficially entitled to the whole of the estate died intestate, be entitled to his estate;
 - (c) To the attorney of a person entitled to a grant;
 - (d) For the use and benefit of a minor;
 - (e) For the use and benefit of a person who is by reason of mental or physical incapacity incapable of managing his affairs;
 - (f) To an applicant who appears to the Registrar to be resident elsewhere than in the Federal Capital Territory; or
 - (g) Where the Registrar considers that there are special circumstances making it desirable to require a guarantee.
- (2) Despite a proposal to make a grant as above, a guarantee shall not be required, except in special circumstances, on an application for administration where the applicant or one

of the applicants is the Administrator- General or a trust corporation.

(3) Every guarantee entered into by a surety for the purposes of this order, shall be as in Form 49, as in the Appendix.

(4) Except where the surety is a corporation, the signature of the surety on every such guarantee shall be attested by an authorized officer, commissioner for oaths or other person authorized by law to administer an oath.

(5) Except the Registrar directs -

(a) If it is decided to require a guarantee, it shall be given by two sureties, except where the gross value of the estate does not exceed N500,000.00 or a corporation is a proposed surety and, in these cases, one will suffice;

(b) No person shall be accepted as a surety unless he is resident in the Federal Capital Territory;

(c) No officer of the judiciary shall become a surety unless the officer has a personal affinity with the estate of the deceased;

(d) The limit of the liability of the surety or sureties under a guarantee shall be the gross amount of the estate as sworn on the application for the grant;

(e) Every surety, other than a corporation, shall justify.

(6) Where a proposed surety is a corporation, there shall be filed an affidavit by the proper officer of the corporation to the effect that it has power to act as surety and has executed a guarantee as prescribed by its constitution, containing sufficient information as to the financial position of the corporation to satisfy the Registrar that its assets are sufficient to satisfy all claims which may be made against it under any guarantee which it has given or is likely to give.

32. (1) Upon application made to the Registrar, a grant of probate or letters of administration may be re-issued, in all particulars retaining its initial details except to the extent

*Re-issuance of
grant*

the Registrar may vary the grant in any of the following circumstances:

- (a) there was error or disparity or omission in the name or the names of the deceased or of the grantees and it has become necessary to correct or reconcile same;
- (b) there was error in the date of death or place of death of the deceased;
- (c) there was more than one grantee, and a grantee has died and require to be replaced;
- (d) a grantee was appointed in that capacity as guardian to a minor who has now attained majority and needs to replace the earlier grantee;
- (e) a grantee has become unfit to continue as an administrator due to mental or physical incapacity, bankruptcy, conviction for dishonesty etc., or other circumstances has arisen that makes his continuation as an administrator inappropriate, provided that necessary proof of such incapacity or circumstance must be provided;
- (f) there was error in the description of any item in the inventory of properties and it has become necessary to correct same.

(2) Where an application for rectification and reissue of grant pertains to errors concerning the names of grantees, the replacement of grantees, the description of properties and such other circumstances as the Probate Registrar may consider vital:

- (a) an application for reissuance of a grant shall be treated as if it were a new application for a grant of probate or letters of administration to which all the prescribed requirements will apply and the application shall be additionally accompanied with the original copy of the grant sought to be rectified and reissued, provided that where the error occasioning a rectification is due to the fault of the probate registry, the requirement of publication shall not apply.

(b) where a grantee is sought to be replaced, the consent of such grantee must accompany the application, unless the circumstances are such that it was impossible for him or his conduct has made him not deserving to give such consent.

(3) It is in the absolute discretion of the Registrar to revoke a grant rather than approve and permit a rectification of a grant for re-issue where he considers that the circumstances are such that revocation will better preserve the estate and the integrity of the powers of the Registrar.

(4) Where a rectification is approved for re-issue of a grant, the original copy of the now rectified grant must be surrendered to the Registrar and where the original is claimed to be lost, the applicant shall produce a copy accompanied with a police report of the circumstances of the loss.

33. Where evidence as to the law of a country or territory outside the Federal Capital Territory, is required on an application for a grant, the Registrar may accept an affidavit from a person whom, having regard to the particulars of his knowledge or experience given in the affidavit, he regards as suitably qualified to give expert evidence of the law in question.

Evidence of foreign law

ORDER 57

Grant of Letters of Administration (Without Will)

1. Grant of Letters of Administration (without Will) may be applied for and issued where a deceased person died without a Will (total intestacy) and so did not appoint executors or where some part of his estate is not covered by the Will and there is no residuary clause (partial intestacy) or where the Will is declared invalid.

Grant of Letters of Administration

Evidence to ascertain Identity

2. (1) A Court shall require evidence, in addition to that offered by the applicant, where additional evidence in that regard seems to the Court necessary or desirable, to ascertain:
- (a) the identity of the deceased or of the applicant; or
 - (b) the relationship of the applicant to the deceased; or
 - (c) any person or persons in existence with a right equal or prior to that of the applicant to the grant of probate or administration sought by the applicant; or
 - (d) any other matter which may be considered by the Court relevant to the question whether the applicant is the proper person to whom the grant should be made.
- (2) The Court may refuse the grant unless the applicant produces any of the requirements in paragraphs (a) – (c) or as may be required by the Court.

Court may refuse grant until all persons interested are given due notice

3. (1) Where it appears to a Court that some person(s) other than the applicant may have at least an equal right with the applicant to the grant sought, the Court may refuse the grant until due notice of the application has been given to such other person(s) and an opportunity given for such person(s) to be heard on the applicant's prior right.
- (2) Such other persons ordinarily equally eligible to be granted letters of administration by virtue of their affinity to the deceased may indicate their acquiescence by writing a letter of their consent to the Registrar, accompanied with a verifiable means of identification, and a clause in the letter shall contain an indemnity in favour of the Registrar against liability for acting on such expression of consent.

Inquiries answered before grant

4. (1) In no circumstance shall a Court issue letters of administration until all inquiries which the Court deems fit to make have been answered to its satisfaction.
- (2) A Court shall, however, afford reasonable facility for the obtaining of letters of administration as is consistent with due regard to the prevention of error and fraud.

5. (1) A person seeking for Letters of Administration shall give a bond, with at least two sureties, to the Registrar of the Court, as a condition for duly collecting, getting in and administering the personal property of the deceased, and such sureties shall be to the satisfaction of the Registrar.
- (2) A Court may, if it deems fit, take one surety only.
- 3) The bond shall be in a penalty of double the amount under which the personal estate of the deceased is sworn, unless the Court in any case deems it expedient to reduce the amount.
- (4) The Court may also in any case direct that more bonds than one shall be given, so as to limit the liability of a surety to such amount as the Court deems reasonable.

Surety bonds

6. (1) Where a person dies, the person(s) entitled to a grant of administration without a Will annexed shall be determined in the following order of priority –
- (a) The person(s) listed as next-of-kin;
 - (b) The spouse;
 - (c) The child/children of the deceased;
 - (d) The parent(s);
 - (e) The sibling(s) of the deceased;
 - (f) Any other close relative(s) in the absence of the above.

*Order of priority
for grant of letter of
administration*

(2) However, in all cases, letters of administration shall be granted to, at least, two persons as grantees but where the circumstances warrant for a grant to be made to a single grantee, the applicant shall make a formal application to the Registrar, showing good reasons, for his approval to be a sole grantee for the letters of administration.

(3) To assist the Registrar in determining the appropriate grantee, in the cases of deceased persons in some formal employment, the Registrar may require a letter of confirmation of the next of kin in the employer's official records, provided that where the next of kin(s) in such official records is someone other than the immediate or nuclear family of the deceased, the Registrar may take into account any time interval between when the record was

made and the time of death as to suggest that change of circumstances could have affected the intention of the deceased.

Publication of application for grant

7. (1) Where the applicant for the grant, resealing or re-issue of letters of administration has completed and complied with such requirements as may be imposed by the Registrar, the Registrar shall cause a publication or advertisement of the application to be made in one newspaper widely circulating in Nigeria, stating the pendency of the application for grant, resealing or re-issue of letters of administration in respect of the estate of the named deceased in favour of named applicants, and calling for any objection thereto, if any, to be made to the Registrar within twenty-one (21) days of the date of publication.

Objection to application for grant

(2) Where any objection is entered in response to the publication above, the Registrar shall immediately cease to act on the application and communicate this fact to the applicants and fix a date for hearing both the applicant and the objector and if the Registrar considers that the objection raises substantial issues sufficient to uphold it and his mediation did not bring agreement between the objector and applicant, he shall refer the parties to the court for adjudication.

(3) An objection may be lifted if the objector withdraws it or the objector and the applicant for grant comes to an agreement, or after reasonable time, not being less than 14 days inclusive of the day of service, the objector failed to answer a summons by the Registrar to enable him justify the entering of the objection.

Grant to be signed by Chief Judge or his designate

8. The grant of letters of administration under this Order shall be signed by the Chief Judge or a Judge designated by him.

Revocation of later grant

9. Where letters of administration was granted and it subsequently comes to the notice of the Registrar that a prior letters of administration or probate has been granted in respect of the same deceased's estate, but at the time of

applying for the subsequent grant the grantees, whether advertently or inadvertently, omitted to disclose the existence of the prior letters of administration, the Registrar shall revoke the letters of administration or probate later in time.

ORDER 58

Grant of Letters of Administration (with Will attached)

1. Unless hereinafter specifically provided, the procedure prescribed for grant of letters of administration without Will in Order 57 shall apply to this order with such modifications as the circumstances may require. *Application of
Order 57*

2. (1) Where a person dies, the person(s) entitled to a grant of letters of administration with the Will annexed shall be determined in the following order of priority – *Order of priority
for grant of
Letters of
administration*
 - (a) The executor;
 - (b) Any residuary legatee or devisee holding in trust for any other persons;
 - (c) A residuary legatee or devisee for life;
 - (d) A residuary legatee or devisee whose legacy is vested in interest;
 - (e) The ultimate residuary legatee or devisee, including one entitled on the happening of a contingency or, where the residue is not wholly disposed of by the Will:
 - (i) A person entitled to share in the residue not disposed of by Will, or his personal representative;
 - (ii) A legatee or devisee entitled to a share in the estate disposed of;
 - (f) A specific wholly disposed of by Will, any person who, notwithstanding that the amount of the estate is such that he has no immediate beneficial interest in it, may have a beneficial interest in the event of an accretion to the residue or devisee or creditor, a personal representative of any such person or, where the estate is not so disposed of;
 - (g) A specific legatee or devisee entitled on the happening

of a contingency, or a person having no interest under the Will of the deceased who would have been entitled to a grant if the deceased had died wholly intestate.

(2) Where the residue is not in terms wholly disposed of, the Registrar may, if satisfied that the testator has disposed of the whole or substantially the whole of the estate as ascertained at the time of the application for the grant, allow a grant to be made to any legatee or devisee entitled to, or to a share in the estate so disposed of, without regard to the persons entitled to share in a residue not disposed of by the Will.

*Inspection of Will
as to its execution*

3. (1) On receipt of an application for letters of administration with Will annexed, the Probate Registrar shall inspect the Will and see whether it appears to be signed by the testator or by some other person in his presence and by his direction, and subscribed by two witnesses according to the relevant provisions of the law and shall not proceed further if the Will does not appear to be so signed and subscribed.

(2) Where a Will appears to be signed and subscribed, the Registrar shall then refer to the attestation clause (if any) and consider whether the wording states the Will to have been, in fact, executed in accordance with those provisions.

*Joinder of
administrator*

4. (1) Where there is no proving executor, an application to join with a person entitled to a grant of administration with the Will attached –
(a) another person in a lower degree in default of renunciation by all persons entitled in priority to him;
or
(b) another person having no right to the grant, may be made to the Registrar, supported by an affidavit of a person entitled, the consent of the person proposed to be joined as personal representative and such other evidence as the Registrar may require.

(2) The following may without an application be joined with a person entitled to administration with the Will attached –

- (i) Any kin of the deceased having no beneficial interest in the estate, on the renunciation of all persons entitled to join in the grant;
- (ii) Unless the Probate Registrar directs, a person nominated for that purpose, by the infant's guardian;
- (iii) A trust corporation.

5. (1) An application to add a personal representative shall be made to the Registrar and shall be supported by an affidavit by the applicant, with the consent of the person proposed to be added as personal representative and such other evidence as the Registrar may require.

Additional personal representatives

(2) On an application, the Probate Registrar may direct that, a note shall be made on the original grant of the addition of a further personal representative, or he may impound or revoke the grant or make an order as the circumstances require.

6. Where the beneficial interest in the whole estate of a deceased is vested absolutely in one person who has renounced his right to a grant of administration with the Will attached and has consented to such administration being granted to a person(s) who would be entitled to his estate if he himself had died intestate, administration may be granted to such person or more (not exceeding four) of such persons, but a surviving spouse shall not be regarded as a person in whom the estate has vested absolutely, unless he would be entitled to the whole of the estate, whatever its value may be.

Holder of beneficial interest renouncing his right

7. (1) Renunciation of probate by an executor shall not operate as renunciation of any right which he may have to a grant of administration in some other capacity unless he expressly renounces such right.

Renunciation of probate and administration

(2) Except the Registrar directs, no person who has renounced a grant in one capacity may obtain a grant in some other capacity.

(3) A renunciation of probate or administration may be retracted at any time on the Order of the Registrar, but only in exceptional circumstances may leave be given to an executor to retract a renunciation of probate after a grant has been made to some other person entitled in a lower degree.

ORDER 59

Probate (Non-Contentious) Procedure

*Deposition of will
by testator*

1. (1) A person may, in his lifetime, deposit for safe custody in the Probate Registry his own Will, under his own seal and that of the Court.
(2) The person depositing the Will shall furnish the Registrar with names/addresses of not less than two persons who shall be notified for the opening of the Will.
(3) On receipt of an application to deposit a Will, the Registrar shall inspect the Will and see whether it appears to have been signed by the testator or by some other person in his presence and by his direction, and subscribed by two witnesses according to the provisions of the law, and shall not proceed further if the Will does not appear to be so signed and subscribed.
(4) Where a Will appears to be signed and subscribed, the Registrar shall then refer to the attestation clause (if any) and consider whether the wording states the Will to have been, in fact, executed in accordance with those provisions.

*Evidence of due
execution of Will*

2. (1) Where a Will contains no attestation clause or the attestation clause is insufficient or where it appears to the Registrar that there is some doubt about the due execution of the Will, the Registrar shall before admitting it to proof, require an affidavit as to due execution from one or more

of the attesting witnesses or if no attesting witness is conveniently available, from any other person who was present at the time the Will was executed.

(2) Where an affidavit cannot be obtained in accordance with sub-rule (1), the Registrar may, if he deems fit having regard to the desirability of protecting the interest of a person who may be affected by the Will, accept evidence on affidavit from any person he thinks fit to show that the signature on the Will is the handwriting of the deceased or of any other matter which may raise a presumption in favour of the due execution of a Will.

(3) Where the Registrar, after considering evidence -

(a) Is satisfied that the Will was not duly executed in accordance with relevant enactments, he shall refuse probate and shall mark the Will accordingly;

(b) Is doubtful whether the Will was duly executed, he may refer the matter to the court on motion.

3. Before admitting to proof, a Will which appears to have been signed by a blind or illiterate testator or by another person by direction of a testator, or which for any reason gives rise to doubt as to the testator having had knowledge of the contents of the Will at the time of its execution, the Registrar shall satisfy himself that the Will was read over to the deceased before its execution or that he had at that time knowledge of its contents.

*Execution of Will
of blind or illiterate
testator*

4. (1) Where there appears in a Will any obliteration, interlineations, or other alteration which is not authenticated in the manner prescribed by law or by the re-execution of the Will or by the execution of a codicil, the Registrar shall require evidence to show whether the alteration was present at the time the Will was executed and shall give directions as to the form in which the Will is to be proved, but this sub-rule shall not apply to an alteration which appears to the Registrar to be of no practical importance.

*Evidence of terms,
conditions & date
of Will*

(2) Where from a mark on a Will, it appears to the Registrar that some other document has been attached to the Will or if a Will contains any reference to another document in such terms as to suggest that it ought to be incorporated in the Will, the Registrar may require the document to be produced and call for evidence regarding the attachment(s) or incorporation.

(3) Where there is doubt as to the date on which a Will was executed, a Registrar may require such evidence as he thinks necessary to establish the date.

*Attempted
revocation of Will*

5. Any appearance of attempted revocation of a Will by burning, tearing or other circumstance leading to a presumption of revocation by the testator, shall be accounted for to the Registrar's satisfaction.

*Affidavit as to due
execution, terms,
etc of Will*

6. The Registrar may require an affidavit from a person he thinks fit for purposes of satisfying himself as to any of the matters referred to in rules 16, 17, 18 and 19, and where an affidavit is sworn to, by an attesting witness or other person present at the time of the execution of a Will, the deponent shall depose to the manner in which the Will was executed.

*Wills of persons on
military service &
seamen*

7. Where it appears to the Registrar that there is *prima facie* evidence that a Will is one to which section 9 of the Wills Act, 1837, or an equivalent enactment in force in the Territory applies, the Will may be admitted to proof if the Registrar is satisfied that it was made by the testator in accordance with the provisions of that enactment.

*Restriction on
delivery of will*

8. After a Will has been deposited in the registry by a personal applicant, it may not be delivered to the applicant or to any other person unless in special circumstances the Registrar so direct.

*Will not to be given
out without order
of court*

9. (1) An original Will shall not be delivered out for any purpose without the direction in writing of the Court

where the Will is filed.

(2) A certified transcript, under the seal of Court, of the probate or administration with the Will annexed may be obtained from the Court.

10. (1) An application for an order admitting to proof a codicil or a Will contained in a copy, a completed draft, a reconstruction or other evidence of its contents where the original Will is not available, may be made to the Registrar, but where a Will is not available owing to its being retained in the custody of a foreign Court or official, a duly authenticated copy of the Will may be admitted to proof without an Order.

Application for an order to proof codicil or will

(2) The application in sub rule (1) shall be supported by an affidavit setting out the grounds of the application and by such evidence on affidavit as the applicant can adduce as to-

- (a) The due execution of the Will;
- (b) Its existence after the death of the testator; and
- (c) The accuracy of the copy or other evidence of the contents of the Will, together with any contents in writing to the application given by any person not under disability who would be affected by the grant.

11. (1) Upon the death of a testator, any person with a connection to the deceased may request for the opening of the Will by an application to the Registrar supported with a death certificate.

Application for opening of the Will

(2) The Registrar shall notify the persons listed in Rule 1(2) above and family members to the opening of the Will on a date fixed for the opening.

(3) On the date fixed for the opening, all parties listed shall be seated and the Registrar shall open and read the Will and thereafter issue to each person a CTC of the Will upon payment of a prescribed fee.

(4) Where any property is not mentioned in the Will of a deceased, the proven Executors shall apply for Letters of

Administration in respect of the said property and such application shall be accompanied by the Probate.

*Order of priority
for granting
probate*

12. Where a person dies, the person(s) entitled to a grant of probate shall be determined in the following order of priority-
- (a) The executor;
 - (b) Any residuary legatee or devisee holding in trust for any other persons;
 - (c) A residuary legatee or devisee for life;
 - (d) A residuary legatee or devisee whose legacy is vested in interest;
 - (e) The ultimate residuary legatee or devisee, including one entitled on the happening of a contingency or, where the residue is not wholly disposed of by the Will,
 - (i) A person entitled to share in the residue not disposed of by Will, or his personal representative;
 - (ii) A legatee or devisee entitled to a share in the estate disposed of;
 - (f) A specific legatee or devisee or creditor, a personal representative of any such person or, where the estate is not wholly disposed of by Will, any person who, notwithstanding that the amount of the estate is such that he has no immediate beneficial interest in it, may have a beneficial interest in the event of an accretion to it;
 - (g) A specific legatee or devisee entitled on the happening of a contingency, or a person having no interest under the Will of the deceased who would have been entitled to a grant if the deceased had died wholly intestate.
- (2) Where the residue is not in terms wholly disposed of, the Registrar may, if satisfied that the testator has disposed of the whole or substantially the whole of the estate as ascertained at the time of the application for the grant, allow a grant to be made to any legatee or devisee entitled to, or to a share in the estate so disposed of, without regard to the persons entitled to share in a residue not disposed of by the Will.

13. On receipt of an application for grant of probate, the Registrar shall grant probate to the executor(s) or such other persons in accordance with these Rules. *Grant of probate*
14. (1) Where all persons entitled to the estate of a deceased under a Will have assigned their whole interest in the estate to one or more persons, the assignee or assignees shall replace in order of priority for a grant of probate, the assignor, or if there are two or more assignors, the assignors with the highest priority, in the absence of a proving executor. *Assignors & assignees in grant of probate*
- (2) Where there are two or more assignees, probate may be granted with the consent of the others to any one or more (not exceeding four) of them.
- (3) Where probate is applied for by an assignee, a copy of the instrument of assignment shall be lodged in the Registry.
15. (1) Where one of two or more executors is an infant, probate may be granted to the other executor or executors not under disability, with power reserved for making a similar grant to the infant on his attaining the age of 18 years and administration for the use and benefit of the infant until he attains the age of eighteen years may be granted under Rule 31, if the executors who are not under disability renounce or on being cited to accept or refuse a grant, fail to make an effective application accordingly. *Grants where infant is co-executor*
- (2) An infant executor's right to probate on attaining the age of eighteen years may not be renounced by any person on his behalf.
16. (1) An original Will, of which probate or letter of administration with Will annexed is granted, shall be filed and kept in the Registry, in such manner as to secure the due preservation and convenient inspection of it. *Custody of Will of which probate is granted*
- (2) A copy of every such Will and of the probate or letter of administration shall be preserved in a book kept for the purpose in the Registry.

Application for order to bring in a Will or attend for examination

17. (1) An application for an order requiring a person to bring in a Will or to attend for examination may, unless a probate action has been commenced, be made to the Court by summons, which shall be served on such person.
- (2) An application to the Court for the issue of a subpoena to bring in a Will, shall be supported by an affidavit setting out the grounds of the application and if any person served with the subpoena denies that the Will is in his possession or control, he may file an affidavit to that effect.

Issue of copies of Will and other documents

18. (1) Where copies are required of original Wills or other documents deposited under the provisions of a written law, such copies may be under the seal of the Registry and issued as office copies and where such office copies are not available, copies certified under the hand of the Registrar to be true copies, shall be issued only if it is required that the seal of the Court be affixed to it.
- (2) Copies, not being Photocopies of original Wills or other documents deposited, shall be examined against the documents of which they purport to be copies, if required by the person demanding the copy and in such case the copy shall be certified under the hand of the Registrar to be a true copy and may, in addition, be under seal of the Court.

Submission of testamentary documents

19. (1) A person having in his possession or under his control a paper or writing of a deceased, being or purporting to be testamentary, shall promptly deliver its original to the Registrar.
- (2) Where a person fails to deliver any paper or writing of any deceased person within 14 days after having knowledge of the death of the deceased, he shall be liable to a fine not less than N50,000.00.

Marking of Wills

20. A Will in which an application for grant is made shall be marked by the signatures of the applicant and the person before whom the oath is sworn and shall be exhibited to an affidavit which may be required under this Order, as to the validity, terms, condition or date of execution of the Will,

but where the Registrar is satisfied that compliance with this Rule might result in the loss of a Will, he may allow a photocopy of it to be marked or exhibited in lieu of the original document.

21. (1) Where the Registrar considers in a particular case a photocopy of the original Will would not be satisfactory for purposes of record, he may require an engrossment suitable for photocopy. *Engrossment of original will for purpose of record*
- (2) Where a Will contains alterations which are not admissible to proof, there shall be lodged an engrossment of the Will in the form in which it is to be proved.
- (3) An engrossment lodged under this Rule shall reproduce the punctuation, spacing and division into paragraphs of the Will and if it is one to which sub-rule (2) applies, it shall be made bookwise, on durable paper following continuously from page to page.
- (4) Where any pencil writing appears on a Will, there shall be lodged a copy of the Will or of the pages or sheets containing the pencil writing, in which there shall be underlined in red ink those portions which appear in pencil in the original.
22. Where a gift to a person fails because he is an attesting witness or the spouse of an attesting witness, that person shall not have a right to a grant as a beneficiary named in the Will, but shall have his right to a grant in any other capacity preserved. *Grant to attesting witnesses, etc.*

ORDER 60

Probate (Contentious) Procedure

1. (1) Where a person appointed as an executor under a Will fails or neglects or delays to apply for a Grant of Probate in order to administer the estate, and has not renounced probate, with due regard to the degree of priority, either the next of kin of the deceased, a beneficiary under the Will or *Citation to accept or reject grant of probate*

some other persons entitled to the Grant of Probate (known as 'the Citor'), may proceed by way of Citation to compel the executor or executors (known as 'the Citees') to accept or refuse a Grant of Probate.

(2) To proceed by way of Citation, the Citor shall:

- (a) have entered a caveat in the manner provided under this Rules to prevent a grant of probate from being issued;
- (b) produce a copy of the Will, attached to the Citation;
- (c) set out the reason for its issue, the interest of the Citor issuing it and the order the Citor is asking to be made in the Citation;

PROVIDED that where the Citor does not have a copy of the Will or testamentary document, for the purposes of the Citation a subpoena to produce same shall be contemporaneously served on the person in possession to produce it.

(3) A citation shall not issue under the seal of the Court until an affidavit, in verification of the averments it contains, has been filed in the Registry.

(4) Upon issue, the Citation shall be served on the Citee in the manner processes are prescribed to be served under these Rules, requiring him to enter an appearance with the registry within 8 days from the date of service on him, inclusive of the date of such service.

(5) Upon being served, the Citee may:

- (a) Apply for a grant of probate, in which case the Citation abates;
- (b) Provide a valid explanation as to why probate has not yet been granted or applied for, and if such explanation is offered, the Court shall dismiss the citation; or
- (c) Renounce their executorship.

(6) Upon proof that the Citee was served:

- (a) Where he fails to enter an appearance, the Citee may

be deemed to have constructively renounced probate or the Citor can seek an order either requiring the Citee to take the Grant out within a specified time or the removal of the Citee as an executor or the Citor can himself apply for the grant of probate or a grant of administration with Will annexed in relation to the testamentary document.

- (b) Where the Citee enters an appearance but renounces probate or, while not renouncing probate, the Citee still fails to apply for a Grant, the Citor can apply for himself a grant of probate or a grant of administration with Will annexed in relation to the testamentary document.

(7) Where there are conflicting claims for a grant among the members of a class entitled to administration, the grant shall be made to such of the claimants as the Registrar shall select having given not less than 21 days' notice to the rival claimants, or on objection made in writing within the said period, to such person as the Court shall select.

- 2. (1) If a deceased person has made several Wills and a beneficiary discovers or apprehends that they may receive less under an earlier Will or under intestacy, such beneficiary (the citor) may apply to propound the Will by way of citation, thereby compelling the persons (the citees) who stand to benefit under the later Will to decide whether to propound or prove it, and make it susceptible to be contested, and upon failure to propound or prove the Will, for it to be assumed to be invalid.
- (2) A citation to propound a Will shall be directed to the executors named in the Will and to all persons interested in it.
- (3) If time limited for appearance has expired, the citor may—
 - (a) in the case where no person cited has entered an appearance, apply to the Registrar for a grant as if the Will were invalid and such application shall be

*Citation to
propound a Will*

supported by an affidavit showing that the citation was duly served; or

(b) in the case where the person cited who has entered an appearance failed to proceed with reasonable diligence to propound the Will, apply to the Registrar by summons, which shall be served on every person cited who has entered an appearance, for such an order as is mentioned in paragraph (a) above.

ORDER 61

Proceedings in Probate & Administration Actions

- | | | |
|--|----|--|
| <i>Suit under probate</i> | 1. | Suits for probate/administration shall be instituted and carried on, subject to the Rules of procedure in ordinary civil claims. |
| <i>Assignment of bond for suit</i> | 2. | The Registrar may, on being satisfied that the condition of a bond has been broken, assign it to some person and that person may then sue on the bond in his own name, as if it had been originally given to him instead of the Registrar and may recover then, as trustee for persons interested, the full amount recoverable in respect of any breach of the bond. |
| <i>Application for summons to show cause</i> | 3. | A person claiming to be a creditor or legatee, or the next of kin, or one of the next of kins, of a deceased, may apply for and obtain a summons from Court requiring the executor or administrator, of the deceased to attend before the Court and show cause why an order for the administration of the property of the deceased should not be made. |
| <i>Order for administration of deceased's property</i> | 4. | (1) On proof of service of the summons or on appearance of the executor or administrator and on proof of all such other things as the Court may direct, a Court may, make an order for the administration of the property of the deceased.
(2) A Court may make or refuse the order, or give any special directions respecting the carriage or execution of it, |

and in the case of applications for the order by two or more different persons or classes of persons, may grant it to such, as it deems fit.

(3) Where a Court deems fit, the carriage or execution of the order may subsequently be given to such person and on terms.

(4) On making of an order, or at any time afterwards, a Court may, if it deems fit, make any other order which appear requisite to secure the proper collection, recovery for safe-keeping and disposal of the property or any part of it.

5. (1) In case of intestacy, where the special circumstances of the case appear to the Court so to require, a Court may, if it deems fit, on the application of any person having interest in the estate of the deceased or of its own motion, grant letters of administration to an officer of the Court, to a consular officer or to a person in the service of the Government.
- (2) The officer or person so appointed shall act under the direction of the Court and shall be indemnified.
- (3) A Court shall require and compel him to file in the Court the accounts of his administration of the estate at intervals not exceeding three months.

*Administration
may be granted to
officer*

6. Where a person died intestate as to his personal estate or leaving a Will affecting personal estate, but without having appointed an executor willing and competent to take probate, or where the executor, at the time of the death of that person, is resident out of the jurisdiction, a Court, where it appears necessary or convenient may appoint some persons to be the administrator of the personal estate of the deceased upon his giving security, if any, as the Court shall direct, and every such administration may be limited as the Court deems fit.

*Appointment of
Administrator by
the Court*

7. (1) A Court may direct that any administrator (with or without the Will annexed) shall receive out of the personal

*Remuneration of
Administrator*

and real estate of the deceased such reasonable remuneration as it deems fit, a sum not less than 5% of the amount of the realized property or when not converted into money, on the value of the property duly administered and accounted for by him.

(2) Where a Court is satisfied that by reason of exceptional circumstances the administration of the property has required an extraordinary amount of labour to be bestowed on it, the Court may allow for that property a higher rate of remuneration as it deems fit.

Grant of special administration

8. An application for an order for a grant of special administration where a personal representative is residing outside the Federal Capital Territory, shall be made to a Court on motion.

Actions against the decisions of Registrar

9. (1) A person aggrieved by any decision or requirement imposed by a Registrar may by way of summons file an action in Court.
(2) Where in an appeal under sub-rule (1), any person besides the appellant appeared or was represented before a Registrar from whose decision or requirement the appeal is brought, the summons shall be issued within 7 days for hearing on the first available day and shall be served on every such person concerned.

Service of notice of motion and summons

10. (1) A judge or Registrar may direct that a notice of motion or summons for the service of which no other provision is made in this Order shall be served on such person or persons.
(2) Whereby the provision of this Order or by a direction given under sub-rule (1), a notice of motion or summons is required to be served on a person, it shall be served not less than 5 days before the hearing of the motion or summons.

Notice to prohibit grant

11. (1) A notice to prohibit the issuance of a grant of probate or letter of administration (without or with a Will attached) may be filed in the Court.

(2) Where the order of caveat is granted by the Court, the applicant shall notify the Registrar.

12. (1) The Interpretation Act shall apply to the interpretation of this Order.

Interpretation

(2) In this Order, and Orders 56, 57, 58, 59 and 60 –

“authorized officer” means an officer or a Registrar authorized by law to administer an oath or to take an affidavit required for any purpose connected with his duties;

“gross value” in relation to an estate means the value of the estate without deduction for debts, encumbrances, funeral expenses or estate duty;

“oath” means the oath required by this Order to be sworn by every applicant for grant;

“personal applicant” means a person other than a trust corporation who seeks to obtain a grant without employing a legal practitioner and “personal application” has a corresponding meaning;

“Registrar” means the Probate Registrar or any other person acting on his behalf;

“registry” or “probate registry” means the probate registry at the High Court of the Federal Capital Territory, Abuja.

“Will” includes a codicil and any testamentary document or copy or reconstruction of it.

(3) A reference in this Order to a Rule or enactment shall be construed as apply to it as amended, extended or applied by any other Rule or enactment.

ORDER 62

Miscellaneous Provisions

1. Where no provision is made by these Rules or by any other written law for taking any procedural step or action, the Court or the Chief Registrar, as the case may be, shall adopt a procedure or make an Order that accords with substantial justice.

Where there is no provision

- Default in payment* 2. All fines, forfeitures, pecuniary penalties and costs ordered to be paid may be levied by distress, seizure and sale of the movable and immovable property of the person making default in payment.
- Publication of notices* 3. When the publication of any notice is required, it may be made by advertisement in the Federal Gazette or a National Daily Newspaper, unless otherwise provided in any particular case by any rule of Court or otherwise ordered by the Court.
- Proper endorsement and recording* 4. Any process or document shall not be filed unless it has endorsed on it the name, suit number of the cause, date of filing and whether filed by claimant or defendant; and on being filed such endorsement shall be initialled by the Registrar and recorded in the process register.
- Warrants and orders* 5. All warrants and orders of whatever description shall be sufficiently addressed for execution by being directed to the sheriff; but this provision shall not prevent any order or warrant from being addressed to a person by name or to a person named and to officers of Court generally or to the Area Council Authority.
- Fees by government departments* 6. No filing fee or penalty for late filing shall be paid by any Government Department in respect of any proceedings before the Court.
- Regulations on fees* 7. The regulations regarding fees shall govern the payment and disposal of fees and the duties of Court officers in that regard.

ORDER 63
Fees and allowances

1. Subject to the provisions of any written law and of the preceding Orders – *Prescribed Fees*
 - a. The fees set-out in the First, Second, Third and Fourth Schedules are payable by a person commencing the respective proceedings or desiring the respective service specified in those Schedules;
 - b. The allowances set-out in Part II of the First schedule are payable to the various categories of witnesses mentioned in it, by a person at whose instance they testify, but a witness who testifies at the instance of the Court acting on its own motion shall be paid out of public revenue.

2. The Regulations set-out in the Fourth Schedule shall be observed by all officers of Court concerned with the rendering of services, and/or collection of fees payable, under the provisions of the preceding Orders.

**APPENDIX
LIST OF FORMS**

Form No	<i>Title</i>
1.	General forms of writ of summons.
2.	Writ for service out of the jurisdiction.
3.	General form of originating summons.
4.	Originating summons under Order 2
5.	Exparte Originating Summons.
6.	Certificate of Pre-Action Counseling.
7.	Memorandum for renewed Originating Process.
8.	Request to Minister of Foreign Affairs to transmit Writ to foreign Government.
9.	Request for service abroad.
10.	Letter forwarding request for Substituted Service.
11.	Request to Minister of External Affairs to transmit Notice of Writ to a foreign Government
12.	Memorandum of appearance.
13.	Notice of counter-claim.
14.	Concession to defence
15.	Enrolment order.
16.	Notice of payment into Court.
17.	Acceptance of sum paid into Court.
18.	Acceptance of sum paid into Court by one of several defendants.
19.	Order for Accounts & Inquiries.
20.	Legal Practitioner's undertaking as to Expenses.
21.	Letter of request to take evidence abroad.
22.	Order for appointment of the Nigerian Diplomatic agent as special examiner.
23.	Form of praecipe.
24.	Subpoena ad testificandum.
25.	Habeas corpus ad testificandum.
26.	Subpoena duces tecum.
27.	Application to place matter on the Fast Track Division.
28.	General form of writ of summons (Fast Track).
29.	Notice of acceptance to place case on Fast Track Division.
30.	Non-acceptance to place case on Fast Track List.
31.	Daily record of cases held and summary of orders.

32. Application for copies of proceeding (Transcript).
33. Guarantee for the acts and defaults of a Receiver.
34. Receiver's Security by Undertaking.
35. Receiver's account.
36. Affidavit verifying Receiver's account.
37. Certificate of the Chief Registrar.
38. Notice of appeal.
39. Order for payment of principal money or interest secured by mortgage or charge.
40. Order for possession of property forming a security for payment to the claimant of any principal money or interest.
41. Order for payment of principal money or interest secured by mortgage or charge and for possession of property.
42. Originating summons for possession.
43. Order for possession.
44. Default of appearance and defence in case of liquated demand.
45. Interlocutory judgment in default where demand is unliquidated.
46. Interlocutory and final judgement in default where demand is unliquidated.
47. Default judgement in detinue.
48. Judgement in default of appearance in action for recovery of land, damages and costs.
49. Judgement for recovery of land only.
50. Final judgement after assessment of damages.
51. Judgement after appearance and Order.
52. Judgement for unliquidated demand.
53. Judgement after trial before Chief Registrar or Referee.
54. Judgement after trial of questions of account by Referee.
55. Judgement upon motion for judgment.
56. Judgment for dismissal.
57. Judgment for defendant's costs on discontinuance.
58. Judgment for claimants costs after confession of defence.
59. Judgment for costs after acceptance of money paid into Court.
60. Judgment on motion after trial of issue.
61. Legitimation petition.
62. Legitimacy Act affidavit.
63. Legitimacy Act undertaking by next friend.
64. Legitimacy Act undertaking for costs.
65. Legitimacy Act Notice to Attorney-General of the Federation.

66. Legitimacy Act Answer to petition.
67. Legitimacy Act decree.
68. Receipt to be given by Bailiff.
69. Return of process in possession of bailiff.
70. Return of cash received by bailiff.
71. Sheriff's Receipts for Writ.
72. Sheriff's Register of Process.
73. Summons for neglect to levy execution.
74. General form of commencement of process in transferred proceedings.
75. Order suspending or staying judgment or process or for discharge of debtor.
76. Registrar's Process Book.
77. Writ of attachment and sale against immovable property.
78. Notice to Registrar of Foreign Court of payment under Warrant or Order of commitment sent to him.
79. Public Notice of attachment of land.
80. Notice of attachment.
81. Notice of claim to attached property.
82. Notice to claimant to attached property to make deposit or give security.
83. Notice of application for private sale.
84. Notice to person in possession of sale of attached property.
85. Certificate of purchase of land.
86. Writ of interim attachment in judgment debtor proceedings.
87. Notice of consequence of disobedience to order of Court.
88. Notice to show cause why order of attachment should not be made.
89. Certificate that labour has been ordered for debtor prisoner.
90. Warrant of committal of judgement-debtor in default of security.
91. Warrant of committal or remand of judgment-debtor for misconduct.
92. Warrant of Committal for contempt.
93. Warrant of Arrest and Detention of Judgment-Debtor.
94. Production Warrant.
95. Praecipe for issue of Order or Warrant of Committal (1).
96. Praecipe for issue of Order or Warrant of Committal (2).
97. Praecipe for issue of Order or Warrant of Committal (3).
98. Certificate by officer in charge of prison on payment of judgement debt.
99. Notice of part-payment.
100. Endorsement of refusal of Discharge Order.
101. Endorsement of recommittal.
102. Writ of interim attachment.
103. Warrant to arrest absconding defendants (High Court).

104. Writ of delivery.
105. Writ of delivery with execution against immovable property.
106. Writ of Sequestration.
107. Register of Judgments.
108. Notice of registration of Certificate of judgment.
109. Notice of issue of process.
110. Notice of payment into Court.
111. General form of title of proceedings.
112. General form of affidavit.
113. General form of conclusion of Notices.
114. Notice of set-off or counter-claim.
115. Order for Consolidation.
116. Undertaking by defendant applying for stay of proceedings.
117. Order to stay proceedings.
118. Notice to claimants in other actions of judgment in selected action.
119. Third-Party Notice.
120. Undertaking by next friend of infant or committee of persons of unsound mind to be responsible for defendant's costs.
121. Plaintiff note.
122. Affidavit on application for issue of duplicate plaintiff note.
123. Ordinary summons.
124. Admission Counter-claim, special defence.
125. Service endorsement on any document of which personal service is effected (except a witness or judgment summons).
126. Order for substituted service.
127. Substituted service notice in the Federal Capital Territory, Abuja.
128. Service endorsement of substituted service.
129. Service endorsement on summons to witness.
130. Service endorsement of ordinary or default summons.
131. Affidavit to ground default summons.
132. Summons to obtain judgment by default in personal service.
133. Notice of intention to defend.
134. Praecipe for entry of judgment in default action.
135. Notice to claimant of payment into Court of whole claim with or without costs.
136. Affidavit on application on behalf of infant or person of unsound mind for appointment of guardian *ad litem*.

137. Order appointing guardian ad litem.
138. Certificate of judgment or order.
139. Record Book of High Court.
140. Order of High Court referring proceedings to arbitration.
141. Order of reference of proceedings, or question for inquiry or report.
142. Bond by person giving security.
143. Summons to witness to give oral evidence.
144. Summons to witness to produce documents.
145. Notice to produce documents at hearing.
146. Order of forfeiture for non-attendance of witness or for witness refusing to be sworn or give evidence.
147. Notice to show cause why forfeiture should not be ordered.
148. Application to obtain order to bring up prisoner to give evidence.
149. Order to bring up prisoner to give evidence.
150. Judgment for claimant (single payment).
151. Judgment where counter-claim has been made.
152. Judgment for delivery of goods.
153. Judgment for claimant (payment by instalments).
154. Notice of application for a new trial.
155. Affidavit of attesting witness of Will.
156. Declaration as to Next of Kin.
157. Administration bond (Will Annexed)
158. Letters of administration (Will Annexed)
159. Bank certificate.
160. Inventory
161. Particulars of freehold/leasehold property left by the Deceased.
162. Oath for executor.
163. Oath leading to resealing.
164. Justification of sureties.
165. Administration bond (without Will).
166. Oath for administration (without Will).
167. Letter to bank (1).
168. Letter to bank (2).
169. Administration bond on application for resealing.
170. Statutory affidavit of Next of Kin.
171. Application for a grant of letters of Administration (without Will).
172. Oath for double probate.
173. Application for grant of double probate of a Will.

174. Renunciation of probate or administration (Will annexed).
175. Acknowledgement of deposit/ withdrawal of Will.
176. Supplementary inventory to letters of administration granted to (both lawful next-of-kin) in respect of the said (deceased's) property.
177. Inventory for the resealing of letters of administration (without Will).
178. Preamble to letters of administration.
179. Letters of administration (without Will).
180. Schedule to letters of administration.
181. Probate Registrar's letter to Chief Judge.
182. Petition for resealing of grant of probate respecting the Will of the deceased.
183. Application for the grant of probate / letters of administration.
184. Grant of letters of administration (with Will attached).
185. Grant of letters of administration (without Will attached) .
186. Grant of probate.
187. List of person to be notified for the reading of Will.
188. Re-issue of grant of letters of administration (without Will).
189. Petition for resealing of grant of letters of administration respecting the estate of the deceased.
190. Petition for inclusion of additional assets to the letters of administration respecting the estate of the deceased.
191. Surety's guarantee.
192. Surety's guarantee on application for resealing.
193. Notice to prohibit Grant.
194. Caveat (by legal practitioner).
195. Warning to caveator.
196. Appearance to Warning/ Citation.
197. Notice of election to redeem life interest.

FORM 1
General Forms of Writ of Summons
(O.2, R.2(5)) (O.34, R.1)

FCT/HC/CV/_____/ 20__

(Here put the letter and number (see note (a) following this form).

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the..... Judicial Division

Between:

A.B..... *Claimant*

And

C.D..... *Defendant*

To C.D. of..... in the.....of

You are hereby commanded that within 21 days after the service of this writ on you, inclusive of the day of such service you do cause an appearance to be entered for you in an action at the suit A.B. and take notice that in default the claimant may proceed, and judgment may be given in your absence.

TAKE FURTHER NOTICE that parties shall maintain status quo.

Dated thisday of 20

.....

Registrar

Memorandum to be subscribed on the writ.

N.B:

This writ is to be served within 12 calendar months from the date of issuance, or if renewed, within 6 calendar months from the date of the last renewal, including the day of such date, and not afterwards.

Form of Writ of Summons,

The defendant may enter appearance personally or by legal practitioner either by handing in the appropriate Forms, duly completed at the registry of the High Court of the Judicial Division in which the action is brought or by registered post to the registry.

Endorsements to be made on the writ before issue:

The claimant's claim is for (b).....

This writ was issued by G.H. ofwhose address for service (c) is..... agent for..... oflegal practitioner for the said claimant who resides at (d).....(mention the city town or district and also the name of the street and number of the house of the claimant's residence, if any).

Endorsement to be made on copy of writ of summons after service.

This writ was served by me aton the defendant (here insert mode of service) on theday of20..... Endorsed theday of20.....

.....
(Signed)

.....
(Address)

Note:

- (a) Heading and Title – if the action is for administration of estate, the writ must be headed. “In the matter of the Estate of deceased”. If it is a debenture holder's action, the writ must be headed “In

The Matter of the Company” and in a probate action. “In the Estate of A.B. deceased”. A writ of summons claiming administration of a trust or settlement may be instituted. “In the matter of the Trust or settlement.

- (b) Endorsement of Claim – If the claimant sues or defendant is sued in a representative capacity the endorsement must state in what capacity the claimant sues or the defendant is sued (O.6, R.2). If the claim is for a debt or liquidated demand only, the Endorsement, even though not special must strictly comply with the provisions of (O.6, R.4) including a claim for four days' costs.
- (c) Address for Service –The address must be within the jurisdiction (O.6, R.6).
- (d) Address of Claimant – In the case of a company in liquidation the claimant's address should run “ claimants who are a company in liquidation. The liquidator is (name of liquidator) of (address of liquidator).

In the case of a foreign corporation within the meaning of part II chapter 3 of the Companies and Allied Matters Act the claimants' address should run thus:
Claimants who are a foreign corporation within the meaning of the Companies and Allied Matters Act. The registered name and address of the person to be served are (here add registered name and address)”.

- (e) Endorsement of Service – O.9, R.13.
- (f) Probate Actions – In these actions the endorsement of claim must show the nature of the claimant's interest under which he claims (O.6, R.3); and the alleged interest of the defendant.

Before the writ is issued the following certificate must be endorsed on it:

The Registry,
 High Court of the Federal Capital Territory
 Abuja

In the Judicial Division
 A sufficient affidavit in verification of the endorsement on this writ to authorize the sealing produced to me thisday of 20

.....
 (Signature of Registrar)

FORM 2

**Writ for Service out of the jurisdiction
(O.2, R.2(6))**

To C.D. of you are hereby commanded that within (here insert the number of days directed by the Court or judge ordering the service or notice) days after service of this writ on you inclusive of the day of such service, you do cause an appearance to be entered for you in the Judicial Division of the High Court of the Federal Capital Territory in an action at the suit of A.B.; and take notice, that in default the Claimant may proceed and judgment may be given in your absence.

TAKE NOTICE that parties shall maintain status quo.

Dated thisday of20

By order of the Court.

.....

Registrar

Memorandum to be subscribed on the writ

N.B:

This writ is to be served within 12 calendar months from the date of issuance, or, if renewed, within 6 calendar months from the date of the last renewal, including the day of such date and not afterwards.

The defendant may appear hereto by entering appearance either personally or by legal practitioner at the registry or the Judicial Division in which the writ is issued.

This writ was served (as in Form No. 1.)

Endorsement to be made on the writ before the issue:

NB:

This writ is to be used where a defendant is out of the jurisdiction.

Note:

The above endorsement "N.B." **must be on every writ or concurrent writ for service out of the jurisdiction except against defendant domiciled abroad but whom it is intended to be served within jurisdiction.**

Endorsement:- if the claim is for a debt or liquidated demand only, the endorsement, even though not special, must strictly comply with the provisions of O.6, R.4(1) including a claim for costs. In addition, refer to the Note on Form 1 to this rule.

FORM 3

General Form of Originating Summons
(O.2, R.3(4))

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the Judicial Division

(If the question to be determined arises in the administration of an estate or a trust
entitle: In the matter of the estate or trust)

In the matter of estate or trust.....

Between

A.B.....Claimant

And

C.D. and E.F.....Defendants

Let.....of.....in.....
.....within 21 days after service of this
summons on him, inclusive of the day of such service, cause an appearance to be
entered for him to this summons which is issued upon the application of
.....ofwho claims to be (state the nature of the
claim), for the determination of the following questions: (State the questions).

TAKE NOTICE that parties shall maintain status quo.

Dated theday of20.....

.....

Registrar

This summons was taken out bylegal
practitioners for the above-named.....

FORM 4

**Originating Summons under Order 2
(O.2, R.3(4))**

No.....of 20.....

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In theJudicial Division

In the matter of A.B. a legal practitioner (Re Taxation of costs or as may be). Let A.B. ofattend the Court. (or Chief Registrar's Office) High Court of Federal Capital Territory, Abuja, on the day of 20 at 9 o'clock in the forenoon (on the hearing of an application on the part of) (State relief sought).

If for leave to endorse award under the Arbitration Law, ap. Add, "And that the respondent do pay the costs of this application to be taxed."

TAKE NOTICE that parties shall maintain status quo.

DATED theday of 20.....

.....
Registrar

This summons was taken out by

Note:

It will not be necessary for you to enter an appearance in the HIGH COURT REGISTRY, but if you do not attend either in person or by your legal practitioner, at the time and place above mentioned or at the time mentioned in the endorsement, such order will be made and proceedings taken as the Judge may deem just and expedient.

FORM 5

**Form of ex parte Originating Summons
(O.2, R.3(4))**

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In theJudicial Division

Suit No.....

In the matter of A.B..... (an infant or, as may be).

Let all parties concerned attend before the Judge or (Chief Registrar's Office), High Court of Federal Capital Territory, Abuja, thisday of (at the time specified in the margin) on the hearing of an application on the part of the above named A.B. (an infant) by C.D. his friend, that:

(State the reasons for the application)

TAKE NOTICE that parties shall maintain status quo.

.....
Registrar

This summons was taken out by.....of
.....agents for.....of
.....legal practitioner for the applicant.

FORM 6

**Certificate of Pre-Action Counselling
(O.2, R.8)**

I, *(full name of legal practitioner)* certify that as the legal practitioner representing *(full name of party)* the claimant/ defendant has counseled my client on the strength and weakness of his cause or matter and informed him/ them of the opportunities available for the alternative dispute resolution of this case and the possibility of a reconciliation between the parties being effected either with or without the assistance of such an organization and should this matter turn out to be frivolous, I am prepared to be liable as per the provisions of the rules of this Court.

Dated this..... day of.....20.....

Legal practitioner's name and Signature.

FORM 7

**Form of Memorandum for Renewed Originating Process
(O.8, R.6(2))**

Heading as in Form No.1

Seal renewed Originating Process in this action endorsed as follows:-

“The Originating Process renewed on the ...day of 20... pursuant to order of Court made.....day of20for 6 months”

(Copy original Originating Process and the endorsements)

FORM 8

**Request to Minister of Foreign Affairs to Transmit
Writ to Foreign Government
(O.10, R.3(a))**

The Chief Judge of FEDERAL CAPITAL TERRITORY. presents his compliments to the Minister of Foreign Affairs, and encloses a notice of a writ of summons issued in an action of.....A.B.....versus C.D.....pursuant to order out of the Jurisdiction of the High Court of the Federal Capital Territory, for transmission to the Ministry of Foreign Affairs in (name of country) with the request that it may be served personally upon (name of defendant to be served) against who proceedings have been taken in the Judicial Division of the High Court of the Federal Capital Territory, and with further request that such evidence of the service upon the said defendant may be officially certified, or declared upon oath, or otherwise, to the High Court of the Federal Capital Territory, in such manner as is consistent with the usage or practice of the Courts of the (name of country) in providing service of legal process.

The Chief Judge further requests that in the event of efforts to effect personal service of the said notice of writ proving ineffectual, the Government or Court of the said country be requested to certify it to the High Court of the Federal Capital Territory.

FORM 9

**Request for Service Abroad (Title as in Form No.4)
(O.10, R.3(b))**

I (or we) hereby request that the writ of summons in this action be transmitted through the proper channels to (name of country) for service (or substituted service) on the defendant (Defendants name) at (address of defendant) or elsewhere in (name of country). And I (or we) hereby personally undertake to be responsible for all expenses incurred by the Ministry of Foreign Affairs for the service hereby requested, and on receiving due notification of the amount of such expenses I (or we) undertake to pay the sum into the High Court Registry for transmission to the Director-General (Permanent Secretary) of the Ministry of Foreign Affairs.

Dated thisday of 20

.....
Signature of legal practitioner

FORM 10

**Letter Forwarding Request for Substituted Service
(O.10, R.3(d))**

The Chief Judge of Federal Capital Territory, presents his compliments to the Minister of Foreign Affairs and encloses a writ of summons in the case ofAndin which the claimant has obtained an order of the Judicial Division of the High Court of the Federal Capital Territory, (which is also enclosed) giving leave to make a request that the said writ may be served by substituted service on the defendant at In the (name of country).

The Chief Judge requests that the said writ and order may be forwarded to the proper authority in (name of country) with the request that it may be transmitted by post addressed to the defendant at (the last known place of abode or the place of business) of the said defendant, or there delivered in such manner as may be consistent with the usage or practice of the Courts of (name of country) for service of legal process where personal service cannot be affected; and with the further request that it may be officially certified or declared upon oath, or otherwise, to theJudicial Division of the High Court of the Federal Capital Territory, in such manner as is consistent with the practice of the Courts of the (name of country) in proving service of legal process.

FORM 11

**Request to Minister of Foreign Affairs to transmit
Notice of writ to a Foreign Government
(O.10, R.4(1)(a))**

The Chief Judge of Federal Capital Territory, presents his compliments to the Minister of Foreign Affairs and enclose herewith a writ of summons issued in an action.....ofAnd the (insert name of the defendant) pursuant to order, out of the Judicial Division of the High Court of the Federal Capital Territory, for delivery to the Government of (insert name of the country and to request that an official certificate may in due course be dispatched to the..... Judicial Division of the High Court of the Federal Capital Territory, stating that the writ of summons has been delivered, and on what date.

FORM 12

Memorandum of Appearance
(O.11, R.1(1))

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

In theJudicial Division

Suit No. FCT/HC/CV/_____/20____

Between:

.....Claimant(s)

And

.....Defendants(s)

Please enter an appearance for 1(a)sued as 1(b)

.....
.....

In this action.

Dated the.....day of 20

Signed.....

Whose address for service is 1(c)

.....
.....

N.B - Additional notes for the guidance of defendants seeking to enter an appearance are given on the back. Please read carefully.

Notes:-

- 1 (a) The defendant must give his or her full name.
- (b) Give name by which the defendant is described in the writ if this differs from defendant's full name, otherwise delete words "such as"
- (c) A defendant appearing in person must give his residence or some other place

within the Jurisdiction of Federal Capital Territory, to which communications should be sent. Where he appears by a legal practitioner, the legal practitioner's place of business.

2. Where the defendant is a firm, the appearance must be entered by the name of individual partners with the description "Partner in the firm of"
3. Where the defendant is an individual trading in a name other than his own, the appearance must be entered by him in his own name with the addition of the description "Trading as....."
4. Where the defendant is a limited liability company, the appearance must be entered by a legal practitioner.
5. Where the appearance is being entered by leave of the Court, a copy of the order granting leave must accompany this form.
6. Where the defendant has no defence or admits the claimant's claim, the entry of appearance will delay judgment and may increase the costs payable by the defendant.
7. Acknowledgement of service shall be as follows:-

I, acknowledge that on the ... day of20..... at (time and place) received the following documents -

- (a)
- (b)
- (c)

I also acknowledge that I am the person referred to in the sealed copy of the originating process.

Dated thisday of20.....

.....

Signature

FORM 13

**Notice of Counterclaim
(O.17, R.8)**

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the..... Judicial Division

Between:

A.B..... Claimant(s)

And

C.D..... Defendant(s)

To the within-named X.Y.

Take notice that if you do not appear to the counter claim of the within-named C.D., within days from the service of the defence and counterclaim, you will be liable to have judgment entered against you in your absence.

Appearance to be entered at theJudicial Division,
High Court Registry, Federal Capital Territory, Abuja.

FORM 14

**Concession to Defence
(O.17, R.15)**

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the..... Judicial Division

Between:

A.B..... Claimant(s)

And

C.D., E.F and G.H..... Defendant(s)

The claimant concedes to the defence stated in the paragraph of the defendant's defence (or, of the defendant's further defence).

FORM 15

Enrolment Order
(O.28, R.3 (1))

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the.....Judicial Division

Holden at

Suit No.

This Honourable Court hereby orders that the matter between

..... Claimant

Address

.....

And

..... Defendants

Address

.....

Be referred to the Abuja Multi-Door Courthouse for settlement.

By Order

.....

Honourable Judge

FORM 16

Notice of Payment into Court
(O.21, R.1(6))

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the.....Judicial Division

Between:

A.B..... Claimant(s)

And

C.D.E.F and G.H..... Defendant(s)

Take notice that the defendanthas paid into Court N.....and says that (..... part of) that sum is enough to satisfy the claimant's claim (or/ and N..... the other part of that sum is enough to satisfy the claimant's claim for.....)

Dated theday of20

.....
P.O., legal practitioner for the defendant, C.D.

To: X.Y., the claimant's legal practitioner, and to Mr. R.S. legal practitioner for the defendant E.F.

To be filed in by the Cashier, High Court.

Received the above sum of.....Naira.....Kobo
.....into Court in this action

Dated the..... day of 20

FORM 17

**Acceptance of Sum Paid into Court
(O.21, R.2(1))**

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the..... Judicial
Division

Suit no.....

Between:

A.B.....
Claimant(s)

And

C.D., E.F and G.H.....
Defendant(s)

Take notice that the claimant accepts the sum of N..... paid by the
defendant (C.D.) into Court in satisfaction of the claim for which it was paid in (and
abandons his other claims in the action)

Dated theday of 20

.....
X.Y. Claimant's legal practitioner

To - Mr. P.O. legal practitioner for the defendant C.D. and Mr. R.S. legal practitioner
for the defendant E.F.

FORM 18

Acceptance of Sum Paid into Court
by one of Several Defendants
(O.21, R.4(2,4))

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the..... Judicial Division

Suit no.....

Between:

A.B.....
Claimant(s)

And

C.D.E.F and G.H..... Defendant(s)

Take notice that the claimant accepts the sum of N.....paid by the
defendant C.D. into Court in satisfaction of his claim against the defendant C.D.

Dated theday of20

.....
X.Y. Claimant's legal practitioner

To: Mr. P.O. legal practitioner for the defendant C.D., and Mr. R.S. legal
practitioner for the defendant E.F.

FORM 19
Form of order for Accounts and Inquiries
(O.25, R.3)

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the..... Judicial Division

Suit no.....

Between:

A.B..... Claimant(s)

And

C.D., E.F and G.H..... Defendant(s)

This Court orders that the following accounts and inquiry be taken and made; that is to say.

- 1.
- 2.
- 3.
- 4.

And it is ordered that the following further inquiries and accounts be made and taken; that is to say.

- 5.
- 6.
- 7.
- 8.

And it is ordered that further consideration of this cause be adjourned, and any of the parties are to be at liberty to apply as they may be advised.

FORM 20

Legal Practitioner's Undertaking as to Expenses

(Heading as in Form No 1)

I, (or we) undertake to be responsible for all expenses incurred by the Ministry of Foreign Affairs on the letter of request issued on the.....and on receiving due notification of the amount of such expenses undertake to pay it as directed by the Chief Registrar of the High Court.

The following have been appointed as agents for the parties in connection with the execution of the above letter of request:

Claimant's Agent.....of.....

Defendant's Agent.....of.....

Dated thisday of 20

.....
Legal practitioners for

.....
.....

FORM 21

**Letter of Request to take Evidence Abroad
(Convention Country)
(O.40, R.6)**

To the Competent Judicial Authority ofin the
.....of.....
.....

Whereas a civil (commercial) action is now pending in the Judicial
Division of the High Court of the Federal Capital Territory - Nigeria, in
which.....is the claimant andis the defendant.
And in the said action the claimant claims.....

And whereas it has been represented to the said Court that it is necessary for the
purpose of justice and for the due determination of the matters in dispute between
the parties, that the following persons should be examined as witnesses upon oath
touching such matters, that is.....ofand
..... of and it appears that such witnesses are
resident within your jurisdiction.

Now, I, the Chief Judge of the High Court of the Federal Capital Territory, - Nigeria,
have the honour to request, and do request, for the above reasons and for the
assistance of the Court, you will be pleased to summon the witnesses (and such
other witnesses as the agents of the claimant and defendant shall humbly request
you in writing to summon) to attend at a time and place as you shall appoint before
you, or such other person as according to your procedure is competent to take the
examination of witnesses, and that you will cause such witnesses to be examined,
upon the interrogatories which accompany this letter of request and viva voce,
touching the said matters in question in the presence of the agents of the claimant
and defendant or any of them as shall, on due notice given, attend such examination.

And I further have the honour to request that you will permit the agents of both the
claimant and defendant or any of them as shall be present to be at liberty to examine,
upon interrogatories and viva voce upon the subject-matter or arising out of the
answers, such witnesses as may, after due notice in writing, be produced on their
behalf, and give liberty to the other party to cross-examine the witnesses, upon

cross-interrogatories and viva voce upon the subject-matter or arising out of the answers, such witnesses as may, after due notice in writing, be produced on their behalf, and give liberty to the other party to cross-examine the witnesses, upon cross-interrogatories and viva voce, and the party producing the witness of examination liberty to re-examine him viva voce.

And I further have the honour to request that you will be pleased to cause the answers of the said witnesses and all additional viva voce questions, whether on examination cross-examination or re-examination the evidence of such witnesses to be reduced into writing and all books, letters, paper, and documents produced upon such

examination to be duly marked for identification, and that you will be further pleased to authenticate the examination by the seal of your tribunal, or in such other way as is in accordance with your procedure, and to return the same together with, the interrogatories and cross interrogatories, and a note of the charges and expenses payable for the execution of this request, through the Ministry of Foreign Affairs from whom the name was received for transmission to the said High Court of the Federal Capital Territory - Nigeria.

And I further beg to request that you will cause me, or the agents of the parties if appointed, to be informed of the date and place where the examination is to take place.

Dated thisday of 20

FORM 22

Order for Appointment of the Nigerian Diplomatic Agent
As Special Examiner (Convention Country)
(O.40, R.7)

(Heading as in Form No. 1)

Upon hearing the legal practitioners on both sides and upon reading the affidavit of.....

It is ordered that the Nigerian Diplomatic Agent or his deputy atbe appointed as Special Examiner for the purpose of making the examination, cross-examination, and re-examination, viva voce, on oath or affirmation, of witnesses on the part of the.....at..... The examiner shall be at liberty to invite the attendance of the said witnesses and the production of documents, but shall not exercise any compulsory powers, otherwise such examination shall be taken in accordance with the Nigerian High Court Procedure. Thelegal practitioners to give to thelegal practitioners.....days notice in writing of the date on which they propose to send out this order to.....for execution and that days after the service of such notice the legal practitioners for the claimants and defendants do exchange the names of their parents atto whom notice relating to the examination of the said witnesses may be sent. Thatdays (exclusive of Sunday) prior to the examination of any witness, notice of such examination shall be given by the agent of the party on whose behalf such witness is to be examined to the agent of the other party unless the notice is dispensed with. That the depositions when taken together with any documents referred to or certified copies of documents, or of extracts, be transmitted by the examiner, under seal, to the Chief Registrar of the High Court, Federal Capital Territory, Nigeria, on or before theday ofnext, or such further or other day as may be ordered, there to be filed in the proper office. That either party be at liberty to read and give such depositions in evidence on the trial of this action, saving all just exceptions. That the trial of this action be stayed until the filing of such depositions. That the costs of and incidental to this application and such examination be costs in the action.

Note:

If the Convention requires that the invitation or notice of the witnesses must expressly state that no compulsory powers may be used, these requirements must be complied with.

FORM 23

**Form of Praecipe
(O.40, R.19)**

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the..... Judicial Division

Suit No.....

Between:

A.B..... Claimant(s)

And

C.D. and Others..... Defendant(s)

Seal Writ of Subpoena.....on behalf of the.....directed

no.....returnable.

Dated thisday of 20.....

(Signed).....

(Address).....

Legal practitioner for the

FORM 24

Subpoena ad Testificandum
(O.40, R.20)

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the..... Judicial Division

Suit No.....

Between:

.....Claimant(s)

And

.....Defendant(s)

To.....of.....

You are commanded in the name of the President of the Federal Republic of Nigeria to attend before this Court at on.....theday of20.....at.....o'clock in the forenoon and from day to day till the above cause is tried, to give evidence on behalf of the.....

Dated thisday of 20.....

.....

Judge

FORM 25

Habeas Corpus Ad Testificandum
(O.40, R.20)

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the..... Judicial Division

Suit No.....

Between:

.....Claimant(s)

And

.....Defendant(s)

.....The Controller of Prisons, at.....

You are commanded in the name of the President of the Federal Republic of Nigeria to have, who is detained in your custody in Prison, atbefore the Court.....at.....on.....the.....day.....at.....O'clock in the forenoon, and from day to day until the above action is tried, to give evidence in the above-named cause, and immediately after the said.....shall have given his evidence you shall duly conduct him to the prison from which he shall have been brought.

Dated this.....day of 20

.....

Judge

FORM 26

Subpoena Duces Tecum
(O.40, R.20)

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the..... Judicial Division

Suit No.....

Between:

.....Claimant(s)

And

.....Defendant(s)

To.....of..... You are commanded in the name of the President of the Federal Republic of Nigeria to attend before the Court at.....on.....the.....day of 20..... at the hours of o'clock in the forenoon, and from day to day until the above cause is tried, to give evidence on behalf of theand also to bring with you and produce at the time and place mentioned

(Specify documents to be produced)

Dated this.....day of 20

.....
Judge

FORM 27
Application to place matter on the Fast Track Division
(O. 41, R.4)

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

DATE.....

The Hon Chief Judge
Federal Capital Territory
Abuja

SUIT NO. FT/ / /20

_____ CLAIMANT

AND

_____ DEFENDANT

I hereby apply for the above named matter to be placed in the Fast Track Division of the Court.

I undertake to comply with all the conditions

Solicitor to Claimant/Claimant

FOR THE COURT

Approved / Refused to be heard in the Fast Track Division

.....
Chief Judge

FORM 28

General Form of Writ of Summons (Fast Track)
(O.2, R.2(5)) (O. 41, R.4)

FCT/HC/CV/_____/20__

(Here put the letter and number (see note (a) following this form).

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the..... Judicial Division

Between:

A.B..... Claimant

And

C.D..... Defendant

To C.D. of.....in the.....of.....

You are hereby commanded that within _____ days after the service of this writ on you, inclusive of the day of such service you do cause an appearance to be entered for you in an action at the suit A.B. and take notice that in default of your so doing the claimant may proceed , and judgment may be given in your absence.

DATED thisday of 20 ...

.....

Registrar

Memorandum to be subscribed on the writ.

N.B:

This writ is to be served within three calendar months from the date or if renewed, within three calendar months from the date of the last renewal, including the day of such date, and not afterwards.

Form of Writ of Summons, continued

The defendant may enter appearance personally or by legal practitioner either by handing in the appropriate forms, duly completed at the registry of the High Court of the Judicial Division in which the action is brought or by sending them to the registry by registered post.

Endorsements to be made on the writ before issue.

The claimant's claim is for (b)

This writ was issued by G.H. of whose address for service (c) is.....agent for of legal practitioner for the said claimant who resides at (d) (mention the city town or district and also the name of the street and number of the house of the claimant's residence, if any).

Endorsement to be made on copy of writ after service.

This writ was served by me at on the defendant (here insert mode of service) on the day of20..... Endorsed the.....day of20.....

.....
(Signed)

.....
(Address)

Note:

- (g) Heading and Title - if the action is for administration, the writ must be headed - "In the matter of the Estate of deceased". If it is a debenture holder's action the writ must be headed "In the matter of the company" and in a probate action "In the Estate of A.B. deceased". A writ of summons claiming administration of a trust or settlement may be instituted "In the matter of the (Trust or settlement)".

- (h) Endorsement of Claim – If the claimant sues or defendant is sued in a representative capacity the endorsement must state in what capacity the claimant sues or the defendant is sued. See O.6, R.2. If the claim is for a debt or liquidated demand only, the Endorsement, even though not special must strictly comply with the provisions of O.6, R.4, including a claim for four days' costs.
- (i) Address for Service – see O.6, R.6. The address must be within the jurisdiction.
- (j) Address of Claimant – In the case of a company in liquidation the claimant's address should run “ claimants who are a company in liquidator)”.

In the case of a foreign corporation within the meaning of part 10 of the Companies and Allied Matters Act the claimants' address should run thus:

“claimants who are a foreign corporation within the meaning of the Companies and Allied Matters Act. The registered name and address of the person to be served are (here add registered name and address)”.

- (k) Endorsement of Service – see O.9, R.13.
- (l) Probate Actions – In these actions the endorsement of claim must show the nature of the claimant's interest under which he claims (O.6, R.3); and the alleged interest of the defendant.

Before the writ is issued the following certificate must be endorsed on it:
The Registry, HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the.....Judicial Division

A sufficient affidavit in verification of the endorsement on this writ to authorize the sealing has been produced to me this day of 20

.....
(Signature of Registrar)

FORM 29

**Notice of Acceptance to Place Case on Fast Track Division
(O.41, R.4)**

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

.....
.....
.....
.....

Suit No. FT///

..... Claimant

And.

..... Defendant

NOTICE OF ACCEPTANCE TO PLACE CASE ON FAST TRACK DIVISION

PLEASE TAKE NOTICE that following your application in the above-named matter, the above case has been placed on FAST TRACK LIST.

PLEASE NOTE that henceforth this matter shall be dealt with in accordance with FAST TRACK Case Management directions, applications and guidelines.

Dated at Abuja, this day of 20.....

.....

COORDINATOR
FOR SERVICE

FORM 30

Non-Acceptance to Place Case on Fast Track List
(O.41, R.4)

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

.....
.....
.....
.....

Suit No. FT///

Between

..... Claimant(s)

And

..... Defendant(s)

NON-ACCEPTANCE TO PLACE CASE ON FAST TRACK LIST

I refer to your application to place the above-named case on Fast Track list and wish to inform you that the case cannot be placed on Fast Track List. It has accordingly been placed on the general cause list.

You may contact the Coordinator for other details on this matter.

Dated at High Court, Abuja this.....day of 20.....

COORDINATOR

FORM 31

Daily Record of Cases Held and Summary of Orders

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

MONTHLY RECORD OF CASES HELD AND SUMMARY OF ORDERS

- DATE.....
1. TITLE OF CASE _____ SUIT NO.....
 2. NAME OF JUDGE _____ TIME CASE CALLED.....
 3. COURT MANAGER _____
 4. APPEARANCES:
Counsel for Claimant _____
Counsel for Co-Claimant _____
Counsel for Defendant _____
Counsel for Co-Defendant _____
 5. CASE CALLED COUNSEL FOR ALL SIDES PRESENT
 6. COUNSEL FOR _____ ABSENT _____ PRESENT
 7. STAGE CASE HAS REACHED _____
 8. ACTION FOR THE DAY: motion held; granted; not granted; adjourned.
 9. REASONS _____ DATE _____
 10. PART HEARD STAGE
 11. EVIDENCE OF CLAIMANT EXHIBIT TENDERED
 12. EVIDENCE OF CLAIMANT'S WITNESS.....
 13. EVIDENCE: OF DEFENDANT EXHIBIT TENDERED
 14. EVIDENCE: OF DEFENDANT'S WITNESS.....
 15. ADDRESS BY COUNSEL FOR THE CLAIMANT _____
 16. ADDRESS BY COUNSEL FOR THE DEFENDANT _____
 17. SPECIFIC ORDERS (if any) MADE IN THE DAY
 18. TIME CASE ENDED FOR THE DAY _____
 19. AT WHOSE INSTANCE _____
 20. COST _____ FT.F4

FORM 32

Application for Copies of Proceeding (Transcript)

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

FAST TRACK COURT

APPLICATION FOR COPIES OF PROCEEDING (TRANSCRIPT)

1. of (Postal Address)
Phone Number Fax Number E-Mail Number wish to
apply for copies of daily proceedings (or state portion required)
of this Court in respect of (title of case) Suit No
i pending before (name of Judge)

CERTIFICATION

By signing hereunder, I commit myself to the process of electronic recording of all the proceedings in this case and do hereby certify that I will pay all charges.

Dated at Abuja this.....day of.....20.....

SOLICITOR FOR Claimant/Defendant

The Coordinator,
Fast Track Court

FORM 33

Form of Guarantee for the Acts and Defaults of a Receiver

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the..... Judicial Division

Suit No.....

PARTIES

Re.....vs.....

Guarantee for N Annual premium N.....

This guarantee is made theday of20..... Between (XYZ) of(called "The Receiver") of the first part, andof(called "the surety") of the second part and The President of the Federal Republic of Nigeria. By an Order of the High Court of the Federal Capital Territory, Judicial Division dated theday of 20..... and made in the above-mentioned action the receiver has been appointed to receive (and manage) (follow words of the order). And it was ordered that the Receiver should give security to the satisfaction of the Judge on or before the ... day of....20.....

The surety in consideration of the annual premium stated above at the request of the Receiver has agreed to issue this guarantee agreeable to the Judge as proper security pursuant to the Court order.

Now this guarantee witnesses as follows -

1. The Receiver and the Surety jointly and severally covenant with the President of the Federal Republic of Nigeria and his successors that the Receiver shall and will from time to time account for what he has already received since the date of the order appointing him and shall further receive or for what since the date of the order appointing him he has or shall be or become liable to pay or account for as such Receiver (and manager) including as well every sum of money or other property

received during the period for which he has been appointed. Also every sum of money or other property received for any extended period for which he may be appointed and shall pay or deliver every sum or property as the Court or a judge may direct.

2. It is hereby mutually agreed as follows:

- a) If the Receiver shall not for every successive twelve months to be computed from the date of his appointment as such receiver as aforesaid or within fifteen days after the expiration of such twelve months pay at the office of the Surety the annual premium or sum of N..... then the Surety shall be at liberty to apply by summons in the action to be relieved from all further liability as surety under this guarantee except any damage or loss occasioned by any act or default of the receiver in relation to his duties as receiver (and manager) prior to the hearing and determination of such summons.
- b) A statement under the hand of any Registrar of the High Court of The Federal Capital Territory, of the amount which the receiver is liable to pay and has not paid under this guarantee and that the loss or damage has been incurred through the act or default of the receiver, shall be conclusive evidence in any action or information by the President of the Federal Republic of Nigeria against the receiver and surety or either of them or by the surety against the receiver of the truth of the contents of such statement and shall constitute a binding charge not only against the receiver and his personal representatives but also against the surety and his funds and property without being necessary for the President of the Federal Republic of Nigeria to take any legal or other proceedings against the receiver for the recovery and without any further proof being given in that behalf in any action to enforce this guarantee.
- c) The liability of the surety under this guarantee is limited to the sum of N.....provided nevertheless that a Registrar of the High Court may by his signature to the endorsement on this guarantee (in the form printed) reduce the said liability of the surety further or with the consent of the surety by an instrument in writing duly executed increase such liability as may be necessary and upon such endorsement this guarantee shall continue in full force but in that case the premium shall be

correspondingly reduced or increased.

3. It is further agreed between the receiver and the surety as follows:

- (a) The receiver on being discharged from his office or ceasing to act as receiver (and manager) shall give written notice to the surety by registered post and also within 7 days of such notice furnish to the surety free of charge an office copy of the order, if any, of the judge discharging him.
- (b) The receiver and his personal representatives shall at all times indemnify the surety and its property and funds against all loss, damage, costs and expenses which the surety or its funds or property may or might otherwise sustain by reason of the surety having executed this guarantee at his request.

In witness, the receiver has set his hand and seal and the surety has caused its Common Seal to be affixed the day of20 in the matter ofincreased liability.

To be attached by way of endorsement to guarantee.

The liability of the surety under the guarantee has with the consent of the receiver and the surety been increased from N.....to Nfor any acts or omissions to which the guarantee relates committed by the receiver subsequent to the date the total liability of the Surety for both the guarantee and his endorsement being limited to the increased sum above stated.

Sealed with the seal of the receiver and also the Common Seal of the surety this.....day of20.....as evidence of such increased liability and the admission by the receiver and the surety respectively.

Signed, sealed and delivered by the receiver in the presence of
The common Seal of the surety was affixed in the presence of
.....

FORM 34

Receiver's Security by Undertaking

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the..... Judicial Division

Suit

No.....

PARTIES

Re.....vs.....

I,.....ofthe receiver (and manager) appointed by order dated.....(or proposed to be appointed) in this action hereby undertake with the Court to duly account for all moneys and property received by me as receiver(or manager) or for which I may be held liable and to pay the balances from time to time found from me and to deliver any property received by me as receiver (or manager) at such times and manner as the Court or a judge shall direct.

And we, jointly and severally (in the use of guarantee or other company strike out "jointly and severally") undertake with the Court to be answerable for any default by the saidas receiver (or manager) and upon default to pay to any person as the Court shall direct any sum not exceeding in the whole N.....that may from time to time be certified by a Registrar of the High Court to be due from the receiver and we submit to the jurisdiction of the Court in this action to determine any claim made under this undertaking.

Dated thisday of20

Signatures of receiver and his surety or sureties. In the case of a surety being a guarantee or other company, it must be sealed or otherwise duly executed.

FORM 35

Receiver's Account

(TITLE)

Suit No.....of 20.....

The (.....) account of A.B., the receiver appointed in this cause (or, pursuant to an order made in this cause, dated the day of), to receive the rents and profits of the real estate, and to collect and get in the outstanding personal estate of C.D. the testator (or, intestate) in this cause named, from theday of.....
 (To accord with the order)

REAL ESTATE - RECEIPTS

No. of item	Date when received	Tenant's name	Description of premises	Annual rent	Arrears due at... ..	Amount due at	Amount Received	Amount Remaining due	Observations
				₹	₹	₹		₹	

PAYMENTS AND ALLOWANCES ON ACCOUNT OF REAL ESTATE

<i>No. of item</i>	<i>Date of Payment or allowance</i>	<i>Names of persons to whom paid or allowed</i>	<i>For what purpose paid or allowed</i>	<i>Amount ₦</i>
			One year's insurance of due Bill for repairs at house let to Allowance for a half-year's income Tax, due Total Payments ₦	

**RECEIPT ON ACCOUNT OF PERSONAL
ESTATE ACCOUNT**

PAYMENT AND ALLOWANCES ON

<i>No. of item</i>	<i>Date when received</i>	<i>Names of persons from whom received</i>	<i>On what account received</i>	<i>Amount Received</i>	<i>No. of item</i>	<i>Date when paid or allowed</i>	<i>Names of persons to whom paid or allowed</i>	<i>For what purpose paid or allowed</i>	<i>Amount paid or allowed</i>
				₪	₪	₪		₪	

SUMMARY

N N

Amount of balance due from receiver on account of real estate on last account
.....

Amount of receipts on the above account of real
estate.....

Balance of last account paid into
Court.....

Amount of payments and allowances on the above account of real
estate.....

Amount of Receiver's costs of passing this account as to real estate..... N

Balance due from the Receiver on account of real estate

Amount of balance due from Receiver on last account of personal
estate.....

Amount of receipts on the above of personal estate.....N

Balance of last account paid into
Court.....

Amount of payments and allowances on the above account of personal
estate.....

Amount of receiver's costs of passing this account as to personal
estate.....

Balance due from the receiver on account of personal estate..... N

FORM 36

Affidavit Verifying Receiver's Account

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the..... Judicial Division

Suit No:.....

Between:

A.B..... Claimant(s)

And

C.D. and E.F..... Defendant(s)

I, of the Receiver appointed in this cause, make oath and states as follows:

1. The document now shown to me marked "A" is as specified.
2. and my sureties named in the guarantee (or undertaking) dated 20..... are both alive and neither of them has become bankrupt or insolvent.
3. The..... Co. Ltd., my surety named in the..... guarantee (or undertaking) dated 20..... is still carrying on business and no petition or other proceeding for its winding-up is pending.).

Additional paragraphs as to wages and petty cash are sometimes necessary.

FORM 37

Certificate of the Chief Registrar
(O.45, R.9(1))

PARTIES

Pursuant to the directions given to me by Hon. Justice..... I certify that the result of the accounts and inquiries which have been taken and made in pursuance of the judgment (or order), in this cause dated theday of is as follows:

1. The defendants.....of, have received the amount of N.....and they have paid, or are entitled to be allowed an account, sums to the amount of N..... leaving a balance due from or to them of N.....on that account.
2. The particulars of the above receipts and payments appear in the account marked.....verified by the affidavit of filed on the day of and which accounts is to be filed with this certificate, except that in addition to the sums appearing on such account to have been received, the defendants are charged with the following sums (state the sum here or in a schedule), and except that I have disallowed the items of disbursement in the account numberedand(or in cases where a transcript has been made).
3. The defendants have brought in an account verified by the affidavit offiled on the..... day ofand which account is marked and is to be filed with this certificate. The account marked and which is also to be filed with this certificate, is a transcript of the account as altered and passed.

N.B:

The above numbers are to correspond with the number in the order after each statement, the evidence produced is to be stated as follows:

The evidence produced on this account (or, inquiry) consists of the following document filed on day of 20of the affidavit of C.D. filed

FORM 38

Notice of Appeal (Civil)

(O.46, R.2(4))

In the DISTRICT (OR AREA) COURT OF THE FEDERAL CAPITAL TERRITORY.

No.

A.B. versus C.D.

Take notice that the claimant (or Defendant, as the case may be) A.B. (or C.D.; name the party who is appealing) appeals from the judgment (or order or decision) dated theday of 20..... in the above proceedings.

And further take notice that his grounds of appeal are

.....

Dated

.....
A.B. (or C.D.) (or the Legal Practitioner acting for him)

To C.D. (or A.B.) of

Note:

This notice must be filed with the Registrar of the trial Court within a month of the decision appealed from and served on all parties affected by the appeal within that period.

The grounds of appeal should be given in full.

The rules on civil appeals from District and Area Courts should be looked at carefully.

FORM 39

**Order for Payment of Principal
Money or Interest secured by Mortgage or Charge
(O.54, R.2)**

It is ordered that the claimant recover against the defendant N.....
secured by a mortgage (or charge) dated the day of
.....20..... being the total of the principal sum of
N..... and N for interest at N per cent, per annum less
tax to theday of (date of order) and N..... for costs (or his costs of the
summons to be taxed).

And it is ordered that upon the defendant paying to the claimant the moneys
ordered to be recovered and all other moneys, if any, secured to the claimant by the
mortgage (or charge) the claimant (subject and without prejudice to the due exercise
of any power of sale for the time being vested in him) release to the defendant the
security constituted by the mortgage (or charge).

And it is ordered that all parties be at liberty to apply to the Court as they may be
advised.

FORM 40

**Order for Possession of Property forming a security
for payment to the Claimant for any principal
Money or Interest
(O.54, R.2)**

It is ordered that the defendant give the claimant possession on or before the
..... day of20of the land described and
comprised in a mortgage (or charge) dated theday of
20..... that is to say (description of the property).

And it is ordered that the claimant recover against the defendant the sum of
N.....for costs (or his cost of this summons to be taxed).

And it is ordered that on the defendant paying to the claimant the moneys
remaining due to the claimant upon the security of the said mortgage (or charge) the

claimant (subject and without prejudice to the exercise of any power of sale for the time being vested in him) re-deliver to the defendant possession of the property subject to the said mortgage (or charge) and release to the defendant the security constituted by it.

And it is ordered that all parties be at liberty to apply to the Court as they may be advised.

FORM 41

**Order for payment of Principal Money or Interest
Secured by Mortgage or Charge and for
Possession of Property
(O.54, R.2)**

It is ordered that the claimant recover against the defendant N.....secured by a mortgage (or charge) dated theday of20being the total of the principal sum of Nand N.....for interest at N..... per cent per annum less tax to theday of (date of order), and N.....for costs (or his costs of this summons to be taxed).

And it is ordered that the defendant do give the claimant possession on or before theday of20of the land described and comprised in the mortgage (or charge) that is to say..... (description of the property).

And it is ordered that the defendant paying to the claimant the moneys hereby ordered to be recovered and all other moneys, if any secured to the claimant by the mortgage (or charge) the claimant (subject and without prejudice to the due exercise of any power of sale for the time being vested in him) re-deliver to the defendant possession of the property subject to the mortgage (or charge) and release to the defendant the security constituted by the mortgage (or charge).

And it is ordered that all parties be at liberty to apply to the Court as they may be advised.

FORM 42

Originating Summons for Possession
(O.36, R.2)

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the..... Judicial Division

Suit No.....

between

A.B..... Claimant(s)

and

C.D., E.F. and G.H.....Defendant(s)
(if any) whose name is known to the Claimant

To (C.D. and) every (other) person in occupation of
..... let all persons concerned attend before at the
High Court of the Federal Capital Territory in the
Judicial Division on The day
of 20 at 9 O'clock in the forenoon
for the hearing of an application by AB for an order to recover possession of
.....on the ground that he is entitled to possession and that the
person(s) in occupation is (are) in occupation without his licence or consent.

Dated thisday of20.....

This summons was taken out byof
legal
practitioner for the claimant whose address is (or This
summons was taken out by
of for
of legal practitioner for the claimant whose
address is) (or when the
claimant acts in person).

This summons was taken out by the claimant who resides at
and is (state occupation) and (if the claimant does not reside within the jurisdiction)
whose address for service is.....

Note:

Any person occupying the premises who is not named as defendant by this summons may apply to the Court personally or by legal practitioner to be joined as defendant. If a person occupying the premises does not attend personally or by legal practitioner at the time and place above-mentioned, such order will be made as the Court may think just and expedient.

FORM 43

**Order for Possession
(O.36, R.6(1))
(Heading as in Form 1)**

On hearing.....and reading
the affidavit of

.....
.....

Filed on theday of20.....it is ordered that the
Claimant AB. recover possession of the land described in the Originating Summons
as (and the defendant give
possession of the land on) (and that the defendant
..... pay the claimant N.....costs (or costs to be taxed). (The
above costs have been taxed and allowed at N..... as appears by a
taxing Officer's certificate dated theday of
.....20.....)

Dated theday of20.....

.....
Judge

FORM 44

Default of Appearance And Defence in Case
Of Liquidated Demand

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the Judicial Division

In the Judicial Division

Suit No., 20.....

Between

A.B Claimant

and

C.D and E.F Defendants

The day of, 20.....

The defendant (if the defendant resides abroad, add "residing out of jurisdiction" or if service was substituted and "having been served by substituted service") not having appeared to the writ of summons herein (or, not having delivered any defence), it is this day adjudged that the claimant recover against the said defendant N..... and N..... cost (or costs to be taxed).

The above costs have been taxed and allowed at N..... as appears by a taxing officer's certificate dated the day of, 20.....

FORM 45

Interlocutory Judgement In Default Where Demand Unliquidated

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

Suit No., of 20.....

Between

A.B Claimant

and

C.D and E.F Defendants

The day of, 20.....

No appearance having been entered to the writ of summons (or no defence having been delivered by the defendants) herein, it is this day adjudged that the claimant recover against the defendants the value of the goods (or damages, or both as the case may be) to be assessed.

FORM 46

Interlocutory And Final Judgement In Default Where Demand Unliquidated

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

Suit No., of 20.....

Between

A.B Claimant
and

C.D and E.F Defendants

The day of, 20.....

No appearance having been entered to the writ of summons (or no defence having been delivered by the defendants) herein, it is this day adjudged that the claimant recover against the defendants the value of the goods (or damages, or both as the case may be) to be assessed.

The amount found due to the claimant under this judgement having been certified at the sum of N..... as appears by the Chief Registrar's or Registrar's finding the day of
....., 20.....

FORM 47

Default Judgement In Detinue

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

Suit No., of 20.....

Between

A.B Claimant

and

C.D and E.F Defendants

The day of, 20.....

The defendants not having appeared to the writ of summons herein (or not having delivered any defence), it is this day adjudged that the claimant do have a return of the chattels in the writ of summons (or statement of claim) mentioned and described as (description of chattels) or recover against the defendants their value to be assessed and damages for their detention to be also assessed.

The value of the having been assessed at the sum of N..... and the damages at the sum of N..... as appears by the Chief Registrar's or Registrar's finding on the day of, 20.....

It is adjudged that the claimant recover from the defendants the sum of N..... and costs to be taxed.

The above costs have been taxed, etc. (as in Form 56, Supra).

FORM 48

**Judgment In Default of Appearance In Action For Recovery of Land, Damages
And Costs**

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

Suit No., of 20.....

Between

A.B Claimant

and

C.D and E.F Defendants

No appearance having been entered to the writ of summons herein, it is this day adjudged that the claimant recover possession of the land in the endorsement on the writ described as

And it is further adjudged that the claimant recover against the defendants damages to be assessed.

The amount found due to the claimant under this judgement having been certified at the sum of N..... as appears by the Chief Registrar's or Registrar's finding the day of
....., 20.....

It is adjudged that the claimant recover against the defendants the sum of N..... and costs to be taxed.

The above costs have been taxed, etc. (as in Form 56, Supra). (Additional form in official use; the use of this form is entirely optional).

FORM 49

Judgment for Recovery of Land Only

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

Suit No., of 20.....

Between

A.B Claimant

and

C.D and E.F Defendants

The day of, 20.....

No appearance having been entered (or no defence having been delivered) herein, it is this day adjudged that the claimant recover possession of the land in the writ of summons (or statement of claim) mentioned and described as (describe the property).

Note

No costs in default of appearance. Costs to be taxed in default of defence.

FORM 50

Final Judgment After Assessment of Damages

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

Suit No., of 20.....

Between

A.B Claimant

and

C.D and E.F Defendants

The day of,
20.....

The claimant having on the day of
....., 20.....
obtained interlocutory judgment herein against the defendants for damages (or as
may be) to be assessed and the amount found due to the claimant having been
certified at N..... as appears by (Official Reference's Certificate or) the
Chief Registrar's or Registrar's finding under order or as the case may be filed the
..... day of, 20.....

Therefore it is adjudged that the claimant recover against the defendants
N..... and costs to be taxed.

The above costs have been taxed, etc.

Note

This form is used where forms 58, 59, 60 and 65 are not applicable, at the option
of the claimant.

FORM 51

Judgment After Appearance And Order

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

Suit No., of 20.....

Between

A.B Claimant

and

C.D and E.F Defendants

The day of, 20.....

The defendants having appeared to the writ of summons herein and the claimant having by the order of dated the

day of, 20..... obtained leave to sign judgement under Section 159 of the High Court Act (or of); It is this day adjudged that the claimant recover against the defendants N..... or possession of the land in the endorsement on the writ described as and N costs (or, costs to be taxed).

The above costs have been taxed and allowed at N..... as appears by the Chief Registrar's or Registrar's Certificate dated the day of, 20.....

Note:

Unless otherwise ordered, the judgement is dated as of the day on which the order is made.

FORM 52

Judgment For Unliquidated Demand

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

Suit No., of 20.....

Between

A.B Claimant
and

C.D and E.F Defendants

The defendants having appeared to the writ of summons herein and the claimant having by the order of dated the day of, 20..... obtained leave to sign judgement under (.....) of for

It is this day adjudged that the claimant recover against the defendants (damages or as the case may be) to be assessed.

The amount found due to the claimant under this judgement having been certified at the sum of N..... as appears by Official Referee's Certificate or the Chief Registrar's finding dated filed the day of, 20.....

It is adjudged that the claimant recover from the defendants the sum of N..... and costs to be taxed.

The above costs have been taxed and allowed at N..... as appears by the Chief Registrar's or Registrar's Certificate dated the day of, 20.....

(Additional form in official use)

FORM 53

Judgment After Trial Before Chief Registrar Or Referee

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

Suit No. of 20.....

Between

A.B Claimant
and

C.D and E.F Defendants

The matter of (state matter referred) action having by an order dated the
..... day of
....., 20..... been referred for trial to (name of Chief
Registrar or Official referee) and the said having by his (Certificate or Report)
dated the day of, 20..... directed the
judgement be entered for (state substance of certificate or report).

It is this day adjudged that N..... and costs to be taxed be
recovered by the against

The above costs have been taxed and allowed at N..... as
appears by the Chief Registrar's Certificate dated the day of
....., 20.....

FORM 54

Judgment After Trial Of Questions Of Account By Referee

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

Suit No., of 20.....

Between

A.B Claimant
and

C.D and E.F Defendants

The day of, 20.....

The questions of account in this action having been referred to
..... and he having found that there is due from the
..... to the sum of N.....
and directed that the do pay the costs of the reference;

It is this day adjudged that the recover against the said
..... N..... and costs to be taxed.

The above costs have been taxed and allowed at N..... as
appears by the Chief Registrar's Certificate dated the day of
....., 20.....

FORM 55

Judgment Upon Motion For Judgment

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

Suit No., of 20.....

Between

A.B Claimant
and

C.D and E.F Defendants

Dated and entered the day of (date of
Order of Court)

This action on the day of, 20.....
come before the Court on motion for judgement on behalf of the (party moving
the Court) and the Court after hearing the legal practitioner for the (claimant and
defendants, as the case may be) having ordered that (recite direction for
judgement).

It is this day adjudged that the recover against the said
..... N..... and costs to be taxed.

The above costs have been taxed and allowed at N..... as
appears by the Chief Registrar's or Registrar's Certificate dated the day of
....., 20.....

FORM 56

Judgment For Dismissal

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

Suit No., of 20.....

Between

A.B Claimant

and

C.D and E.F Defendants

Dated and entered the day of,
20.....

The action having on the day of,
20..... been called on for hearing before and
the claimant having failed to appear and the defendants having thereupon
become entitled under Order to judgement dismissing the action
and the said having ordered that judgement be entered
accordingly.

Therefore it is adjudged that the defendants recover against the claimant their
costs to be taxed.

The above costs have been taxed, etc.

FORM 57

Judgment For Defendant's Cost On Discontinuance

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

Suit No., of 20.....

Between

A.B Claimant
and

C.D and E.F Defendants

The day of 20.....

The defendants in their statement of defence herein alleged a ground of defence which arose after the commencement of this action and the claimant having on the day of, 20..... delivered a confession of that defence;

It is this day adjudged that the defendant recover against the claimant costs to be taxed.

The above costs have been taxed and allowed at N..... as appears by the Taxing Officer's Certificate dated the day of, 20.....

FORM 58

Judgment For Claimant's Cost After Confession Of Defence

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

Suit No., of 20.....

Between

A.B Claimant
and

C.D and E.F Defendants

The day of 20.....

The defendants in their statement of defence herein alleged a ground of defence which arose after the commencement of this action and the claimant having the day of, 20..... delivered a confession of that defence;

It is this day adjudged that the claimant recover against the defendants costs to be taxed.

The above costs have been taxed and allowed at N..... as appears by the Taxing Officer's Certificate dated the day of , 20.....

FORM 59

Judgment For Cost After Acceptance Of Money Paid Into Court

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

Suit No., of 20.....

Between

A.B Claimant
and

C.D and E.F Defendants

The day of 20.....

The defendants having paid into Court in this action the sum of N.....
in satisfaction of the claimant's claim and the claimant having by his notice dated
the day of, 20 accepted that sum in satisfaction
of his entire cause of action and the claimant's costs herein having been taxed and
the defendants not having paid the same within forty-eight hours after the said
taxation; It is this day adjudged that the claimant recover against the defendants
costs to be taxed.

The above costs have been taxed and allowed at N..... as appears
by the Taxing Officer's Certificate dated the day of
....., 20.....

FORM 60

Judgment On Motion After Trial Of Issue

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

Suit No., of 20.....

Between

A.B Claimant
and

C.D and E.F Defendants

Dated and entered the day of 20.....

The issues or questions of fact arising in this action (or cause or matter) by the order dated the

..... day of ordered to be tried before

.....
having on the day of, 20..... been tried before

and the having found
..... now on motion before the Court for judgement on behalf of the the Court having

.....
It is this day adjudged that the recover against the the sum of N..... and costs to be taxed.

The above costs have been taxed and allowed at N..... as appears by the Taxing Officer's Certificate dated the day of 20.....

FORM 61

Legitimation Petition

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the matter of the Legitimacy Act (Cap.519)

And

In the matter of A.B. of

(State name, address and description of the person whose legitimacy the Court is asked to declare).

The petition of the above-named A.B. shows as follows:

1. Your petitioner resides at
2. Your petitioner is of the sex, and was born on the day of, 20..... at
- The birth of your petitioner is recorded by an entry numbered made on the day of, 20..... in the registration of births for, etc. (or as the case may be).
3. Your petitioner is the natural child of C.D of by E.F. of
4. At the date of the birth of your petitioner the said E.F. was residing at and domiciled in
5. The said C.D. and E.F. were lawfully married to one another on the day of, 20..... at
- The said C.D. and E.F. have had issue(s) children and no more, namely;
(State names and dates of birth of such issue(s))
6. At the date of the marriage the said C.D was a spinster (or widow as the case may be) and was residing at and was domiciled in.....
7. The following persons are affected by the legitimation as aforesaid in your petition:
8. The value of the property involved by the legitimation of your petition so far as is known to your petitioner is N.....
9. Your petitioner is not acting in collusion with or with the connivance of any

person for the purpose of obtaining a decree and declaration of legitimacy contrary to the justice of the case.

- 10. No previous proceeding under the Legitimacy Act or otherwise with reference to the paternity of your petitioner or the validity of the marriage of the said C.D. and E.F. have been taken in any Court.
- 11. Your petitioner undertakes to pay the costs of the respondents to this petition if the Court so directs.

(Where the petitioner is an infant or person of unsound mind this paragraph should be struck out and the undertaking of the next friend should be lodged with the petition).

Your petitioner therefore prays:

That it may be decreed and declared that the said C.D. and E.F. were lawfully married at on the day of, 20.....

And that by such marriage your petitioner became legitimated as from the date of the said marriage (or as from the date of the commencement of the Legitimacy Act (Cap.103 of 1958 Edition) for the purposes of the Legitimacy Act.

That the costs of the respondents to this petition may be taxed or otherwise ascertained.

Dated the day of, 20.....

Note:

It is intended to deliver a copy of this petition to the Attorney-General of the Federation and to serve this petition on

(See back)
NOTICE

(To be endorsed on the petition)

TAKE NOTICE that the within petition will be transferred from the General Cause List to the Hearing Paper for the day of , 20....., at o'clock in the forenoon at and will come on to be heard on that day if the business of the Court permits or otherwise on some adjourned day of which you will receive no further notice.

If any party desires to postpone the hearing he must apply to the Court as soon as possible for that purpose and if the application is based on any matter or fact, he must be prepared to give proof of such fact.

If you desire to make answer to the within petition you must file your answer in the above Court within twenty-eight days after service of the petition upon you.

If your answer contains matter other than a simple denial of the facts stated in the petition, the answer must be accompanied by an affidavit made by you verifying such other matter as you have personal knowledge of and deposing to your belief in the truth of the rest such other matter.

You must file with your answer as many copies of the answer and the affidavit (if any) as there are other parties to the petition and also two copies for the use of the Court.

.....
Registrar

FORM 62
Legitimacy Act Affidavit

(Heading as in form 1)

I, of the petitioner (or the next friend of the petitioner) in the above matter, make oath and say as follows:

1. That the statement contained in paragraphs of the petition dated the day of, 20..... are true.
2. That the statements contained in paragraphs of my said petition are true to the best of my knowledge, information and belief.

Sworn, etc.

.....
Jurat

FORM 63

Legitimacy Act Undertaking By Next Friend

(Heading as in form 1)

(Undertaking by Next Friend of Infant to be Responsible for Respondents' Costs)

I, the undersigned G.H. of being the next friend of A.B. who is an infant and who is desirous of filing a petition in this Court under the Legitimacy Act (Cap. 519) hereby undertake to be responsible for the costs of the respondents to such petition in the manner of following.

Namely, if the said A.B., fail to pay the respondents or to any of them when and in such manner as the Court shall order all such costs as the Court shall direct him to pay to the respondents I will forthwith pay the same.

Dated the day of, 20....

.....
Legal Practitioner for the Petitioner
FORM 64

Legitimacy Act Undertaking For Costs

As legal practitioner for the above-named petitioner, I hereby undertake to be personally responsible for any cost which the said petitioner may be ordered to pay to the respondents in this matter or any of them.

Dated the day of, 20.....

.....
Legal Practitioner for the Petitioner

FORM 65

Legitimacy Act Notice To Attorney-General Of The Federation

TAKE NOTICE that the petition in the above matter will be transferred from the General Cause List to the Hearing Paper for the day of, 20....., at..... o'clock in the forenoon at and will come on to be heard on that day if the business of the Court permits or otherwise on some adjourned day of which you will receive no further notice.

.....
Registrar

FORM 66

Legitimacy Act Answer To Petition

The respondent L.M. by P.Q. his legal practitioner (or in person) in answer to the petition filed in the above matter, says:

1. That the petitioner is not the natural child of E.F. as alleged in the petition (or as may be);

2.

Wherefore this respondent humbly prays that the prayer of the petitioner may be rejected;

Dated the day of, 20.....

FORM 67

Legitimacy Act Decree

(L.S)
Judge

Upon reading the petition of A.B. of presented to this Court in the above matter and upon reading the affidavit(s) of and the several exhibits thereto.

And after hearing

And the Court being satisfied that the allegations contained in the said petition are true and that a copy of the said petition was duly delivered to the Attorney-General of the Federation and that all proper persons have been served with the said petition;

IT IS DECREED AND DECLARED THAT C.D. of and E.F. of in the said petition mentioned were lawfully married at on the day of 20..... And that by such marriage the said A.B. was legitimated for the purposes of the Legitimacy Act (Cap. 519) as from the day of, 20..... (being the date of commencement of the said marriage) (or as from the 17th day of October, 1929 being the date of commencement of the said Act).

AND IT IS ORDERED that the said AB. do pay to the respondents the costs of the said respondents to the said petition respectively as follows

Dated the day of, 20.....

FORM 68

Receipt to Be Given By Bailiff

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the Judicial Division/
Magisterial District

Receipt No.

No. of Suit or Complaint of, 20.....

Date of writ (or order) (or warrant)

between Claimant

and Defendant

Received from of

N..... (.....) being

.....

Bailiff

Date, 20.....

FORM 69

Return of Process In Possession Of Bailiff

Return of all Writs, Orders and Warrants in possession of Bailiff
 during month ending, 20.....

<i>No. of suit or plaint</i>	<i>Name of claimant</i>	<i>Name of Defendant</i>	<i>Date when process received</i>	<i>Nature of process</i>	<i>From what Court received</i>	<i>Amount of process</i>	<i>Statement as to what has been done under process</i>

.....
 Bailiff

I HEREBY CERTIFY that I have examined this return in accordance with the Act.

.....
 (Sheriff or Deputy Sheriff)

Date

FORM 70

Return of Cash Received By Bailiff

DURING THE MONTH, 20.....

<i>No. of suit or plaint</i>	<i>Name of claimant</i>	<i>Name of Defendant</i>	<i>Date when process received</i>	<i>Amount of process</i>	<i>When amount received</i>	<i>When paid to Sheriff</i>	<i>Remarks</i>

.....
Bailiff

I HEREBY CERTIFY that I have examined this return in accordance with the Act.

.....
(*Sheriff or Deputy Sheriff*)

Date

FORM 71

Sheriff's Receipts for Writ

Received from on the day of, 20.....
 at o'clock in the Noon, a writ dated the day of
 20..... issued in the High /Magistrate Court of the Judicial
 Division/Magisterial District in suit (or plaint) No. of
 20..... between Claimant and Defendant.

.....

Sheriff

FORM 72

Sheriff's Register of Process

No.	Suit	Claimant	Defendant	Court issuing	Nature of writ	Date sent to Bailiff	Date returned by Bailiff	Gross Amount realized		Amount of expenses		Balance paid into Court		Date paid into Court	No. Of Court receipt	Remark
								N	K	N	K	N	K			

FORM 73

Summons for Neglect to Levy Execution

In the High/Magistrate Court of the Judicial
Division/Magisterial District of to
..... of bailiff.

You are hereby summoned to appear at a Court to be held at
on the day of, 20..... at the
hour of in the noon, to answer a
complaint made against you by of that you, being
employed to execute a process against (specify property and
owner or the judgement debtor as the case may be) did, by neglect, connivance or
omission, lose the opportunity of executing the process and to show cause why an
order should not be made against you under the Sheriff and Civil Process Act (Cap.
551 for payment of such damages as it shall appear that the said
has sustained by your neglect, connivance or omission.

Dated this day of,
20.....

.....
Judge (or Magistrate)

FORM 74

**General Form of Commencement of Process
in Transferred Proceedings**

(General Title-Form 1)

Upon transfer from the	
High/Magistrate's Court of the	No. of suit (or plaint)
..... Judicial/Division	No. of judgement
Magisterial District (add for each	Summons
previous transfer, and upon transfer, etc., as above)	

(Continue in the appropriate form, commencing with the first recital, in which the Court where the judgement was given should be named).

FORM 75

Order Suspending or Staying Judgment or Process or for Discharge of Debtor

(General Title-Form 1)

On the application of and the Court being satisfied that the defendant

..... is unable to pay and discharge the sum recovered against him in this (of the instalments due under the judgement (or order in this) action (or the defendant having furnished security (or shown cause why he should not furnish security) (or the claimant having been non-suited) (or the above action having been struck out) (or the Court being satisfied that the interim attachment herein should be lifted) or the defendant having satisfied the sum upon payment of which he may be discharged by order of the Court (or having obeyed) (or being unable to obey) (or being desirous of obeying and having given security to obey) the order in this action);

It is ordered that the judgement (or order) in this action be suspended against the said defendant (or that the interim) execution issued in this action (or on the judgement summons in this action) be suspended) (or that the order (and warrant) or commitment made (and issued) in this action be suspended, for (state time) upon the terms following, namely;

(state terms) (or that the defendant be discharged (or liberated) from custody under the order (or warrant) of commitment issued in this action (after he has been imprisoned thereunder) for from the date of this order unless he shall sooner pay a fine of(upon the terms following, namely - state terms, including, if so ordered, liability to re-arrest if the terms are not complied with).

Dated this day of, 20.....

.....
Judge (or Magistrate)

FORM 76

Registrar's Process Book

High/Magistrate's Court of the Federal Capital Territory
/Magisterial District

<i>No. of suit or plaint</i>	<i>Claimant</i>	<i>Defendant</i>	<i>Nature of writ</i>	<i>Issued for</i>	<i>Issued against</i>	<i>Date</i>	<i>Time hours minutes</i>	<i>a.m p.m</i>	<i>Registrar's signature</i>

FORM 77

**Writ of Attachment And Sale Against
Immovable Property**

(General Title-Form 1)
(Recitals-Form 2)

Whereas no movable property of the defendant (or claimant) can with reasonable diligence be found sufficient to satisfy the said judgement (or Order):

And whereas upon application of the claimant (or defendant) it was on the day of, 20..... ordered that writ of attachment and sale should issue against the immovable property of the defendant (or claimant) for the sum of N.....
(being part of the sum of N..... (judgement debt, part thereof ordered to be levied, or claimant's costs or as the case may be) remaining unpaid:

These are therefore to require and order you forthwith to make and levy the said sum of N.....
together with the costs of this writ and the costs of executing it, by entering upon and attaching the immovable property of the defendant (or claimant) wheresoever it may be found within the Federal Capital Territory, Abuja and by selling it and to bring what you shall have so levied into Court and to make return of what you have done under this writ immediately upon the execution thereof:

Notice - The immovable property is not to be sold until after the end of fourteen days next following the day on which the attachment has been made.

If the defendant (or claimant) is a citizen and the property attached is his right title or interest in building owned or occupied by him and he is not entitled under customary law to alienate the building or his right of occupation therein but is entitled to remove the materials used in construction thereof or some of the, then his right title or interest in such building shall not be sold without the leave of the Court.

.....
Registrar

FORM 78

**Notice To Registrar Of Foreign Court Of Payment Under Warrant Or Order Of
Commitment Sent To Him**

(General Title-Form 1)

Take notice that the defendant has this day paid to the claimant (or into Court)
N.....
for which sum credit should be given on the warrant (or order) of commitment (or
of arrest and detention) which has been sent to you for execution.

FORM 79

Public Notice of Attachment of Land

(General Title-Form 1)

Notice- The land (or this house, or as the case may be) is hereby attached to secure
enforcement against the defendant of the judgement of the
Court in the above action and (or house) by purchase, gift or otherwise.

Dated this day of, 20.....

.....
Sheriff

FORM 80

Notice of Attachment
(General Title-Form 1)

To the defendant

Take notice that a writ has been issued for the attachment and sale of your goods (or land or house, or as the case may be) in execution of the judgement (or order) obtained against you in this action (or matter) and the amount for which it has been issued is stated below.

And take notice that your land (or house, as the case may be) is hereby attached and you are prohibited from selling it or any right, title or interest therein.

If you pay to the Bailiff the total amount to be levied, as stated below, within an hour after the service of this notice, you will incur no further fees or expenses.

Thereafter you may be liable to pay the Sheriff a fee of two hundred naira daily for keeping possession of the property and also the reasonable expenses, if any, of feeding animals, until the amount to be levied together with the amount of such fees and expenses is paid or the property is sold.

If at any time before the sale of the property you pay to the Registrar or Bailiff (a) the amount to be levied and (b) the fees and expenses, if any incurred after attachment, this execution will be superseded and your property will be released.

If you do not pay the amount to be levied and any fees and expenses subsequently incurred, the property will be sold and any amount that remains unpaid, together with cost of sale, will be deducted from the proceeds and the balance, if any will be paid to you.

Your goods (or land, house, as the case may be) will not be sold until after the end of five (or fourteen) days next following the day on which they were (or it was) attached unless they are of a perishable nature or you request it.

	N	K
Amount for which the writ has been issued		
Fees on issue of the writ		
Total amount to be levied, exclusive of fees and expenses incurred after attachment		

Dated this day of, 20.....

.....
Registrar

FORM 81

Notice of Claim to Attached Property

(General Title-Form 1)

Take notice that of has claimed the goods (or house) (or land) (or certain goods) (specify the same) (or rent distrainable upon the goods) attached by the sheriff under the writ of execution issued in this action. If within days after receiving this notice you give notice to me that you admit the title of the said to the said goods (or house) (or land) or request the sheriff to remove the attachment, you will not be liable for any cost incurred after the receipt by me or the Sheriff of your notice.

Dated this day of, 20.....

.....
Registrar

To the claimant

Take notice that I admit the title of of the goods attached by the Sheriff (or I request you to remove the attachment) under the execution issued in this action.

Dated this day of, 20.....

.....
Judgement Creditor

To the Registrar
(or to the Sheriff)

FORM 82

Notice to Claimant to An Attached Property to Make Deposit or Give Security

(General Title-Form 1)

Whereas you have claimed the goods (or house) (or land) (or certain goods) specify the same attached in execution by the Sheriff under the writ of execution issued in this action.

Take notice that you are hereby required, in accordance with Section 33 of the Sheriffs and Civil Process Act (Cap. 551) either

- (a) To deposit with the Sheriff the amount of the value of the goods (or house) (or land) so claimed by you, such value to be fixed by appraisement in case of dispute, to be paid into Court to abide the decision of the Court upon your claim; or
- (b) To deposit with the Sheriff the cost of keeping possession of such goods (or house) (or land) until such decision can be obtained; or
- (c) To give to the Sheriff security by bond for the value of goods (or house) (or land) so claimed by you.

And further take notice that in default of your making deposit or giving security the goods (or house) (or land) will be sold as if no such claim had been made by you, and the proceeds paid into Court to abide with the decision of the Court.

Dated this day of, 20.....

.....
Registrar

To the claimant

FORM 83

Notice of Application for Private Sale

(General Title-Form 1)

Take notice that this Honourable Court will be moved on the day of
....., 20..... at o'clock in the forenoon, or so soon thereafter as
(counsel for) the above-named claimant can be heard, for an Order for (leave to effect)
the sale by private contract of the movable (or immovable) property of the defendant
attached under a writ issued in this action (or matter) on the day of
....., 20..... at o'clock in the noon
whereunder the total amount to be levied is N.....

Dated this day of, 20.....

.....
Claimant (or Legal Practitioner)

To

FORM 84

Notice to Person In Possession of Sale of Attached Property

(General Title-Form 1)

Take notice that the goods (or house) (or land) (as the case may be) specified on the back
hereof, lately the property of the above-named and now in
your possession, have been sold under a writ of execution in the above action to
....., and you are hereby prohibited from delivering possession of the said
goods (or house) (or land) (as the case may be) to any person except the said
..... the purchaser.

Dated this day of, 20.....

.....
Sheriff

FORM 85

Certificate of Purchase of Land

(General Title-Form 1)

I hereby certify that of has been declared the purchaser of the right, title, and interest of the above-named
..... in the land, messuages, and tenements hereafter mentioned, that is to say:-

ALL THAT (here describe the land, etc.) which said land, message, and tenements were sold in execution of a judgement or order in the above action by order of this Court dated this day of, 20.....

.....
Registrar

FORM 86

Writ Of Interim Attachment In Judgment Debtor Proceedings

(General Title-Form 1)

WHEREAS upon adjournment to the day of, 20.....
of the hearing of a judgement summons issued in the above action against the defendant.....
..... an order was made for the interim protection of the property hereinafter specified and that the said property should be attached forthwith.

These are, therefore, to require and order you forthwith to seize, take into your hands enter upon and attach the defendant's property specified on the back of this writ wheresoever it may be found.

FORM 87

Notice of Consequences of Disobedience to Order of Court

(General Title-Form 1)

To..... of

Take notice that unless you obey the directions contained in this order you will be guilty of the contempt of Court and will be liable to be committed to prison.

Dated this day of, 20.....

.....
Registrar

FORM 88

Notice to Show Cause Why Order of Committal Should Not Be Made

(General Title-Form 1)

Take notice that the claimant (or defendant) will onday of , 20..... at the hour of in the noon apply to this Court for an order for your committal to prison (for having disobeyed the order of this Court made on the day of , 20..... enjoining and restraining you from (here set out the terms of injunction); or for having neglected to obey the order made on the (here set out the mandatory part of the order).

And further take notice that you are hereby required to attend the Court on the first-mentioned day to show cause why an order for your committal should not be made.

.....
Registrar

FORM 89

Certificate That Labour Has Been Ordered For Debtor Prisoner

(Heading as in *Form 1*)

I hereby certify that the Court has directed that the herein-named
be employed in work within the prison during (state period) of the term of his
imprisonment.

Dated this day of, 20.....

.....
Registrar

FORM 90

Warrant of Committal of Judgment Debtor In Default of Security

(General Title-*Form 1*)

To the Sheriff and to the Officer in charge of Prison

WHEREAS upon the adjournment to the day of, 20.....
of hearing of a judgement summons issued in the above action against the defendant
....., it is today ordered that the said defendant should give security
for his appearance on that day, himself in N..... and
..... surety in N (each) and in default of finding
such security should be committed to prison until that day, unless he should sooner
give such security or pay the sum stated below as that on payment whereof he is to be
discharged.

These are, therefore, to require you, the said sheriff, to take the said defendant and
deliver him to the officer in charge of the prison at And you the
said officer to receive the said defendant and keep him safely in the said prison until
the day above-mentioned, when you shall bring him (or deliver him to the sheriff to
be brought) before this Court at the hour of

in the noon, unless he shall be sooner discharged by due course of law.

Dated this day of, 20.....

.....
Judge (or Magistrate)

N K

Sum on payment of which the debtor is to be discharged
(For use when part payment made after issue of warrant
Deduct amount paid after issue of warrant
Balance on payment of which the debtor is to be discharged

.....
Registrar

Note

A separate warrant must be issued in respect of every defendant required to be arrested.

FORM 91

Warrant of Committal or Remand of Judgment Debtor for Misconduct

(General Title-Form 1)

To the Sheriff and to the Officer in charge of Prison
(First Recital – Form 17 Sheriffs and Civil Process Act (Cap. 551))

And WHEREAS on the day of, 20..... at the hearing of (or being the return day of) a judgement summons issued in this action against the said defendant (and duly served upon him) the said defendant refused to be sworn (or to disclose the matters on which he was examined) (or did not answer to the satisfaction of the Court) (or it appeared to the Court that the said defendant refused or willfully neglected to pay on demand the sum of N..... payable in pursuance of the said judgement (or order) and had (or had since the date of judgement or order) sufficient means to pay the said sum) (or that the said defendant, etc., reciting any other misconduct of the kind enumerated in Section 66 of the Sheriff's and Civil

Process Act Cap. 551) (or the said defendant did not attend and did not excuse his non- attendance to the satisfaction of the Court).

AND WHEREAS on the said hearing (or return) day the Court made an order calling upon the said defendant to show cause why he should not be punished for such misconduct or (non-attendance) (or issued a warrant for the arrest of the said defendant);

AND WHEREAS on the day of, 20..... (the return day of the said order to show cause) the said defendant was brought before the Court in custody (or attended) as directed by the said warrant (or order) and did not show cause why he should not be punished (or the said defendant failed to attend as directed by the said order and has not established sufficient reason for not attending) and it was ordered that a warrant should be issued for the remand (or arrest and commitment) of the said defendant as for a contempt of Court of (Unless he shall sooner pay the sum stated below as that upon payment of which he is to be discharged);

These are, therefore, to require you, the said Sheriff, forthwith to (arrest the said defendant and) safely convey and deliver him (or the said defendant) to the Officer in charge of the Prison at

..... and you the said officer to receive the said defendant and keep him safely in the said prison for from the arrest under (or date of) this warrant or until he is sooner discharged by due course of law.

Dated this day of, 20.....

.....
Judge (or Magistrate)

N K

Sum in payment of which the defendant has made
default at the time of the issue of the judgement summons
Fees and costs on issue of the judgement summons
Deduct amount paid since issue judgement summons
Fees for issue of this warrant
Sum of payment of which the debtor may (or is to) be discharged
by the order of the Court
(For use when part payment made after issue of warrant)
Deduct amount paid since issue of warrant

Balance (if any) on payment of which the debtor may be
(or is to be) discharged by order of the Court

.....
Registrar

Note:

A separate warrant must be issued in respect of every defendant required to be remanded or arrested.

FORM 92

Warrant of Committal for Contempt

(General Title-Form 1)

To the Sheriff and to the officer in charge of Prison

WHEREAS by an order of this Court dated the day of, 20.....
(here recite the order).

AND WHEREAS on the day of 20..... (or having
been duly served with the said order), was guilty of a contempt of this Court by
breach of (or by neglecting to obey) the said order, that is to say, by (here set out the
particular matter of contempt), order that he be committed for his contempt.

These are, therefore, to require you, the said sheriff, forthwith to arrest the same
.....
and safely convey and deliver him to the officer in charge of the Prison at
..... and you the said officer to receive the said and keep
him safely in the said Prison until further order of the Court.

Dated this day of, 20.....

.....
Judge (or Magistrate)

(If required, add;)

Note

The costs of the issue and execution of this warrant and of the application for the
order grounding it, were upon the hearing of the application ordered to be paid
by the said

.....
Registrar

FORM 93

Warrant of Arrest And Detention ff Judgment Debtor

(General Title-Form 1)

To the Sheriff and to the Officer in charge of Prison

WHEREAS on the day of, 20..... a judgement summons was issued from this Court against the defendant in the above action returnable on the day of, 20.....

AND WHEREAS it is necessary to secure or enforce the attendance of the said defendant to answer the said summons or (it appears to the Court that) the said defendant has been guilty of misconduct at the hearing of the said summons (or in relation to the judgement debt) and he is required to show cause why he should not be punished for such misconduct unless he shall sooner pay the sum stated below as that on payment of which he shall be discharged.

These are, therefore, to require you the said Sheriff to arrest the said defendant and bring him before this Court forthwith (or on the day of, 20.....) (or at the first convenient opportunity) (or upon the further order of the Court) and in the meanwhile to deliver him to the Officer in charge of the Prison at and you, the said Officer, to receive the said defendant and keep him safely in the said Prison until the day of, 20..... (or until the first convenient opportunity when he may be brought before the Court or until the further order of the Court), when you shall bring him (or deliver him to the Sheriff to be brought) before this Court at the hour of in the noon unless he shall be sooner discharged by due course of law.

Dated this day of, 20.....

.....
Judge (or Magistrate)

defendant has	
.....	made default at the time of the issue of
Order	the judgement summons.
committed on	N : K
....., 20.....	Fees and costs on issue and hearing
for days	of judgement summons.
Order suspended for	N : K
on payment of	Deduct
.....	Fees for issue of Order of warrant
.....

FORM 96

Praeipce for Issue of Order or Warrant of Committal (2)

(General Title-Form 1)

NOTE

Subsistence money has been fixed at N..... per diem, of which the sum of N..... has been paid to me by the judgment creditor.

.....
Registrar

FORM 97

Praeipce for Issue of Order or Warrant of Committal (3)

(General Title-Form 1)

To the Officer in charge of
..... Prison.

Take notice that, in accordance with the provision of Section 39 of the Sheriff's and Civil Process Act (Cap. 551), this order (or warrant) of commitment has been sent to

me and that the debtor, if arrested within the division (or district) of this Court, is to be conveyed to the above-named Prison and is to be there kept for the time mentioned in this order (or warrant) unless sooner discharged by law.

Dated this day of, 20.....

.....
Registrar

FORM 98

Certificate by Officer in Charge Of Prison on Payment of Judgment Debt

(General Title-*Form 1*)

I hereby certify that the defendant, who was committed to my custody by virtue of an order of commitment made by the High/Magistrate's Court of the Federal Capital Territory, Abuja/Magisterial District bearing the date the day of, 20...

has paid and satisfied the sum of money for the non-payment whereof he was committed, together with all cost due and payable in respect thereof (and that I have today discharged him out of my custody).

Dated this day of, 20.....

.....
Officer-in-charge of Prison

To the Registrar of the High/Magistrate's Court of the Federal Capital Territory, Abuja/Magisterial District.

FORM 99

Notice of Part Payment

(General Title-Form 1)

Take notice that the defendant who was committed to your (or my) custody by virtue of an order (or warrant) issued from the High/Magistrate's Court of the Federal Capital Territory, Abuja/Magisterial District bearing the date of the day of
....., 20..... has paid the sum of N..... towards satisfaction of the sum of payment whereof he is to (or may) be discharged (by order of the Court) and you are to deduct (or I have deducted the sum paid from the last-mentioned sum as entered on the said order, (or warrant) of commitment for non-payment of the balance.

Dated this day of, 20.....

.....

(Registrar)

(or Officer-in-charge of Prison)

To the Officer-in-charge of the prison
(or to the Registrar of the
Court of the Division/District).

FORM 100

Endorsement of Refusal of Discharge Order

(General Title-Form 1)

To the Officer in charge of Prison.
Take notice that, upon hearing the application of the within-named defendant for his discharge, the Court on the day of, 20..... has seen fit to make no order, and this warrant remains in full force and effect and you are to keep the defendant in your custody accordingly.

Dated this day of, 20.....

.....
Judge (or Magistrate)

FORM 101

Endorsement of Recommittal

(General Title-Form 1)

The within-named defendant, having failed to comply with the terms, upon which he was liberated (or to make a full disclosure of his property), was today ordered to be recommitted to prison for (state period) and this order (or warrant) now operates accordingly.

Dated this day of, 20.....

.....
Judge (or Magistrate)

FORM 102

Writ of Interim Attachment

(General Title-Form 1)

WHEREAS it has been shown to the satisfaction of the Court that the defendant... with intent to obstruct or delay the execution of any judgment that may be given against him in this suit, is about to dispose of (or remove from the Federal Capital Territory, Abuja) or that defendant is absent from the Federal Capital Territory, Abuja (or that there is probable cause to believe that the defendant is concealing himself to evade service) and that the claimant is beneficially entitled to the debts or the property hereinafter specified;

AND WHEREAS on the day of, 20 it was ordered that the said defendant should within days thereafter appear and show cause why he should not furnish security in the sum of N..... ; (or to produce and place at the disposal of the Court the value of the said property) or such portion of the said property as may be of the value of)

AND WHEREAS it was further ordered that the said property should be attached forthwith, pending the defendant's (appearance) (or furnishing such security) (or the said period of days has expired and the defendant (has failed to appear and) has not furnished such security);

These are, therefore, to require and order you forthwith to seize, take into your hands, (enter upon) and attach (such portion of) the defendant's property specified on the back of this writ (as may be of the value of N.....) whosoever it may be found within the Judicial Division/Magisterial District (except the wearing apparel and bedding on him and his family and the tools and implements of his trade to the value of (Five Hundred Naira) and to hold the same until the further order of the Court and to make return of what you have done under this writ immediately on the execution thereof.

Dated this day of, 20.....

.....
Judge (or Magistrate)

FORM 103

Warrant to Arrest Absconding Defendant
(O.33)
(General Title-Form 1)

WHEREAS there is probable cause for believing that the defendant is about to leave (or has) (or is about to) dispose of or remove (some part of) his property from the jurisdiction of the Court by reason whereof the execution of any judgment which may be given against him in this suit is likely to be obstructed or delayed;

You are hereby commanded to bring the said defendant before this Court forthwith, in order that he may show why he should not give bail for his appearance at any time when called upon while this suit is pending and until execution or satisfaction of the judgment (if any).

Dated this day of, 20.....

.....
Judge

To the Sheriffs and Bailiffs of the Court
Fees on issuance of this warrant N.....
Notice- If the defendant gets bail before a Magistrate or Justice of the peace in the sum N.....
..... With sufficient surety (for his appearance as aforesaid) (or for the satisfaction of the judgment) or if he deposits with you for transmission to the Court the sum of N..... or other property of the same or greater value, he shall thereupon, in respect of this warrant, be discharged out of your custody.

FORM 104

Writ of Delivery

(General Title-Form 1)

WHEREAS on the day of, 20..... the claimant obtained judgement against the defendant for the recovery of (specify the goods which the Court has ordered to be recovered of the defendant) of the value of N..... (and for the payment of N..... for damages for the detention of the said goods) and N..... for costs and it was ordered that the said defendant should return the said goods to the claimant (or pay the said sum of N..... their value) on or before the day of, 20.....

AND WHEREAS the said defendant did not on or before the said day of, 20..... return the said goods to the claimant and default has been made in payment according to the said order of the said sum(s) of N..... for damages (and for costs) (and the value of the said goods);

These are therefore to require and order you forthwith to seize the said goods, wheresoever they may be found within the Federal Capital Territory, Abuja/Magisterial District, and to deliver them to the claimant.

And if the goods cannot be found by you within the Territorial/District, you are required and ordered to make and levy the said sum of N..... (the assessed value of the goods) by distress and sale (except the wearing apparel and bedding on him or his family and the tools and implements of his trade, to the value of Five Hundred Naira), and also by seizing and taking any money, bank notes, bill of exchange, promissory notes, bonds, specialties or securities for money belonging to the said defendant which may there be found or such part or so much thereof as may be sufficient to satisfy this execution in respect of the said sum on N.....

And you are further required and ordered to make and levy the said sum of N..... (damages for detention) and the said sum of N..... costs, together with the costs of this writ and the costs of executing it by distress and sale of the goods and

FORM 105

Writ Of Delivery With Execution Against Immovable Property
(General Title-Form 1)
(Recital 1 and 2-Form 147)

WHEREAS no movable property of the defendant can with reasonable diligence be found sufficient to satisfy the said sum(s) of N..... (damages) and N.....(costs) and N..... (value of goods);

AND WHEREAS upon the application of the claimant it was, on the day of, 20..... ordered that execution must be levied upon the immovable property of the defendant for the sum of N..... being part of the said sum(s) of (and N..... and N..... remaining unpaid).

These are, therefore, to require and order you forthwith to seize the said goods, wheresoever they may be found within the Federal Capital Territory, Abuja/Magisterial District and to deliver them to the claimant.

And if they cannot be found by you within the Territory/District, you are required and ordered to make and levy the said sum of N..... (the assessed value of the goods) by entering upon and attaching the immovable property of the defendant wheresoever it may be found within the Federal Capital Territory, Abuja/Magisterial District and by selling the same or such part or so much thereof as may be sufficient to satisfy this execution in respect of the sum of N.....

And you are further required and ordered to make and levy (the said sum of N..... (damages for detention) and the sum of N..... (costs) together with the costs of this writ and the costs of executing it, by entering upon and attaching the immovable property of the defendant wheresoever it may be found within the Federal Capital Territory, Abuja/Magisterial District and by selling the same or such part or so much thereof as may be sufficient to satisfy this execution.

And you are further required to bring into Court what you have levied and to make return of what you have done under this writ immediately upon the execution thereof.

Dated this day of, 20.....

.....
Registrar

NOTE
(as in form 118)

FORM 106

Writ of Sequestration

(General Title-Form 1)

To

WHEREAS on the day of, 20... the claimant obtained judgment (or an order) in this Court against the defendantfor the sum of N..... for debt (or damages) and costs (or that(recite the effect of the order);

AND WHEREAS upon the failure of the said defendant to pay the said sum (or comply with (or obey) the said order) there was issued from this Court on the day of, 20..... and order for the commitment (or a warrant for the commitment) (or arrest and detention) of the said defendant;

AND WHEREAS the said defendant is not and cannot be found (or is taken and detained in custody without obeying the said judgment or order);

Know ye, therefore, that by these presents, full power and authority is given to you to enter upon all the immovable property whatsoever of the said and collect, receive and sequester into your hands not only all the rents and profits of the said immovable property, but also all his movable property whatsoever; and therefore you are commanded that you do at certain proper and convenient days and hours go and enter upon all the immovable property of the said and that you do collect, take and get into your hands not only rents and profits of his said immovable property, but also all his movable property and detail and keep the same under sequestration in your hands until the said shall clear his contempt or this Court shall make other order to the contrary.

Dated this day of, 20.....
.....

Judge

Application was made to the Registrar for this writ at minutes past the hour of in the noon of the day last mentioned above.

.....
Registrar

FORM 107

Register of Judgment

(Enter of Court)

Index No. of registration	Date of Registration	Full title of Court issuing certificate	Full title of Court issuing certificate	Name and address of party to whom payment is to be made or in whose favour judgement is given	Name and address of party ordered to pay money or to do or not to do any act	Date of judgement	Abstract of judgement	*Remarks (Enter here order made under Section 106 of the Sheriffs and Civil Process Act (Cap. 551) and particulars of amount recovered)	Signature of registering Officer

*Magistrate's Court Federal Territory, Abuja.

FORM 108

Notice of Registration of Certification of Judgment

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY. OR In the MAGISTRATE'S COURT

To the Registrar, High Court/ Magistrate's Court of the Federal Capital Territory.

Suit No.

..... vs.

TAKE NOTICE that the certificate of judgement issued out of your Court on the day of in respect of the above-named suit, has this day been registered in the Nigerian Register of Judgements kept in this Court.

Given under my hand this day of, 20.....

..... Registrar High Court/Magistrate's Court*

*Delete words not required.

FORM 109

Notice of Issue of Process

**In the HIGH COURT OF THE FEDERAL CAPITAL
TERRITORY.**

OR

In the MAGISTRATE'S COURT

To the Registrar,
High Court /Magistrate's Court of the Federal Capital Territory.

Suit No.

..... vs.

TAKE NOTICE that on the day of, 20.....
(here state nature of process, etc.), for (here state the
amount in respect of which process was issued) was issued out of this Court upon the
Certificate of judgement in the above-mentioned suit.

GIVEN under my hand thisday of, 20.....

.....
Registrar
High Court/Magistrate's Court*

*Delete words not required.

FORM 110

Notice of Payment Into Court

**In the HIGH COURT OF THE FEDERAL CAPITAL
TERRITORY.**

OR

In the MAGISTRATE'S COURT

**To the Registrar,
HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.**

OR

In the MAGISTRATE'S COURT

Suit No.

..... vs.

TAKE NOTICE that on the day of
....., 20..... the sum of N was paid into this
Court in full (or part payment as the case may be) satisfaction of the judgement
certified in the certificate of judgement issued out of your Court on the
..... day of, 20..... in the above-mentioned suit.

.....
Registrar
High Court/Magistrate's Court*

*Delete words not required.

FORM 111

General Form of Title of Proceedings

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the Judicial
Division holding at
Suit

Between

A.B. Claimant

and

C.D. Defendant

In the matter of (here state the title of any law or rule of law by which this Court is given power to entertain the proceedings).

Refer to the matter in respect of which the proceedings are brought.

FORM 112

General Form of Affidavit

(Heading as in form 1)

(Full names of deponent) of (residence of deponent, followed by his occupation, religion and nationality) make Oath and say as follows: Here set out in numbered paragraph the facts deposed to.

.....
Deponent

Sworn to at in the
this day of, 20.....

BEFORE ME

.....
Commissioner for Oaths

FORM 113

General Form of Conclusion of Notices

(Titles as in form 1)

TAKE NOTICE that (state
concisely the subject matter of the notice)

Dated this day of, 20.....

Signed of (Agents for
(Solicitors for the above-named claimant (defendant) or where the notice is given
by the party acting in person, the above-named claimant (defendant) in person).

To

The above-named defendant (claimant)

And to

His Solicitor

FORM 114

Notice of Set-off or Counter-Claim

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the Judicial
Division

Holden at

Suit No.

Between

A.B. Claimant

and

C.D Defendant

TAKE NOTICE that the defendant intends to apply to the judge of the High Court of the Federal Capital Territory at on day of....., 20..... at o'clock

for an order that he be at liberty pursuant to the order of this Court to (set-off his defence herein claimed or serve a counter-claim) upon the following grounds. (set out in numbered paragraphs particulars of the claim).

Dated this day of, 20.....

.....
Judge

FORM 115

Order for Consolidation

(State the Order under which the action is brought)

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the Judicial Division
Holden at

Suit No.

Between

A.B. Claimant

and

C.D. Defendant

and

Suit No.

Between

A.B or E.F. Claimant

and

C.D. or G.H. Defendant

(Add the suit numbers and titles of all the actions or matter to be consolidated)

IT IS HEREBY ORDERED that these actions or matters be consolidated and do proceed as one action or matter at any special term)

Dated this Day of, 20.....

.....

Judge

FORM 116

**Undertaking by Defendant Applying for Stay
of Proceedings**

(State the Order under which the action is
brought)

WHEREAS the above-named actions or matters have been brought in this Court
by the said and
... against me and several causes of actions arise out of the same
alleged breach of contract (or wrong or other circumstances).

NOW THEREFORE, I UNDERTAKE to be bound, so as to my liability in the said
actions is concerned, by the judgment of the Court, in such one of the actions as
may be sealed by the Court.

Dated this day of, 20.....

Defendant

Address

.....

.....

FORM 117

Order to Stay Proceedings

WHEREAS the above actions have been commenced in this Court against the said..... in respect of causes of action arising out of the same alleged breach of contract (or wrong or other circumstances).

AND WHEREAS the said has filed an undertaking to be bound so far as his liability to the claimants and in the said actions is concerned, the decision of the Court in one of such actions.

IT IS HEREBY ORDERED that the action be stayed until judgement shall have been given in the action.

AND IT IS FURTHER ORDERED that the costs of this application and of the order thereon be costs in the..... action.

AND IT IS FURTHER ORDERED that this order shall be served on the saidand

.....
Judge

FORM 118

Notice to Claimant in Other Actions of Judgment in Selected Action

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the Judicial Division
Holding at

Suit No.

Between

A.B. Claimant

and

C.D Defendant

and

Between

E.F. Claimant

and

C.D. Defendant

WHEREAS on the day of, 20.....

It was ordered that the above-mentioned action of
..... vs..... should be stayed until
judgment should have been given in the above-mentioned action of
..... vs

TAKE NOTICE that on the day of,
20..... judgment was given in the said action of
vs in favour of the defendant.

AND FURTHER TAKE NOTICE that the said defendant will be entitled to his
costs of above-mentioned action of vs
..... up to the date of the said order of the day of
....., 20..... unless you said shall
on or before the (1) day of
....., 20..... give to me written notice to set down the action
of vs for hearing.

(2) TAKE NOTICE that on the day of, 20.....

judgment was given in the said action of
vs in favour of the claimant.

AND FURTHER TAKE NOTICE that you will be at liberty to proceed with action
of vs for
the purpose of ascertaining and recovering the debt (or damage) and costs and
that if you desire so to proceed you must on or before the (1)
..... day of, 20.....
give to me written notice to set down the action of
..... vs for hearing.

Dated this Day of, 20.....
To the above-named claimant.

.....
Registrar

FORM 119

Third Party Notice

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the Judicial Division
Holden at

Suit No.

between

A.B. Claimant

and

C.D Defendant

and

C.F. Third Party

TAKE NOTICE that this action has been brought by the claimant against the defendant or and that the claims against you that -

- (a) He is entitled to contribution from you to the extent of;..... or
(b) He is entitled to be indemnified by you against liability in respect of..... or
(c) That he is entitled to the following relief or remedy relating to or connected with the original subject matter of the action namely or
(d) The following question or issue relating to or connected with the subject matter of the action should properly be determined as between the claimant and the defendant and the third party namely;

The grounds of the defendant's claim are: -----

AND TAKE NOTICE that if you dispute the claimant's claim against the defendant of the defendant's claim against you, you must take all necessary steps for your defence and appear on the day fixed for hearing of the action when the claimant's claim against the defendant and the defendant's claim against you will be heard and determined.

In default of your appearing on the day of hearing you will be deemed to admit-

- (1) The claimant's claim against the defendant; and
(2) The defendant's claim against you; and
(3) Your liability to (contribute to the extent claimed or (indemnify the defendant); or

- (4) The defendant's right to the relief or remedy claimed in paragraph (c) above; and
- (5) The validity of any judgment in the action; and will be bound by the judgement in the action which may be enforced by execution against your goods.

Dated this day of, 20.....

.....
Registrar

FORM 120

Undertaking by Next Friend of Infant or Committee of Persons of Unsound Mind to be Responsible for Defendant's Cost

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the Judicial Division
Holden at

Suit No.

I, the undersigned of being the next friend of who is an infant/a person of unsound mind and who is desirous of commencing an action in this Court against of hereby undertake to be responsible for the cost of the said, in those proceedings, in manner following namely, if the said fail to pay to the said when and such manner as the Court shall order, all such cost of the proceedings as the Court shall direct him to pay to the said I will forthwith pay the same.

Dated this day of, 20.....

(Signed)
Signed by the above-named in my presence
..... Solicitor
Address

BEFORE ME

COMMISSIONER FOR OATHS

FORM 121

Plaint Note

(Heading as in Form 1)

<i>No. of Plaintiff or Matter</i>	<i>Defendant or Respondent</i>	<i>Fees paid</i>	
		<i>Plaint or matter</i>	<i>Hearing</i>

The above action (or actions) or matter (or matters) was (or were entered) this day and will be heard at on the day of
... .., 20..... at the hour of in the noon.

Dated this day of,
20.....

NOTE-Bring this plaintiff note with you when you come to the Court or the Court office for any purpose connected with these proceedings.

On the day of hearing bring all books and papers necessary to prove your claim. Money will not be paid out of the Court except on production of this plaintiff note and on your or your representative's personal attendance.

If you obtain a judgement against the defendant all money ordered to be paid thereunder must be paid into Court and must not be received by you from the defendant unless the Court directs payment to be made to you.

FORM 122

Affidavit on Application for Issue of Duplicate Plaintiff Note
(Heading as in Form 1)

I (A.B. or E.F.) of address and occupation make
Oath and says as follows:

- (1) I am (the claimant or solicitor for the claimant as the case may be) in this action and in that capacity have had in my custody the plaintiff note issued in this action.
- (2) I have made diligent search for the said plaintiff note but have been unable to find it and to the best of my belief the said plaintiff note has been accidentally lost or destroyed.
- (3) (There has been no change in my interest in the subject (subject matter or judgement obtained) in this action and I am entitled to receive any money paid into Court by the defendant or to the best of my knowledge and belief there has been no change in the claimant's interest in the subject matter or judgement obtained in this action and the claimant is entitled to receive any money into this Court by the defendant).
- (4) I am authorised by the claimant to apply for and receive on his behalf a duplicate of the said plaintiff note as appears by the authority at the foot hereof signed by the claimant.

Sworn to at the
Court registry this day of, 20.....

.....
Deponent/Registrar

I (A.B.) the claimant in this action hereby authorize (name) of (address) to apply for and receive on my behalf a duplicate of the plaintiff note issued in this action.

.....
Claimant

*This affidavit is filed on behalf of the claimant.

FORM 123

Ordinary Summons

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the Judicial Division

Holden at

Suit No.

Between

..... Claimant

and

..... Defendant

The claimant claims

.....

N : K

Debt or Damages (particulars are attached)

Court Fee

Other Disbursements costs

TOTAL

You are hereby summoned to appear at

High Court

(address of Court)

On the day of, 20..... at

..... o'clock in the noon when the claim will be heard.

To the Defendant

Dated this day of, 20.....

.....
Judge or Registrar

You are advised to read it carefully and to complete it and return it to the Registrar of the Court if you have a counter claim or special defence or wish to admit the claim and thus save costs.

FORM 124

Admission Counter-Claim Special Defence

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the Judicial Division

Holden at

Suit No.

Between

..... Claimant

and

..... Defendant

I admit the claimant's claim (or N..... part of the claimant's claim) and

I ask leave to pay the same with the costs on that amount, on the day of, 20....

..... (or by instalment of N..... per) because..

.....

.....

.....or I have a special defence (such as limitation of action, infancy, discharge under any written law, res judicata

..... or I have a counterclaim or set-off against the claimant for N.....

To be signed here by defendant.....

Defendant's address for service in the state

Dated this day of....., 20

Note: Where the defendant admits the whole or part of the claims, his signature should be witnessed by a Solicitor, or by the Registrar or other officer of the Court.

FORM 125

Service Endorsement on Any Document of Which Personal Service is Effected (Except a Witness or Judgment Summons)

(Heading as in Form 1)

Notice of the personal service of in this suit was on the day of 20..... Served by me on Endorsed the day of, 20..... Signature Address

FORM 126

Order for Substituted Service

UPON READING the affidavit of of Sworn upon the day of 20..... IT IS HEREBY ORDERED that a issued in this action together with a copy of this order be served on some inmates of above the apparent age of eighteen years at being the usual (or last known) place of residence (or business) of.....

(Name of claimant, defendant, witness of party)

at being the usual (or last known) place of residence (or business) of the said (or that notice of the be published in the newspaper in (number) separate issues) (or that a copy of the in this action (or matter) shall be affixed to premises at being the usual (or last known) place of residence (or business) of(or as may otherwise be ordered by the Court).

ORDERED this day of, 20.....

..... Judge

FORM 127

Substituted Service Notice in the Federal Capital Territory.

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the Judicial Division
Holden at

Suit No.

TAKE NOTICE that an action has been commenced against you in the above Court by
..... of for
and that an order has been made that publication of a notice of the entry of such action (in the Federal Gazette or the
Newspaper or by posting up at shall be deemed to be good and sufficient service of the summons or.....)
on you.

THIS ACTION will be heard at on the day, 20...
..... at the hour of in the noon, on which day you are to appear and if you do not appear either in person or by legal practitioner you will be bound by any decision or order given or made in the proceedings.

Dated this day of, 20.....

.....
Registrar

FORM 128

Service Endorsement of Substituted Service
(Heading as in Form 1)

NOTICE of the writ of Substituted Service was on the day of.....
..... 20..... served by me on the
defendant by.....
(State form of service)

.....
.....

Endorsed the..... day of, 20.....
Signature
Address

FORM 129

Service Endorsement on Summons to Witness
(Heading as in Form 1)

NOTICE of the Summons to Witness in this suit was on the day of
20..... served by me on the

Endorsed the..... day of, 20.....
Signature
Address

FORM 130

Service Endorsement of Ordinary or Default Summons
(Heading as in Form 1)

NOTICE of the Summons was on the
day of 20..... served on
..... by me

Endorsed the day of, 20.....
Signature
Address

FORM 131

Affidavit to Ground Default Summons
(Heading as in Form 1)

I, A.B. of make Oath and say that C.D. of
(address, occupation) is indebted to me in the sum of N.....
... .. for and I further say that C.D. is
not-

- (a) An infant or a person of unsound mind or a lunatic; or
- (b) An outdoor servant or a person engaged in manual labour or the wife of such a servant or person; or
- (c) A person residing out of the jurisdiction of the Court and that the claim is not-
 - (1) To recover money lent by a money lender as defined in the Money Lenders Act (Cap. 525) or interest on money so lent or to enforce any Agreement made or security taken in respect of money so lent;
 - (2) On behalf of an assignee of a debt or other thing in action; or
 - (3) To recover money secured by a mortgage or charge

Signed (A.B)

Sworn on the

BEFORE ME

.....
COMMISSIONER FOR OATHS

Note- When this affidavit is made by a Clerk, alter the form accordingly and add the following:

“That I am a person in the employment of A.B. and that I am duly authorized by him to make this affidavit and that it is within my own knowledge that the aforesaid debt was incurred and for the consideration above stated and that such debt to the best of my knowledge and belief still remains unpaid and unsatisfied.

FORM 132

Summons to Obtain Judgment by Default in Personal Service
(Heading as in Form 1)

TO THE DEFENDANT:

The summons of which this true copy was served by me on C.D. the defendant personally at on day of, 20..... judgement may be obtained against you and enforced without further notice within ten days of the service of this summons inclusive of the day of service on you.

Dated this day of, 20.....

.....
Bailiff of the High Court

FORM 133

Notice of Intention to Defend
(Heading as in Form 1)

TAKE NOTICE that the defendant intends to defend this action (or matter) on behalf of or for the benefit of (state names or persons as in order) as well as on his own behalf.

Dated this day of, 20.....

.....
Registrar

FORM 134

Praecipe for Entry of Judgment in Default Action
(Heading as in Form 1)

I hereby REQUEST that judgment by default be entered against the defendant (name of the defendant or if there are some defendants than one and it is desired to enter judgment against some or one only, name them or him), payable forthwith or on the day of or by instalments of N..... for every the first instalment to be paid to the day of, 20....

N : K

Amount of claim as stated in summons

Amount (if any), since received by claimant

Balance of claim for which judgment to be entered

Court fees entered on the summons

Costs entered on the summons

Costs (if any) on entering judgment

Dated this day of, 20.....

.....
Claimant or Claimant Legal Practitioner

To the Registrar of the Court.

FORM 135

**Notice to Claimant of Payment Into Court of Whole Claim With or Without
Cost**

(Heading as in Form 1)

TAKE NOTICE that the Defendant () had paid into Court
N.....

being the full amount of your claim in this action (together with the costs entered
on the summons).

Dated this day of, 20.....

.....
Registrar

To the Claimant.

FORM 136

**Affidavit on Application on Behalf of Infant or Person of Unsound Mind for
Appointment of Guardian Ad Litem**
(Heading as in Form 1)

I, of make Oath and say as follows:

- (1) The defendant was served with the in this action (or matter) on the day of, 20.....
- (2) The defendant is an infant (or person of unsound mind not adjudged a lunatic)
- (3) is fit and proper person to act as guardian *ad litem* of the said defendant and has no interest in the matters in question in this action (or matter) adverse to that of the said to act as such guardian is hereto annexed.

SWORN to at the Registry this day of, 20.....

BEFORE ME

.....
COMMISSIONER FOR OATHS

FORM 137

Order Appointing Guardian Ad Litem
(Heading as in Form 1)

On the application of and on reading the affidavit of
..... sworn on the day of
....., 20..... and the consent thereto annexed.
IT IS ORDERED that of be
appointed to act as guardian *ad litem* of the defendant
..... an infant (or person of unsound mind not
so found by inquisition).

Dated this day of, 20.....

.....
Judge

FORM 138

Certificate of Judgment or Order

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the Judicial Division
Holden at

Suit No.

Copy of entries in the books of the Court relating to the action or matter of
..... vs (Suit
No.) in which judgment was entered (or an order made) in this
Court on the day of, 20.....

FORM 138

Certificate of Judgment or Order

In the HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

In the Judicial Division
 Holden at

Suit No.

Copy of entries in the books of the Court relating to the action or matter of
 VS (Suit
 No.) in which judgment was entered (or an order made) in this
 Court on the day of, 20.....

<i>Form and subject matter of action or matter.</i>	<i>Name and address of party in whose favour judgment or order was given or made.</i>	<i>Name and address of party ordered to pay money or to do or not to do a particular thing.</i>	<i>Abstract of judgment or order and date when given or made</i>	<i>Abstract of judgment stating amount (if any) ordered to be paid the rate of interest (if any) payable thereon and date from which it is payable and particulars of any act ordered to be done or not</i>

I certify that the above is a true copy of entries in the books of this Court relating to the action or matter above mentioned.

Dated this day of, 20.....

N.B – This certificate is delivered for the purpose of

.....
 Registrar

has sustained by your neglect, connivance or omission.

FORM 139

**Record Book of High Court
Civil Cause Book of High Court of the
Federal Capital Territory.**

Record Book of Civil Causes in the High Court from the day of, 20..... to the day day of, 20.....

<i>No. of suit or application</i>	<i>Date of filing suit or application</i>	<i>Name of claimant (or Applicant)</i>	<i>Name of defendant (or Respondent)</i>	<i>Substance of suit or matter</i>	<i>Date of judgment or Final Order</i>	<i>Judge adjudicating</i>	<i>Costs</i>

.....
Checked and signed by Judge

FORM 140

Order of High Court Referring Proceedings to Arbitration
(Heading as in Form 1)

IT IS HEREBY ORDERED with the consent of all parties that these proceedings be referred to the Arbitration of whose Award, to be made on or shall be entered as the judgment in this action (Add any further direction given by the Judge).

Dated this day of, 20.....

.....
Judge

FORM 141

**Order of Reference of Proceedings or
Question for Inquiry or Report**
(Heading as in Form 1)

IT IS HEREBY ORDERED that these proceedings and all questions arising therein (or the following question arising in these proceedings, namely (state the question)) be referred to of for inquiry and report, pursuant to of the

(Add directions if any, as to how reference is to be conducted)

AND IT IS ORDERED that the is to complete his inquiries and file his report and give notice to the parties by the day of, 20..... unless the time is further enlarged by the Court.

AND IT IS FURTHER ORDERED that these proceedings stand adjourned for the consideration of the report until the day of....., 20... at the hour of in the noon or if the time for filing the report be enlarged, to such later day as may hereafter be fixed.

Dated this day of, 20.....

FORM 142

Bond by Person Giving Security

KNOW ALL MEN BY THESE PRESENTS that we
of
and
are jointly and severally held and firmly bound to
in the sum of Naira to be paid to the
said or his certain attorney, executors, administrator or assign for
which payment to be well and truly made, we bind ourselves and each and every
one of us, in the whole, our and each of our heir, executors and administrators
jointly and severally, firmly by these present. Sealed with our seals and dated this
..... day of, 20.....

Whereas:

(1) Here recite the
circumstances in
which the bond is
taken

NOW THE CONDITION of this obligation is such that if the
above bounders do (2)
..... Then this obligation shall be void and of no
effect, otherwise the same shall remain in full force and virtue.

SEAL

(2) Here state THE
OBLIGATION
undertaken

SEAL

SEAL

Signed, sealed and delivered by the above-bounden in the
presence of

.....
Judge or Commissioner for Oaths

FORM 143

Summons to Witness to Give Oral Evidence

(Heading as in Form 1)

YOU ARE HEREBY 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 or matter is tried, to give evidence in the above action
or matter.

IN DEFAULT of your attendance you will be liable to forfeit N..... if there
was paid or tendered to you at the time of the service of this Summons your
reasonable expenses of travelling 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.....

.....
Judge or Registrar

To of
This summons was issued on the application of the (Claimant or Defendant)

Sum to be paid or tendered to the witness N.....

FORM 144

Summons to Witness to Produce Documents

(Heading as in Form 1)

YOU ARE HEREBY summoned to attend at on the
..... day of, 20..... at the hour of
..... in the

..... noon and so on from day to day until the above action or matter is tried to give evidence in the above action or matter and also to bring with you and produce the several documents hereunder specified. (Here insert list of documents required to be produced).

IN DEFAULT of your attendance or of production by you of the several documents herein before specified or any of them you will be liable to forfeit N..... if there was paid or tendered to you at the time of the service of this summons, your reasonable expenses of travelling to and fro the Court together with a sum as compensation for loss of time according to the prescribed scale. (Where the witness is merely required to produce documents the words "to give evidence in the above action or matter and also" should be omitted).

Dated this day of, 20.....

.....
Judge or Registrar

To of
This summons was issued on the application of the (claimant or defendant).

Sum to be paid or tendered to the witness N.....

FORM 145

Notice to Produce Documents at Hearing

(Heading as in Form 1)

YOU ARE HEREBY summoned to attend at
on the day of, 20..... at the
hour of in the noon and so on from day to day until the
above action or matter is tried and to bring with you and produce the several
documents hereunder specified.

(Here insert list of documents required to be produced)

IN DEFAULT of your attendance or of production by you of the several
documents herein before specified or any of them you will be liable to forfeit
N..... if there was paid or tendered to you at the time of service of
this summons your reasonable expenses of travelling to and fro the Court
together with a sum as compensation for loss of time according to the prescribed
scale.

Dated this day of, 20.....

.....
Judge or Registrar

To of
This summons was issued on the application of the (claimant or defendant).

Sum to be paid or tendered to the witness N.....

FORM 146

Order of Forfeiture for Non Attendance of Witness or for Witness Refusing to be Sworn or Give Evidence

(Heading as in Form 1)

WHEREAS of
was duly summoned to appear as a witness in this action at the

.....
Court holden on the day of, 20.....
and at the time of being so summoned was paid (or tendered) his travelling expenses
(add, if witness was not a judgment debtor on a judgment summons) and
compensation for loss of time according to the scale of allowance prescribed.

AND WHEREAS he has refused or neglected without sufficient cause shown to
appear at the Court (or to produce) (described what he was required by the summons
and bound to produce).

OR WHEREAS he has refused (to be sworn) or (to give evidence).

OR WHEREAS of being this day
present in Court and being required by the Court to give evidence in this action
refused to be sworn (or to give evidence).

IT IS HEREBY ORDERED that the said do pay the sum of
N.....
to the Registrar of this Court on the day of, 20.....

Dated this day of, 20.....

.....
Judge

FORM 147

**Notice to Show Cause Why Forfeiture Should
Not Be Ordered**

(Heading as in Form 1)

TAKE NOTICE that the claimant (or defendant) will not the day
....., 20..... at the hour in the
noon apply to this Court for an Order (state the circumstances necessitating the need
for a forfeiture order).

AND FURTHER TAKE NOTICE that you are hereby required to attend the Court on
the first mentioned day to show cause why an order for forfeiture should not be
ordered against you.

.....
Registrar

FORM 148

**Application to Obtain Order to Bring Up
Prisoner to Give Evidence**

(Heading as in Form 1)

I, of..... the claimant (or defendant) state as follows: -

1. That the above action is appointed to be HEARD AT THIS COURT ON
the day of, 20..... and that
..... now a prisoner confined in prison, will be a
material witness for me at the said hearing.
2. That I (am advised and) verily believe that I cannot safely proceed to the
hearing of the said action without the testimony of the said
.....

AND I HEREBY MAKE APPLICATION to his Lordship the Judge of this Court
for an order under section of the High Court Act that the said
may be brought before this Court to be examined as a witness on my behalf.

Dated this day of, 20.....

.....
Applicant

FORM 149

Order to Bring Up Prisoner to Give Evidence

(Heading as in Form 1)

To (officer who has custody of prisoner)

WHEREAS has made application to me, for an order under the High Court Act or Rule to bring up before this Court who it is said is detained as a prisoner in your custody, to be examined as a witness on behalf of the said in the above section.

YOU ARE THEREFORE, by this order issued pursuant to the said section, required upon tender made to you of a reasonable sum for the conveyance and maintenance of a proper office or offices and of the said in going to, remaining at and returning from this Court, to bring the said before this Court at on the day of, 20..... at the hour of in the noon, then and there to be examined as a witness on behalf of the said shall have given this testimony before this Court, you place from which he shall have been brought under this Court.

Dated this day of, 20.....

.....
Judge

FORM 150

Judgment for Claimant (Single Payment)

(Heading as in Form 1)

IT IS ADJUDGED, that the claimant do recover against the defendant the sum of N..... for debt (or damages), and N..... for costs, amounting together to the sum of N..... (AND the defendant having paid the sum of N..... into Court (or to the claimant)).

IT IS ORDERED, that the defendant do pay the sum of N..... to the Registrar of this Court on the day of, 20.....

Dated this day of, 20.....

.....
Judge

FORM 151

**Judgment Where Counter-Claim Has Been
Made**

(Heading as in Form 1)

IT IS ADJUDGED, that the claimant do recover against the defendant the sum of N..... for debt (or damages), and N..... for costs, amounting together to the sum of N..... (or that judgment be entered for the defendant (or that a nonsuit be entered) in this action and that the claimant do pay the sum of N....., for the defendants cost).

AND IT IS FURTHER ADJUDGED, that the defendant do recover on this counter-claim against the claimant the sum of N..... for debt (or damages), and N..... for costs, amounting to the sum of N..... (or judgment to be entered for the claimant on the defendant's counter-claim (or that the counter-claim be struck out) and that the defendant do pay the sum of N..... for the claimant's costs of the said counter-claim). (If the same party succeeds both in the action and on the counter-claim proceed as follows):

AND IT IS ORDERED that do pay to the Registrar of this Court the sum of N..... being the balance in favour of after deducting the amount adjudged to the as aforesaid.

AND IT IS ORDERED that the said sum be paid on the day of ,20..... or by instalments of N..... for every the first instalment according to this order, executions or successive executions may issue for the whole of the said sum and costs the remaining unpaid or for such portion thereof as the Court shall order.

Dated this day of ,20.....

.....
Judge

FORM 152

Judgment for Delivery of Goods

(Heading as in Form 1)

IT IS ADJUDGED, that the claimant do recover against the defendant the following goods of the claimant wrongfully detained by the defendant; that is to say (specify the goods which the Court decides have been detained) of the value of N (and also the sum of N..... for damages for the detention of the said goods) and the sum of N..... costs.

AND IT IS ORDERED that do pay to the Registrar of this Court the sum of N..... being the balance in favour of after deducting the amount adjudged to the as aforesaid.

AND IT IS ORDERED that the said sum be paid on the ... day of, 20... or by instalments of N..... for every the first instalment according to this order, executions or successive executions may issue for the whole of the said sum and costs the remaining unpaid or for such portion thereof as the Court shall order.

AND IT IS FURTHER ADJUDGED, that the defendant do recover on this counter-claim against the claimant the sum of N..... for debt (or damages), and N..... for costs, amounting to the sum of N..... (or judgment to be entered for the claimant on the defendant's counter-claim (or that the counter-claim be struck out) and that the defendant do pay the sum of N..... for the claimant's costs of the said counter-claim). (If the same party succeeds both in the action and on the counter-claim proceed as follows):

Dated this day of, 20.....

.....
Judge

FORM 153

Judgment for Claimant (Payment By Instalments)

(Heading as in Form 1)

IT IS HEREBY ADJUDGED that the claimant do recover against the defendant the sum of N.....

..... for debt (or damages) and cost N..... amounting together to the sum of N..... and the defendant having paid the sum of N..... into Court (or to the claimant).

IT IS ORDERED that the defendant do pay the sum of N..... to the Registrar of this Court by instalment of for every; the first instalment to be paid on the day of, 20...

AND IT IS ORDERED that the said sum be paid on the day of, 20..... or by instalments of N..... for every the first instalment according to this order, executions or successive executions may issue for the whole of the said sum and costs the remaining unpaid or for such portion thereof as the Court shall order.

IN CASE default be made in payment of any instalment, according to this order, execution or successive executions may be issued for the whole of the said sum and costs then remaining unpaid or for such portion thereof as the Court shall order.

Dated this day of, 20.....

.....
Judge

FORM 154

Notice of Application for A New Trial

(Heading as in Form 1)

TAKE NOTICE that will apply to
Court at o'clock on
20..... to fix a date for a new trial of this action.

Dated this day of, 20.....
Signed

Signed.....
Solicitor for claimant
(Defendant)

To Solicitor for the claimant (defendant)
I/We Solicitor for the claimant (defendant) consent to
this application.

.....
Oppose

Dated this day of, 20.....

Signed.....
Solicitor for claimant
(Defendant)

FORM 155

IN THE HIGH COURT OF JUSTICE OF THE FEDERAL CAPITAL
TERRITORY
PROBATE DIVISION
AFFIDAVIT OF ATTESTING WITNESS OF WILL

IN THE MATTER OF DECEASED
I,
of make Oath
and say: I am one of the subscribing witnesses to the last Will
of..... late of
..... deceased
(The said Will being now hereto annexed). Bearing date of
..... day of 20 and that the
Testator..... executed that said Will on the day of the date thereof
by and
the same now appears thereon in the presence of me, and of.....
.....the other
subscribed witness thereto of us being present
at the same time, and we thereupon attested and subscribed the said Will in the
presence of the Testator

JURAT

2. That the said Will was, previously to the execution thereof as aforesaid
Correctly interpreted to the Testator in
our presence by..... of
..... and the Testator. Appeared
perfectly to understand the same.

BEFORE ME

COMMISSIONER FOR OATHS.

FORM 156

IN THE HIGH COURT OF JUSTICE OF THE FEDERAL CAPITAL TERRITORY, NIGERIA

PROBATE REGISTRY
DECLARATION AS TO NEXT-OF-KIN FORM

Name (in full) Deceased.
Address (at date of death)
Was the Deceased permanently resident there?
Country of origin of the Deceased

Name of Wife/Wives or Address Form of Marriage (i.e Customary)
Law and customs or Marriage
Ordinance and date of such
Marriage

Name of Children Age Mother of each Child and Address

If any of the minor children of the Deceased are not resident with their mother, state
with whom they are now living

Name of such children Name and address or person with whom they live

(If space provided is insufficient particulars may be put on separate sheet)

Name and address of the Deceased's father, Brothers

Mother

Sister

Have you any claim against the Estate?

Who do you say is entitled beneficially to the Deceased property?

.....do solemnly and sincerely make the above
declaration conscientiously believing the same to be true and correct and by virtue of the
provisions of Oaths Act 1990, Declared at the Probate Registry, High Court of the F.C.T
this Day of, 20.....

BEFORE ME

COMMISSIONER FOR OATHS.

FORM 157

IN THE HIGH COURT OF JUSTICE OF THE FEDERAL CAPITAL
TERRITORY

ADMINISTRATION BOND (WILL ANNEXED)

IN THE MATTER OF DECEASED

KNOW ALL MEN, by these Present, that

we.....

.....
of.....

and.....

of.....

are jointly and severally bound unto

the Chief Registrar of the High Court of Justice Abuja. in the sum of

naira, to be paid to the said

or the Chief Registrar of the said Court for the time being; for which payment we

bind ourselves and each of us for himself in the whole, our and each of our Heirs,

Executors and Administrators, firmly by;

These presents. Sealed with our seals. Dated the

..... day of..... 20.....

The condition of the above written obligation is such, that if the above-

named..... the intended Administrator with Will annexed of

the personal property of

late of

deceased who died on the day of

..... 20..... do make a true and perfect inventory

of the personal property of the deceased.....

Which has or shall come into.....

Possession, or into the possession of any person for

and the same so made do exhibit into the High Court of Justice

of FEDERAL CAPITAL TERRITORY, whenever required by law so to do, and the

same personal property and all other the

personal property of the deceased, which shall at any time after the making and

exhibition of such inventory come into the possession of the

said..... or of any person for

do well and truly administer (that is to say) do pay the debts which

the deceased owed at..... death, then the

legacies given by the said Will annexed in the said Letter of Administration

as for as such personal property will extend and the law bind..... And all the residue of the said personal property shall deliver and pay unto such persons as shall be by law entitled thereto: and further do make a true and just account of said administration whenever lawfully required then this obligation shall be void, otherwise shall remain in force.

Signed, sealed and delivered by the above-named }
In the presence of

FORM 158

IN THE HIGH COURT OF JUSTICE OF THE FEDERAL CAPITAL TERRITORY, NIGERIA

LETTERS OF ADMINISTRATION (WILL ANNEXED)

BE IT KNOWN that
late of
deceased,, who died on the..... day of....., 20.....
at and who
had at the time of his death his fixed place of abode
at..... within the jurisdiction of this
Court, made and duly executed his last
Will.....
.....and did therein name

AND BE IT FURTHER KNOWN that on the..... day of 20.....
Letters of Administration with the said Will
..... annexed of the personal property of the
deceased were granted by this Court to he having
been first duly sworn.

.....
Registrar

FORM 159

BANK CERTIFICATE

No.....
PROBATE REGISTRY,
HIGH COURT OF JUSTICE.
DATE

I hereby certify that:
Has/have applied for Letters of Administration/Probate of the personal property
of Deceased and has/have authority to enquire on my behalf as to
any sum standing to the credit of the deceased in the Books of any bank or as any
debts due to the deceased by any other person.

(.....)
FOR: PROBATE REGISTRAR

FORM 160

IN THE HIGH COURT OF JUSTICE OF THE FEDERAL CAPITAL
TERRITORY, NIGERIA
PROBATE REGISTRY
INVENTORY

In the name of (Deceased)
(Otherwise.....)

.....) A true declaration of all the personal property of:-

Late of

Deceased who died on theday of....., 20.....

at

at the time of his/her death his/her fixed place of abode is at

..... Within the
jurisdiction of this Court, which has at any time since his/her death come to the
possession or knowledge of

..... the Administrator/ Administratrix with
the Will annexed of the said..... made and exhibited
upon and by virtue of (The Oath of the said

.....

.....As follows:-

First we/I declare that the Deceased was at the time of his/her death possessed
of or entitled to:

N K

Money in Bank.....

(a) Savings Account.....

(b) Current Account.....

(c) Deposit Account.....

Money found at Home.....

Debts due to the Deceased.....

Particulars and value of property held by the Deceased as Lessee

Stock-inTrade

Motor Vehicles (buses, motor car, motor cycles).....

Personal Chattels (in details).....

Carried forward

BROUGHT FORWARD

TOTAL

Lastly, we/I say that no personal property of the Deceased has at time since his/her death come to our/my possession or knowledge in here in hereinbefore set forth:

The foregoing having been first read in English Language
And interpreted to the Illiterate Deponent(s)

.....
.....
.....

in Language by me
and when seems perfectly to understand the
same
before affixing Thumb print(s) thereon

.....
Signature of Declarant

On the day of, 20.....
.....
said

Sworn to the truth of the above written Inventory:

BEFORE ME

COMMISSIONER FOR OATHS

* The above Attestation Clause to be completed where Illiterate Deponents are.

FORM 161

**IN THE HIGH COURT OF THE
FEDERAL CAPITAL TERRITORY.**

PROBATE REGISTRY

In the Estate of Deceased
Who died on the day of 20.....

PARTICULARS OF FREEHOLD/LEASEHOLD PROPERTY LEFT BY THE
DECEASED

<i>Full Address of Property</i>	<i>If let, state of whom let (each Tenant's name should be given)</i>	<i>Rents paid per month</i>	<i>Rates paid per month</i>	<i>Capital Value at the death of Deceased</i>

Full particulars of the property must be given to enable the value Executors or of the property to be assessed. The normal base of valuation Administrator is the value the property would have fetched.

*The foregoing having been first read over in English Language and interpreted to the Illiterate Deponent(s) in Language by me and when he/she/they seemed perfectly well to understand the same before affixing his/her their signatures or left thumb impressions thereon.

FORM 162

IN THE HIGH COURT OF THE
FEDERAL CAPITAL TERRITORY
PROBATE REGISTRY

OATH FOR EXECUTOR

IN THE MATTER OF DECEASED
 We
 of
 Make oath and say: That believe the
 paper writing hereto annexed and marked by
 to contain the true and original Last Will of
 Late of
 (Deceased) and that the
 Executors therein named, and that
 will faithfully administer the personal property of the
 Testator by paying just debts and the
 legacies given by will so far as
 Personal property shall extended and the Law bind
 that Will
 exhibit and Inventory and render an account of
 Executorship as lawfully required. That the Testator
 lied at
 On the Day of 20..... That
 at the time of Death had
 fixed place of abode at
 within the jurisdiction of this Court and that the whole of

 Personal property does not amount in value to the sum of
 Naira to the best of
 Knowledge, information and belief.
 Sworn to at the Probate Registry,
 High Court of the Federal Capital Territory, Abuja
 This Day of 20.....

BEFORE ME

COMMISSIONER FOR OATHS

FORM 163

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY.

PROBATE DIVISION OATH LEADING TO RESEALING

IN THE MATTER OF..... DECEASED. I/WE,

..... make oath and say: -

- 1. That a grant of Probate of the Will*/Letters of Administration of the personal estate* of Late of Deceased, who died on the Day of 20..... at was granted to..... by the Court on the day of, 20.....
2. That the said deceased was at the time of his/her death domiciled in (the following words to be struck out if inapplicable) Within the jurisdiction of the said Court.
3. That the Notice hereunto annexed was inserted in the F.C.T of Nigeria Gazette and in the newspaper on the day of20.....
4. That I am the Attorney lawfully appointed of under his/her/their hand(s) and seal(s) and am duly authorized to apply to this Court for the sealing of the said grant*/the person authorized in writing by the said to apply on his/her/their behalf for the sealing of the said grant.*
5. That the value of the personal estate in the FEDERAL CAPITAL TERRITORY amounts to the sum of and no more to the best of my knowledge, information and belief.
6. That no minority or life interest arises.

Deponent

Sworn at the

This day of, 20.....

BEFORE ME

COMMISSIONER FOR OATHS

FORM 164

FEDERAL CAPITAL TERRITORY JUDICIARY .

PROBATE DIVISION

JUSTIFICATION OF SURETIES

IN THE MATTER OF DECEASED

We
of
and
of
severally make Oath and say, that we are the proposed sureties in the penal sum
of Naira on behalf of the intended
administrator(s)/administratix(es) of the personal property
of.....late of deceased, for his
faithful administration thereof.

And I the said..... for
myself, make Oath
and say, that I am, after payment of all my just debts, well and truly worth in
money and effects the sum of..... Naira.

(Sgd).....

And I the said
for myself, make Oath and say, that I am, after payment of all my just debts, well
and truly worth in money and effects the sum ofNaira

(Sgd).....

Sworn to as the

BEFORE ME

COMMISSIONER FOR OATHS

FORM 165

IN THE HIGH COURT OF JUSTICE OF THE FEDERAL TERRITORY,
NIGERIA
ADMINISTRATION BOND (WITHOUT WILL)

In the matter of _____ Deceased
KNOW ALL MEN BY THESE PRESENTS that we are jointly and severally bound unto
the Probate Registrar of the High Court of Justice of Nigeria, in the sum of _____
Naira, to be paid to the said _____ or the
Probate Registrar of the said Court for the time being; for which payment we bind
ourselves and each of us, for himself, in the whole, our and each of our heirs, executors
and administrators, firmly by these presents. Sealed with our Seals. Dated the
_____ day of _____ 20_____

The conditions of the above-written obligation is such, that if the above-named
_____ the intended administer of
the personal property of _____ late of
_____ deceased, who died on the _____
day of _____ 20_____, do make a true and perfect inventory of
the personal property of the deceased which has or shall come into
_____ possession, or into the possession of any person for _____
and the same so made to exhibit into the High Court of Justice of Nigeria as required by
law so to do, and the same personal property and all other personal properties of the
Deceased which shall at any time after the making an exhibition of such inventory come
into the possession of the said _____
or of any person for _____ do well and truly administer
according to law (that is to say) do pay the debts which the deceased owed at
_____ death and all the residue of the said personal property do deliver and
pay to such person or persons as shall be entitled there by law, another do make a true
and just account of _____ administration as lawfully required, and
the case it shall hereafter
appear that any Will was made by the deceased, and the executor or executors, or other
persons therein named, do exhibit the same for probate, then if the said _____
_____ being thereunto
said _____ do render and deliver up the Letters of Administration to
_____ then this
obligation shall be void otherwise, shall remain in full force.

Signed, sealed and delivered by the above
Name }
In the presence of }

FORM 166

**IN THE HIGH COURT OF JUSTICE OF THE FEDERAL TERRITORY,
NIGERIA**

**PROBATE DIVISION
Oath for Administration (Without Will)**

In the matter of

Deceased.

I,

of

make Oath and say, that

Late of

deceased, died intestate

That I will faithfully administer the personal property of the deceased, by paying his/her just debts and distributing the residue of his/her personal property according to law.

That I will exhibit an inventory and render in an account of my administration as lawfully required.

That the deceased died at

..... on the
day of, 20.....

That at the time of his/her death his/her fixed place of abode at
..... within the jurisdiction of this Court.

And that the whole of his/her personal property does not amount in value to the sum of Naira to the best of my knowledge, information and belief.

(Sgd)

Sworn to as the

BEFORE ME

COMMISSIONER FOR OATHS

FORM 167

LETTER TO BANK (1)

Ref. No.

PROBATE REGISTRY,
HIGH COURT OF JUSTICE,
FEDERAL CAPITAL TERRITORY
JUDICIARY.

DATE

The Manager,

.....
.....

RE: DECEASED
SAVING/ CURRENT NO
FOR, THE SUM OF

I have the honour to inform you that letters of Administration has been issued in respect of the above name Deceased and Photocopy of Letters of Administration is attached.

For a circumstance which is based on our internal investigation you are now required to issue a cheque which could be paid directly to this Registry in the name of the Probate Registrar for onward payment to the deponents please, i. e Intended Administratrix(es)/ Administrators.

.....
PROBATE REGISTRAR

FORM 168

LETTER TO BANK (2)

Ref. No.

PROBATE REGISTRY,
HIGH COURT OF JUSTICE,
FEDERAL CAPITAL TERRITORY
JUDICIARY.

DATE

The Manager,

.....
.....

RE: DECEASED

SAVING/ CURRENT NO:

I have honour to refer to the sworn affidavit made by.....
..... of the
of the above named deceased in respect of outstanding credit balance of the said
deceased's account with your bank.

I am satisfied that the sum of
..... (N..... K) could
be paid directly through this Registry to the next of kin after accepting the sworn
affidavit.

The reason for the above order is because the amount involved does not
come under warrant of obtaining Letters of Administration and I honestly hope
that you act accordingly by paying the next of kin as per attached sworn affidavit
please.

The cheque could be paid directly to this Registry in the name of the
Probate Registrar, please.

(Chief Registrar)

FORM 169

IN THE HIGH COURT OF JUSTICE OF THE FEDERAL TERRITORY
PROBATE DIVISION
ADMINISTRATION BOND ON APPLICATION FOR RESEALING

IN THE MATTER OF DECEASED.

KNOW ALL MEN by these Presents that we

Insert full names, addresses and description(s) of person(s) to whom the grant was made

..... and
.....
... Are jointly and severally bound unto the Probate Registrar of the High Court of Justice of the FEDERAL CAPITAL TERRITORY in the sum of
..... Naira.

Unless otherwise directed, the sum to be inserted should be double the gross value of the personal estate

For the payment of which to the said Probate Registrar we bind ourselves and each of us and our executors and administrators/ successors* Sealed with our seals.

DATED the day of 20.....

The condition of this obligation is such that if

Insert full names, addresses and description(s) of person(s) to whom the grant was made

.....The administrator(s) [with the Will and Codicil(s) annexed] acting by the authority of the Court of under Letters of Administration [with the Will and Codicil(s) annexed] issued aton the
..... day of/
20..... and now about to be resealed in the FEDERAL CAPITAL TERRITORY of the estate of

Description of Court by which grant was issued

Full names and address of the Deceased

Deceased who died on the day of,
20..... do, when lawfully called on in that behalf, make or cause to be made a true and perfect inventory of the personal estate of the said deceased in the F.C.T of Nigeria, which has or shall come to the hands, possession or knowledge of the said administrator(s) and to exhibit the said inventory or cause it to be exhibited in the Probate Registry of the High Court of Justice of the F.C.T of Nigeria, whenever required by law so to do and do well and truly administer the said estate according to law; and further do make or cause to be made in true

Full names of principal sureties

and just account of the administration of the said estate in the F.C.T of Nigeria whenever required by law so to do; then this obligation shall be void and of no effect, but shall be otherwise remain in full force and effect.

Signed, sealed and delivered by the within-named

.....

Signature.....

Signature.....

Signature.....

Signature.....

In the presence of:

*Delete as necessary

.....

Commissioner for Oaths

Supplied by:

FORM 170

IN THE HIGH COURT OF JUSTICE OF THE FEDERAL CAPITAL TERRITORY,
NIGERIA

STATUTORY AFFIDAVIT OF NEXT OF KIN

I, _____ of _____ do make
oath and say, as follows:-

1. That I am the _____ of _____ Late
of _____
2. That the said _____
died on _____ day of _____ 20_____
3. That the said _____ Was working under
the _____
4. That the deceased _____
had a Saving/Current Acct/NPF with the _____
5. That during the lifetime of the said _____ he/she nominated
as his/her next of kin.
6. That in view of the above mentioned facts I pray for the release of his/her
money to be paid to me.
7. That I swear to this affidavit conscientiously believing same to be true of the
Provisions of the Oaths Acts, 1990.

Date _____ 20_____

Signature or Mark of
Deponent

I certify that the above affidavit has been read over and or interpreted to the
illiterate deponent and that he/she appears to clearly understand same before
affixing his/her mark to it in my presence.

Date _____

Signature or Mark of Interpreter

Sworn to at the High Court Registry. This _____ day of
_____ 20 _____

BEFORE ME
COMMISSIONER FOR OATHS

Fees paid _____

Receipt No. _____

Date _____

FORM 171

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY, NIGERIA
PROBATE REGISTRY

APPLICATION FOR A GRANT OF LETTERS OF ADMINISTRATION
(WITHOUT WILL)

IN THE ESTATE OF (Deceased)

Otherwise

I/We of

.....

(2) of

(3) of

.....

(4) of

.....

Relationship

Respectively of the Deceased hereby make application for a grant of Letters of Administration of the Estate of

.....

Late of

Occupation who died at

.....

On the Day of 20.....

2. The Deceased left real and personal property to the value of

.....

All/part of which was situated within the jurisdiction of the F.C.T. High Court Abuja, Nigeria.

3. The inventory which accompanies this application contains particulars of the personal property of which the Deceased possessed and in respect of which a grant is required. The Form "R" hereto annexed is a true declaration of the real property left by the Deceased in respect of which a grant is also required.

4. A Schedule of Debts due by the Deceased and Schedule of the Deceased's funeral expenses are annexed and marked Part I and Part II respectively.

5. This application is accompanied by:
- (a) Oath for Administration (Without Will)
 - (b) Administration Bond (Without Will)
 - (c) Declaration as to Next-of-Kin Form
 - (d) Inventory
 - (e) Schedule of Debts and Funeral Expenses

(f) Form "R" (Particulars of Realty)

Dated this day of 20.....

1.
2.
3.
4.
5.

JURAT: The foregoing having been read over and interpreted to the applicants
..... in
..... language by Mr.
when he/she/they seemed perfectly to understand same before affixing
his/her/their thumb prints thereon.

Interpreter

FORM 172

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY, NIGERIA
PROBATE REGISTRY

OATH FOR DOUBLE PROBATE

IN THE MATTER OF (Deceased)

I,

make oath and say:-

1. That I believe the paper writing now produced to and marked by me to contain the true and original Last Will and Testament of Deceased, who died on the day of 20..... at

2. That on the day of, 20.....

Probate of the said Will was granted at the Probate Registry of this Honourable Court to of the Executors named in the said Will, power being reserved of making the like grant to the other Executor therein named;

3. That I am the of the said deceased and the other Executor named in the said Will; and that I will administer according to law both the real and personal property of the said deceased;

4. That I will exhibit a true and perfect inventory of the said estate and render a just and true account thereof whenever required by law so to do;

And that the gross value of the said estate now unadministered amounts to N and no more, to the best of my knowledge, information and belief.

Deponent

Sworn to at the F.C.T High Court
Probate Registry, Abuja, this day of
20.....

BEFORE ME

COMMISSIONER FOR OATHS

FORM 173

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY, NIGERIA

PROBATE REGISTRY

APPLICATION FOR GRANT OF DOUBLE PROBATE OF THE WILL

IN THE ESTATE OF (Deceased)

I/We of

Hereby make application for grant of Double Probate of the Will of

Late of who died at

..... on the day of
..... 20.....

I/We the
Executors named in the said Will, for whom power was reserved to make this
application who probate was granted on the day of
..... 20..... to my Co-Executrix/Executors.

The said deceased left property to the value of
..... (presently
approximated as N.....)
all of which was situated within the jurisdiction of the F.C.T High Court, Nigeria.
Inventory which accompanies this application contains particulars of the personal
property of which the deceased possessed and in respect of which a grant is
required.

This application is accompanied by

- (a) Oath for Double Probate
- (b) Inventory, and
- (c) Particulars of Realty.

Dated this Day of 20.....

FORM 174

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY, NIGERIA
PROBATE REGISTRY
RENUNCIATION OF PROBATE OR ADMINISTRATION (WILL ANNEXED)

IN THE MATTER OF (Deceased)
WHEREAS
late of
deceased, died on the day of at
..... having at the time of death
..... fixed place of abode at within the
jurisdiction of this Court; and whereas made and duly
executed Last Will dated the day of
..... 20..... And thereof appointed me
..... Executor.

NOW I, THE SAID:

.....
do hereby declare that I have not intermeddled in the personal property of the
deceased, and will not hereafter intermeddle therein, with intent to defraud creditors
or any person interested in the administration or distribution of the property of the
deceased; and further do hereby expressly renounce all right to probate of the said Will
and to Administration with the said Will annexed, of the personal property of the
deceased.

IN THE WITNESS whereof I have hereto set my hand this day of
.....20.....

Signed by the above named
In the presence of

.....
Probate Registrar

FORM 175

FCT HIGH COURT OF JUSTICE

DEPARTMENT OF LITIGATION

(PROBATE UNIT)

ACKNOWLEDGEMENT OF DEPOSIT/ WITHDRAWAL OF WILL

I _____ acknowledge that _____
(Named of schedule officer) (Name of Solicitor/Testator)

Deposited/Withdrawal of the Will of _____ on the
_____ day of _____, 20_____ in custody of the
Probate Registrar.

We both append our full names and signatures thereto in the presence of the
Director of Litigation. (A Sealed copy of the Will is hereby accepted for custody in
Probate, FCT High Court).

Named _____ Named _____
Signed _____ Signed _____
Date _____ Date _____

Named _____
Signed _____
Date _____

DCR PROBATE

FOR: Probate Registrar

FORM 176

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY, NIGERIA

PROBATE REGISTRY

Reference No.....

SUPPLEMENTARY INVENTORY TO LETTERS OF ADMINISTRATION GRANTED TO _____, (BOTH LAWFUL NEXT OF KIN) IN RESPECT OF THE SAID (DECEASED)'S PROPERTY.

INVENTORY

N_____K

MONEY IN BANK PLC

SCHEDULE OF COURT FEES

N_____K

- LEGAL Notice Deposit Fee
- Application Fee
- Filing Inventory
- Filing Oath for Administration (Without Will)
- Taking Justification of two sureties
- Estate Fee On
- Total Fees

Receipt No.
of day of, 20.....

.....
Probate Registrar

FORM 177

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY, NIGERIA
PROBATE REGISTRY

Reference No.....

INVENTORY FOR THE RESEALING OF LETTERS OF ADMINISTRATION
(WITHOUT WILL)

INVENTORY

N_____K

Application Fee
Filing Inventory
Filing declaration as to next of kin
Filing oath for resealing
Filing administration bond on application for resealing
Taking justification of two sureties
Estate Fee
Total Fees
Receipt No.
of day of, 20.....

AT COVER NOTE

IN THE HIGH COURT OF JUSTICE OF F.C.T

IN THE MATTER OF _____ (DECEASED). Resealing by the
direction of the High Court of Justice of Nigeria this day of
....., 20.....
THE LAWFUL WIDOW OF THE SAID DECEASED.

.....
Probate Registrar

**FORM 178
PREAMBLE TO LETTER OF ADMINISTRATION**

IN THE HIGH COURT OF JUSTICE OF THE FEDERAL CAPITAL TERRITORY.

FCT/HC/PM/.....
Probate Registry
On.....,20.....
Before Hon. Justice
Chief Judge's Chambers

IN THE MATTER OF AN APPLICATION FOR THE GRANT OF LETTERS OF
ADMINISTRATION OF THE ESTATE OF THE SAID
..... (DECEASED)

"A" Upon reading the Application of _____ dated _____, 20____

"B" And upon publication having been duly made in _____
Newspaper of _____

"C" And after reading the oath of the said _____, dated

"D" And upon the renunciation of _____ dated _____ day _____, 20____

"D1 and D2" The bond and justification of two sureties _____
Were duly executed and sworn to _____ of _____,
20____

IT IS ORDERED that Letters of Administration of the above named
Deceased be issued under the Seal of High Court of Justice FCT to said

_____. Being the lawful WIDOW/ DAUGHTER/
SON, etc of the deceased.

"E" _____ INVENTORY _____ N _____ K _____

CHIEF JUDGE

FORM 179

IN THE HIGH COURT OF JUSTICE OF THE FEDERAL CAPITAL TERRITORY.

PROBATE DIVISION

LETTERS OF ADMINISTRATION (WITHOUT WILL)

Sworn under N _____ K and that the intestate
Died on or about _____, 20____

BE IT KNOWN that on the _____ day of _____, 20____ Letters of Administration of the personal/real property of _____ of _____ FCT Deceased who died on the _____ day of _____, 20____, intestate and had at the time of HIS death HIS bonafide place of abode at Abuja within the jurisdiction of the Court were granted by this Court to the said _____, of _____ being the lawful WIDOW/ DAUGHTER/ SON, etc of the said deceased having been first duly sworn.

.....
Probate Registrar

FORM 180

SCHEDULE TO LETTERS OF
ADMINISTRATION

ASSETS OF THE SAID _____
(DECEASED)
IN THE FEDERAL CAPITAL TERRITORY OF NIGERIA

INVENTORY

N_____K

SCHEDULE OF COURT FEES

N_____K

LEGAL Notice Deposit Fee
 Application Fee
 Filing Inventory
 Filing Declaration as to the Next of Kin
 Filing Administration Bond (Without Will)
 Filing Oath for Administration (Without Will)
 Filing Renunciation of Administration (Without Will)
 Drawing up Order for Grant
 Taking Justification of two sureties
 Estate Fee N.....
 Total Fees _____

Receipt No.
of day of, 20.....

.....
Probate Registrar

FORM 181
PROBATE REGISTRAR'S LETTER TO CHIEF JUDGE

IN THE HIGH COURT OF JUSTICE
OF THE FEDERAL CAPITAL TERRITORY
PROBATE DIVISION

Ref: _____

PROBATE REGISTRAR,
High Court of Justice,
FEDERAL CAPITAL TERRITORY.

THE HONOURABLE CHIEF JUDGE,
High Court of Justice,
FEDERAL CAPITAL TERRITORY.

- _____ Deceased
2. Papers herein are submitted together with the Order Book
May Letters of Administration/Probate issue to the Petitioners
....., (ALL LAWFUL NEXT OF KIN) of the
Deceased
- "A" 3. Application for Letters of Administration/Probate dated
The _____ Day of _____, 20____ Filed.
- "B" 4. Renunciation/Probate of Attorney of _____
Filed/sworn on the _____ Day of _____
- "C" 5. Notice of Publication have been publicly displayed _____
_____, 20____ And/Or Published in the
Federal Capital Territory of Nigeria Gazette.
- "D1 and D2" 6. Oaths of the said Sworn to and filed on the _____ day of _
, 20____
- "E" 7. Bond in the sum of N _____ K Executed.
- "F" 8. All fees have been paid.
- "G" 9. NO CAVEAT LODGED.

AT COVER

DATED AT FCT HIGH COURT, THIS _____ day of _____ 20_____

PROBATE REGISTRAR

ORDERED AS PRAYED

CHIEF JUDGE

Date

FORM 182

Coat of Arms and insignia of Court

Probate Registry, High Court of the FCT,
Maitama, Abuja

(address)

Reference number: FCT/HC/PM/ /20....

.....
Pursuant to Order 62 Rule 21

**IN THE MATTER OF (DECEASED)
IN THE MATTER OF PETITION FOR RESEALING OF GRANT OF PROBATE
RESPECTING THE WILL OF (DECEASED) GRANTED BY
THE HIGH COURT OF STATE OF NIGERIA**

.....
WHEREAS certified copies of the Grant of probate and the Will pertaining thereto have been produced to this Court, the prescribed publication for the petition has been made, all prescribed fees have been paid and every other condition as the Probate Registrar found necessary to impose has been complied with;

BY THESE PRESENTS, the Grant of Probate dated together with the Will of (Deceased) is **HEREBY RESEALED** to have force in the FEDERAL CAPITAL TERRITORY respecting the assets and liabilities annexed in the continuation sheets to these presents;

GRANTED TO: of
.....of and
..... of, being executors, appointed by Will dated, 20.... and registered and proved before the High Court of State.

.....
It is hereby certified that from information supplied on the application for this grant, the gross value of the said estate in the Federal Capital Territory does not exceed and the net value does not exceed

With Leave obtained from the Chief Judge of the Federal Capital Territory

DATED THIS _____ **day of** _____ **20....**

PROBATE REGISTRAR

Seal of Court and
Red stamp seal

INVENTORY

Reference number: FCT/HC/PM/ /20...

- 1.
- 2.
- 3.

SCHEDULE OF FEES

Legal Notice (Deposit) Fee _____ (as may be determined from time to time)

Application Fee _____ N5,000.00

Swearing and Filing Inventory _____ N500.00

Drawing up Order for Grant _____ N5,000.00

Estate Fee _____

Total _____

Abuja Receipt Number:

PROBATE REGISTRAR

FORM 183

Coat of Arms and insignia of Court
FCT, Maitama, Abuja

Probate Registry, High Court of the
(address)

Reference number: FCT/HC/PM/ /20....

**IN THE MATTER OF AN APPLICATION FOR THE GRANT OF
PROBATE/LETTERS OF ADMINISTRATION OF THE ESTATE OF**

.....

(DECEASED)

MAY Probate/ Letters of Administration issue to the Petitioners:

..... of
..... of and
..... of, as
administrators, being the (state the
nature of their relationships to the deceased).

UPON PROVING THE FOLLOWING:

1. Application for Letters of Administration/Probate dated the day of 20.... was filed.
2. Notice of Publication of the Petition have been publicly displayed in the..... Newspapers of, 20.... and/or published in the Gazette of the Federal. Capital Territory of Nigeria.
3. Oaths of the petitioners were sworn to and filed on the day of 20....
4. Administration Bond in the sum of N.....:00k was executed.
5. Two sureties, namely, and justified and were accordingly sworn.
6. All prescribed fees have been paid.
7. No caveat was lodged or pending against the petition.

ACCORDINGLY, may leave be granted by My Lord the Chief Judge of the Federal Capital Territory, deeming all prior approvals having been given with his assent.

DATED THIS _____ day of _____ 20....

Probate Registrar
ORDERED AS PRAYED.

CHIEF JUDGE

DATE _____

FORM 184

Coat of Arms and insignia of Court

Probate Registry, High Court of the FCT,
Maitama, Abuja
(address)

Reference number: FCT/HC/PM/ /20....

THE ESTATE OF:
LATE OF:
PLACE OF DEATH:
DATE OF DEATH:th day of, 20....

Pursuant to Order 64 and Order 65 Rule 5(4)
GRANT OF LETTER OF ADMINISTRATION (WITH WILL ATTACHED)

BE IT KNOWN that at the date hereunder written, Letter of Administration of all the personal and real, movable and immovable property of the above-named deceased, annexed in the continuation sheets to these presents, and not contained in the Will or Codicil dated herein attached, same having no residuary clause (partial intestacy) or the said Will having been declared invalid, was/were **GRANTED** to:

..... of
..... of and
..... of
as administrators, being the (state the nature of their relationships to the deceased).

The administrators having been first sworn well and faithfully to administer the same by paying the just debts of the deceased and distributing the residue of the deceased's property according to law and render a just and true account of his/her administration whenever lawfully required.

With Leave obtained from the Chief Judge of the Federal Capital Territory

DATED THIS _____ **day of** _____ **20....**

PROBATE REGISTRAR

Seal of Court and
Red stamp seal

INVENTORY

Reference number: FCT/HC/PM/ /20....

- 1.
- 2.
- 3.

SCHEDULE OF FEES

Legal Notice (Deposit) Fee _____	(as may be determined from time to time)
Application Fee _____	N5,000.00
Swearing and Filing Inventory _____	N500.00
Swearing and Filing Next of-kin Form _____	N500.00
Swearing and Filing Administration Oath _____	N500.00
Filing Administration Bond _____	N500.00
Attesting Signature on Bond _____	N500.00
Justification of Sureties _____	N500.00
Swearing Deponents on Justification of Sureties _____	N500.00
Filing Particulars of Realty _____	N500.00
Filing Death Certificate _____	N500.00
Drawing up Order for Grant _____	N500.00
Estate Fee _____	
TOTAL _____	

Abuja Receipt Number:

PROBATE REGISTRAR

FORM 185

Coat of Arms and insignia of Court

Probate Registry, High Court of the FCT,
Maitama, Abuja

(address)

Reference number: FCT/HC/PM/ /20....

THE ESTATE OF:

LATE OF:

PLACE OF DEATH:

DATE OF DEATH:th day of, 20....

(Pursuant to Order 63)

GRANT OF LETTER OF ADMINISTRATION (WITHOUT WILL)

BE IT KNOWN that at the date hereunder written, Letter of Administration of all the personal and real, movable and immovable property of the above-named deceased, as annexed in the continuation sheets to these presents, was/were **GRANTED** to:

..... of
..... of and
..... of, as
administrators, being the (state the nature of
their relationships to the deceased).

The administrators having been first sworn well and faithfully to administer the same by paying the just debts of the deceased and distributing the residue of the deceased's property according to law and render a just and true account of his/her administration whenever lawfully required.

With Leave obtained from the Chief Judge of the Federal Capital Territory

DATED THIS _____ **day of** _____ **20....**

PROBATE REGISTRAR

Seal of Court and
Red stamp seal

INVENTORY

Reference number: FCT/HC/PM/ /20....

- 1.
- 2.
- 3.

SCHEDULE OF FEES

Legal Notice (Deposit) Fee _____	(as may be determined from time to time)
Application Fee _____	N5,000.00
Swearing and Filing Inventory _____	N500.00
Swearing and Filing Next of-kin Form _____	N500.00
Swearing and Filing Administration Oath _____	N500.00
Filing Administration Bond _____	N500.00
Attesting Signature on Bond _____	N500.00
Justification of Sureties _____	N500.00
Swearing Deponents on Justification of Sureties _____	N500.00
Filing Particulars of Realty _____	N500.00
Filing Death Certificate _____	N500.00
Drawing up Order for Grant _____	N500.00
Estate Fee _____	
TOTAL _____	

Abuja Receipt Number:

PROBATE REGISTRAR

FORM 186

Coat of Arms and insignia of Court

Probate Registry, High Court of the FCT,
Maitama, Abuja

(address)

Reference number: FCT/HC/PM/ /20....

Pursuant to Order 64
GRANT OF PROBATE

BE IT KNOWN, these presents is issued as hereunder stated:

THE ESTATE OF:
LATE OF:
PLACE OF DEATH:
DATE OF DEATH:th day of, 20....

DATE OF GRANT:th day of, 20....
GRANT OF: Probate of Will (Copy attached)
IS GRANTED TO: of
..... of and
..... of,
being executors, appointed by Will dated, 20.... and
registered and proved before the Probate Registrar.

Power reserved to other executors

It is hereby certified that from information supplied on the application for this grant, the gross value of the said estate in the Federal Capital Territory does not exceed and the net value does not exceed

With Leave obtained from the Chief Judge of the Federal Capital Territory

DATED THIS _____ **day of** _____ **20....**

PROBATE REGISTRAR

Seal of Court and
Red stamp seal

SCHEDULE OF FEES PAID

Application fee _____ N5,000.00
Drawing up Order for Grant _____ N5,000.00
Estate Fees _____

Abuja Receipt Number:

FORM 187



HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
PROBATE DEPARTMENT

NAME OF MAKER OF WILL: _____

LIST OF PERSONS TO BE NOTIFIED FOR THE READING OF THE WILL

IT IS MY WISH THAT, IN ADDITION TO ANY OTHER PERSON THE PROBATE REGISTRAR MAY CONSIDER NECESSARY, UPON MY DEMISE THE FOLLOWING SHALL BE NOTIFIED TO ATTEND THE READING OF THIS WILL

S/No.	NAME (AND NATURE OF RELATIONSHIP IN BRACKET)	ADDRESS	PHONE, EMAIL AND OTHER DETAILS

*If names are more than five, attach an additional sheet.

Dated this..... day of 20.....

.....

Signature

FORM 188

Coat of Arms and insignia of Court

Probate Registry, High Court of the
FCT, Maitama, Abuja
(address)

Reference number: FCT/HC/PM/ /20....

THE ESTATE OF:

LATE OF:

PLACE OF DEATH

DATE OF DEATH:th day of, 20....

(Pursuant to Order 62 Rule 32)

RE-ISSUE OF GRANT OF LETTER OF ADMINISTRATION (WITHOUT WILL)

BE IT KNOWN that Letter dated the of 20.... for the Administration of all the personal and real, movable and immovable property of the above-named deceased, as annexed in the continuation sheets to these presents, is **RE-GRANTED** at the date hereunder written to:

..... of
..... of and
..... of, as
administrators, being the (state the nature of
their relationships to the deceased).

The reason for the re-grant being

The administrators having been first sworn well and faithfully to administer the same by paying the just debts of the deceased and distributing the residue of the deceased's property according to law and render a just and true account of his/her administration whenever lawfully required.

With Leave obtained from the Chief Judge of the Federal Capital Territory

DATED THIS _____ day of _____ 20....

PROBATE REGISTRAR

Seal of Court and
Red stamp seal

Reference number: FCT/HC/PM/ /20....

INVENTORY

- 1.
- 2.
- 3.

SCHEDULE OF FEES

Legal Notice (Deposit) Fee _____	(as may be determined from time to time)
Application Fee _____	N5,000.00
Swearing and Filing Inventory _____	N500.00
*Swearing and Filing Next of-kin Form _____	N500.00
Swearing and Filing Administration Oath _____	N500.00
Filing Administration Bond _____	N500.00
Attesting Signature on Bond _____	N500.00
*Justification of Sureties _____	N500.00
*Swearing Deponents on Justification of Sureties _____	N500.00
Filing Particulars of Realty _____	N500.00
Drawing up Order for Grant _____	N1,500.00
Estate Fee _____	
TOTAL _____	

Abuja Receipt Number:

PROBATE REGISTRAR

*Applicable if reissuance require change of an administrator.

FORM 189

Coat of Arms and insignia of Court
the FCT, Maitama, Abuja

Probate Registry, High Court of

(address)

Reference number: FCT/HC/PM/ /20....

Pursuant to Order 62 Rule 21

**IN THE MATTER OF (DECEASED)
IN THE MATTER OF PETITION FOR RESEALING OF GRANT OF LETTERS
OF ADMINISTRATION RESPECTING THE ESTATE OF
(DECEASED) GRANTED BY THE HIGH COURT OF STATE OF
NIGERIA**

WHEREAS certified copy of the Letters of Administration has been produced to this Court, the prescribed publication for the petition has been made, all prescribed fees have been paid and every other condition as the Probate Registrar found necessary to impose has been complied with;

BY THESE PRESENTS, the Letters of Administration dated with respect to the estate of (Deceased) is **HEREBY RESEALED** to have force in the FEDERAL CAPITAL TERRITORY respecting the assets and liabilities annexed in the continuation sheets to these presents;

GRANTED TO: of
..... of and
..... of, as
administrators, having been so appointed by Letter of
Administration dated, 20.... granted by the
High Court of State being the (state the
nature of their relationships to the deceased).

The administrators having been first sworn well and faithfully to administer the same by paying the just debts of the deceased and distributing the residue of the deceased's property according to law and render a just and true account of his/her administration whenever lawfully required.

With Leave obtained from the Chief Judge of the Federal Capital Territory

DATED THIS _____ **day of** _____ **20....**

PROBATE REGISTRAR

Seal of Court and
Red stamp seal

INVENTORY

Reference number: FCT/HC/PM/ /20....

- 1.
- 2.
- 3.

SCHEDULE OF FEES

Legal Notice (Deposit) Fee _____	(as may be determined from time to time)
Application Fee _____	N5,000.00
Swearing and Filing Inventory _____	N500.00
Swearing and Filing Administration Oath _____	N500.00
Filing Administration Bond _____	N500.00
Attesting Signature on Bond _____	N500.00
Filing Particulars of Realty _____	N500.00
Drawing up Order for Grant _____	N5,000.00
Estate Fee _____	
TOTAL _____	

Abuja Receipt Number:

PROBATE REGISTRAR

FORM 190

Coat of Arms and insignia of Court Probate Registry, High Court of the FCT,
Maitama, Abuja
(address)

Reference number: FCT/HC/PM/ /20....

Pursuant to Order 62 Rule 16

**IN THE MATTER OF (DECEASED)
IN THE MATTER OF PETITION FOR INCLUSION OF ADDITIONAL ASSETS
TO THE LETTERS OF ADMINISTRATION RESPECTING THE ESTATE OF
..... (DECEASED) GRANTED TO, AND**

ADDITIONAL ASSETS, ordered to be included appurtenant to Letter of Administration dated day of, 20....:

- 1.
- 2.

SCHEDULE OF FEES

Application Fees for supplementary inventory _____ N5,000.00
Drawing up Order for Grant _____ N500.00
Estate fees _____

Abuja Receipt Number:

DATED THIS _____ day of _____ 20....

PROBATE REGISTRAR

Seal of Court and
Red stamp seal

FORM 191

Surety's Guarantee
(O.56, R.31(3))

In the High Court of the Federal Capital Territory
Probate Registry

Suit No.....

In the Estate of
deceased. Whereas of
died on theday of..... 20
and(and.....) (called "The
Administrators" is/are the intended administrator(s) of his estate.

Now therefore -

1. I / We of
(and.....of..... jointly and
severally guarantee that I/We will, when lawfully required, make good any
loss which any person interested in the administration of the estate of the
deceased may suffer in consequence of the breach by the administrator(s) of
his/her/their duty:
 - (a) To collect and get in the estate of the deceased and administer it
according to law
 - (b) When required by the Court to exhibit on oath in the Court a full
inventory of the estate and when so required, to render an account
of the estate; or
 - (c) When required by the Court, to deliver up the grant to the Court.
2. The giving of time to the administrator(s) or any other forbearance or
indulgence shall not in any way affect my/our liability under this guarantee.
3. The liability under this guarantee shall continue and be for the whole amount
of the loss mentioned in paragraph 1 above, but the (aggregate) total liability
shall not in any event exceed the sum of N.....

Dated this.....day of.....20.....

Signed, sealed and delivered by the above named in the presence of
.....a Commissioner for Oaths. (or any person authorized by law to
administer an oath).

(The Common seal ofwas affixed in the presence of
.....)

FORM 192

Surety's Guarantee on Application for resealing
(O.56, R.21)

In the High Court of the Federal Capital Territory
Probate Registry

Suit No.....

In the Estate of.....deceased.
Whereas.....of.....died on the
.....day of.....20.....and letters of
administration of his estate were on theday of
.....20.....granted by the..... to.....(and
.....)and are about to be sealed in the Federal Capital
Territory, Abuja under the Succession Law;

Now, therefore

1. I/We.....of..... (and
.....of.....
jointly and severally guarantee that I/We will, when lawfully required to,
make good any loss which any person interested in the administration of the
estate of the deceased may suffer in consequence of the breach by the
administrator(s) of his/her/their duty -
 - (a) to collect and get in the estate of the deceased and administer it
according to law
 - (b) when required to by the Court to exhibit on oath in the Court a full
inventory of the estate and when so required, to render an account
of the estate; or
2. Time to be given to the administrator(s) or any other forbearance or
indulgence shall not in any way affect my/our liability under this guarantee.
3. The liability under this guarantee shall continue be for the whole amount of
the loss mentioned in paragraph 1 above, but the (aggregate) total liability
shall not in any event exceed the sum of N.....

Dated this.....day of.....20.....

Signed, sealed and delivered by the above named in the presence of
.....a Commissioner for Oaths. (or any person authorized by law to
administer an oath).

(The Common seal ofwas hereunto affixed in the presence of
.....)

FORM 193

**Notice to Prohibit Grant
(O.56, R.7)**

IN THE MATTER OF.....DECEASED

LET NOTHING be done in the matter of the Estate ofdeceased,
who died on the day of 20
at and had at the time of this death his fixed place of
abode at within the
jurisdiction of this Court, without warning being given toof.....
.....

Dated this.....day of.....20.....

.....
Signature

FORM 194

**Caveat (by legal practitioner)
(O.56, R.7)**

In the High Court of the Federal Capital Territory
Probate Registry

Suit No.....

Let no grant be sealed in the Estate of
Deceased of.....who died on the.....day of.....20.....
without notice to.....

Dated thisday of.....20.....
(Signed).....Legal practitioner for the said caveator
whose address for service is.....

FORM 195

Warning to Caveator
(O.56, R.7)

In the High Court of the Federal Capital Territory
Probate Registry

Suit No.....

To.....of
.....a party who has
entered a caveat in the estate of.....deceased

You are warned within 8 days after service on you, inclusive of the day of such service
:

1. to enter an appearance either in person or by your legal practitioner at the Probate Registry.....setting forth what interest you have in the estate of the above named Deceased of, contrary to that of the party at whose instance this warning is issued; or
2. if you have no contrary interest but wish to show cause against the sealing of a grant to such party to issue and serve a summons for direction by the Registrar.

And take notice that in default of your doing the Court may proceed to issue a grant of probate or administration in the estate notwithstanding your caveat.

Dated this.....day of.....20.....

.....
Registrar

Issued at the instance of (Here set out the name and interest including the date of the will, if any, under which the interest arose) the party warning, the name of his legal practitioner and the address for service. If the party warning is acting in person, this must be stated.

FORM 196

PROBATE
Appearance to warning/Citation
(0.56, R.7)

In the High Court of the Federal Capital Territory
The Probate Registry

Caveat Nodated the day of 20.....

Full name and address of person warning (or citor):

..... Interest

of person warning (or Citor):

.....

Date of Will.....

Interest of Caveator.....

Enter an appearance for the above named caveator (or person cited) in this matter.

Dated thisday of.....20.....

.....
Legal practitioner or ("In Person")

FORM 197

PROBATE
Notice of Election to redeem Life Interest
(O.56, R.25)

In the High Court of the Federal Capital Territory
Probate Registry

Suit No.....

In the Estate of

.....deceased.

Whereasof.....died on
the day of 20 wholly or
partially intestate leaving his/her lawful wife/husband and
lawful issue of the said

And Probate/Letters of Administration of the Estate of
.....were granted to me,
.....(and to.....of.....)

Andhas ceased to be a personal representative
because..... and I am now the sole personal representative:

Now, I, give notice that I elect
to redeem the life interest to which I am entitled in the estate of
the.....late.....by retaining N.....it
capital value, and N..... the cost of the transaction.

Dated this.....day of.....20.....

(Signed).....
(To the Probate Registrar)

FIRST SCHEDULE
(Order 46, rule 21)
(Order 63, rule 1)

**FEES PAYABLE IN THE HIGH COURT OF THE FEDERAL CAPITAL
TERRITORY, ON COMMENCEMENT OF CAUSES OR MATTERS OTHER
THAN MATRIMONIAL OR LEGITIMACY CASES**

PART I

ITEM	MATTER	COURT FEE
1	For the recovery of a specific sum a.) Not exceeding N250,000.00 (N500,000.00) b.) Exceeding N250,000.00, (N500,000.00) N10.00 (N20.00) per each additional N250,000.00 (N500,000.00) or part thereof so however that the Court shall not exceed the maximum N3,000.00 (N6,000.00) c.) Maximum fee	5,000.00 5,000.00 60,000.00
2	For the recovery of an unspecified sum, the fee payable is the same as the maximum fee under item 1(c.) namely	60,000.00
3.	For an account to be taken and payable of the sum found due a.) Initial fee	1,000.00
	b.) Second fee (payable before setting down for judgment): N100.00 (N5,000.00) per N100,000.00 (N200,000.00) or part thereof found due in excess of N250,000.00 (N750,000.00) c.) Maximum fee	1,000.00 60,000.00
4.	For possession of property, as between landlord and tenant - a.) Where the annual rent or value does not exceed N250,000.00 (N750,000.00)	5,000.00
	b.) Where the annual rent or value exceeds N250,000.00 (N750,000.00) N25.00 (N500.00) per N100,000.00 or part thereof	5,000.00 60,000.00
	c.) Maximum fee	
5.	For a declaration of right of occupancy to land.....	12,000.00
6.	Claim for possession of property (other than as between landlord and tenant	12,000.00
7.	For the administration of the property of a deceased person where there is no dispute regarding succession or distribution - a.) Where the gross value of the property does not exceed N250,000.00 (N750,000.00)	500,000.00
	b.) Where the gross value of the property exceeds N250,000.00 (N750,000.00)	1,000.00
	c.) Where no value can be specified	12,000.00

8.	For the administration of property of a person of unsound mind: Same as under item 7	
9.	For the determination of a question relating to the distribution of or succession, to the property of a deceased person or to a trust whether the person who created the trust is dead or alive a.) Where the gross value of the deceased or of property under trust does not exceed N250,000.00(N750,000.00)..... b.) Where it exceeds N25,000.00(N750,000.00): N500.00 (N100.00 per N100,000.00 or part thereof..... c.) Where no gross value can be specified..... d.) Maximum fee	5,000.00 1,000.00 20,000.00 60,000.00
10.	For any other relief or assistance not specially provided for	10,000.00

LEGITIMACY CASES

40.	For the petition	5,000.00
41.	For a sealed decree or copy thereof.....	1,000.00

PROBATE AND ADMINISTRATION

Filing Particulars of Realty	N500.00
Filing Death Certificate	N500.00
Drawing up Order for Grant	N500.00
RE-ISSUE OF LETTER OF ADMINISTRATION	
Application fee	N5,000.00
Drawing up Order for Grant	N1,500.00
RESEALING OF WILL OR LETTER OF ADMINISTRATION	
Application fee	N5,000.00
Drawing up Order for Grant	N5,000.00
WILL	
Application fee to Deposit Will	N10,000.00
Application fee for Reading Will	N5,000.00
Application fee for grant of probate	N5,000.00
Drawing up Order for Grant	N5,000.00
GENERAL	
Estate Fee	2% on declared or assessed value of deceased's personal and real assets excluding Pension or similar funds.
C.O.T. on money in bank deductible on issue of	N2,000.00 per N1 Million or part thereof

54.	On application for a writ of Habeas Corpus	4,000.00
55.	On filing any other application a.) If alone b.) If accompanied by other papers	2,000.00 2,000.00 400.00
56.	On filing an affidavit	1,000.00
57.	On filing a security bond	1,000.00
58.	On filing any other paper	1,000.00
59.	On justification of sureties: for each surety..	1,000.00
60.	For the issue of a warrant to detain an absconding defendant.....	1,000.00
61.	For the issue of Habeas Corpus	4,000.00
62.	For the drawing up of any order or judgment.....	4,000.00
63.	For special interpreter of a language not in common use: per day or part thereof as the court may order but not exceeding.....	2,000.00
64.	For an inquiry by a Court officer where so ordered: for each sitting	4,000.00
65.	For an account taken by a Court officer where so ordered: per N100.00 or part thereof found to have been received.....	2,000.00
66.	For taking down a person`s statement where so ordered As the court may direct	
67.	For searching the archives : for each period of six months or part thereof	
68.	For drawing up a bill of costs where so direct : per folio of 72 words	
69.	For taking cost where so directed : per ₦10,000.00 = or part thereof	
70.	For preparing a copy where authorized: per folio of words	
71.	For every subpoena	
72.	On warrant for prisoner to give	

75	For swearing an an affidavit or making a declaration (other than Under Act (Cap 218) or one required by the regulation of a Government) per Deponent	
76	For marking any paper annexed to an affidavit or declaration	
77	For sealing any document not in a proceeding	
78	For certifying a copy as a true copy per folio of 72 words or part thereof	
79 *	For payment into court (except when ordered by the court or proceeds of execution) (a) not exceeding #100,000,000 per 20,000.00 or part thereof . (b) maximum fee payable	
80	On appointment of commissioner to administer oaths and take declarations (not being a Government officer).	
81	For sealing a letter of request	
82	On transfer of a foreign judgment	
83	For certificate of service of foreign process (where not disallowed by convention)	
84	On every Petition to the Chief Judge or Judge or a Registrar (not being an application otherwise provided for) unless Waived by a Judge or the Chief Registrar	
85	For the service of any document or process initial fee plus Kilometer charges (a) If within a Kilometer from the Court (b) For every subsequent distance or part thereof (one) as attached way (c) If beyond five kilometers per day or part thereof of the Time needed for travelling	

TRANSFER OF CASES

<p>On application for transfer of civil case before the High Court from one Judge to another, or to a Magistrate , or to a Customary Court, save where the application is allowed to Be made orally at the hearing of the case</p>		
<p>On an Order transferring a civil case before the High Court from one Judge to another , or to a Magistrate, or to a Customary Court , where the Order is made on the application of a party</p>		
<p>On an application of the Chief Judge or a Judge to transfer a civil case from one Magistrate`s Court to another Magistrate`s Court or to the High Court, or from one Magistrate to another within the same district</p>		
<p>On an order transferring a civil case from one magistrate`s Court to another Magistrate`s Court or the High Court, or from one Magistrate to another within the same district where the order is made on the application of the party</p>		
<p>On setting down for hearing a civil case transferred from a Magistrate`s Court to the High Court , whether or not the transfer was made on the application of the party, the difference between the fee for instituting the case in the Magistrate`s Court and the fee which would have been charged had the case been instituted in the High Court in the first instance, or whichever be the greater</p>		

CUSTOMARY COURT CASES

<p>On setting down for hearing a civil case transferred to or ordered to be tried by the High Court, where the transfer or retrial was ordered on the application of a party the fee which would have been paid if the</p>		
--	--	--

FEES PAYABLE IN CRIMINAL, APPEALS FROM MAGISTRATE COURT

95	<p>(a) Fees payable to Magistrate`s Court: upon giving or Recording notice of appeal (whether verbal or in writing)</p> <p>(b) Filling memorandum or grounds of appeal</p> <p>(c) Service of grounds of appeal on ,or notice to respondent</p> <p>(d) Certified True Copy of proceedings per folio</p> <p>(e) Copies thereof for respondent per folio</p>	
96	Fees payable to the High Court : Entering an appeal to the Court of Appeal on a matter of Law	
97	<p>(a) Fees payable to Magistrate`s Court or High Court on every subpoena (unless specially directed by the Court to be issued)</p> <p>(b) service of subpoena</p>	

FEES PAYABLE IN CIVIL APPEALS FROM MAGISTRATE COURT (Order 50, rule 22)

98	On an application under section 54(3) of the Magistrate`s Courts Law or on filling a notice of appeal : the same fee as is chargeable on the summons on commencement of the suit to which the application or appeals relate	
	<p>In respect of any other matter or service the following fees shall be paid:</p> <p>(a) Where the matter or service is to be done or rendered in the Magistrate`s Court the same fees as would be payable if the case were still pending before that Court ;</p> <p>(b) Where the matter or service is to be done or rendered in the High Court the same fees as are payable in a case pending before the Court subject to this qualification , namely , that where various fees are provided for the same matter or service,</p>	

PART II
ALLOWANCES TO WITNESSES

SECOND SCHEDULE
(Order 46, rule 21)
(Order 63, rule 1)

ALLOWANCES TO WITNESSES

Professionals, mercantile agents, bank managers, surveyors
And any officer of the public service whose salary is not less) Adopt
Than Grade Level 08) Annexure A

Merchants, captains of ships, mercantile assistants and
Officers in the public service whose salary is N600.00 but
Less than Grade Level 08

Auctioneers, master tradesmen, pilots, clerks and the like

Officers in the public service whose salary is less than Grade Level 08

Artisans, journeymen and the like

Others not specifically provided for or whose income is less than
N1,200.00 per annum

Total Allowances

- (a) By private car per kilometer
- (b) By private motorcycle per kilometer

Note

The travelling expenses of witnesses shall be allowed according to the sums reasonably and actually paid by them.

No allowance is made to an officer of the public service who is summoned as a witness by any department of the Government. In all other cases he is allowed costs and travelling expenses as if he were not in the public service.

Fees, costs and expenses payable to an officer in the public service shall be paid into revenue unless otherwise ordered.

THIRD SCHEDULE (Order 62)

NOTARIES' FEES OF OFFICE

Noting protest on bill or note) Adopt
Extending protest on bills of exchange or promissory notes)
Annexure A
Should the acceptor or drawer of a bill or note reside out of
town, and the notary have to present the bill or note, a further
charge for the first two kilometers of
minuting or noting ship's protest
Extending ship's protest
Furnishing copy of extended protest
Attestation to any document
Declaration thereto for each additional declarant
Attendances each
Translations for every folio of seventy-two words

FOURTH SCHEDULE

(Order 63, rule 1)

REGULATIONS REGARDING FEES

1. No summons, warrant, writ or subpoena shall except by special order of the Court be issued until –
 - (a) All fees payable thereon as contained in the appropriate schedule of fees shall have been paid; and
 - (b) An account thereof, initialed as received, shall have been set forth by the officer issuing the process both in the margin and in the counterfoil thereof.
2. All such fees shall be carried to account immediately on the process being signed by the Judge.
3. Every document, for or in respect of which any fee or fees shall have been paid, shall bear an endorsement initialed by the Registrar or other officer showing the amount of the fee or fees so paid and the number of the receipt referring to the payment.

Provided that when any form of process specifies the fees thereof, it shall be sufficient for the Registrar or other officer to initial the amount of such fees appearing thereon, and to quote the number of the receipt.
4. Every Registrar or other officer submitting any writ of summons or other process whatever for signature by a Judge shall at the same time produce the stump of the receipt given for the fees of such process.
5. No document in respect whereof a fee is payable shall be issued in any legal proceedings, unless it shall have been initialed as aforesaid by the Registrar or other officer or unless the Court shall be otherwise satisfied that the proper fees in respect thereof have been paid.
6. All fees for service, execution and mileage shall be paid into revenue.

Fees to be paid before issue of process

To be carried to account on process being signed Documents to be endorsed with amount of fees and number of receipt

Counterfoil receipt to be produced on signature No document to be used, unless fee paid

Fees for service, etc. to be paid into revenue Mode of returning fees

No hearing fee or other fee shall be returned except upon a voucher payable at the treasury, in favour of the party entitled to receive it and prepared at the direction of the Judge before whom the cause or matter is set down and comes on for hearing.

**MEMBERS OF THE COMMITTEE FOR THE REVIEW OF THE
FCT HIGH COURT (CIVIL PROCEDURE) RULE 2018**

1. Hon. Justice O. A. Adeniyi (*Former Chairman*)
 2. Hon. Justice C. N. Oji (*Chairman*)
 3. Hon. Justice A. O. Otaluka
 4. Hon. Justice Y. Halilu
 5. Hon. Justice A. O. Ebong
 6. Hon. Justice S. U. Bature
 7. Hon. Justice H. Mu'azu
 8. Hon. Justice E. Enenche
 9. Prof. Yemi Akinseye-George, SAN
 10. Prof. Deji Adekunle, SAN
 11. P.I. Ikwueto, SAN
 12. Chief James Ogwu Onoja, SAN
 13. Mrs. Funmi Quadri, SAN
 14. A. A. Ibrahim, SAN
 15. Mazi Afam Osigwe, SAN
 16. Oyetola Atoyebi, SAN
 17. F. R. Onoja, SAN
 18. Okolie Bede Cajetan, Esq. (*Secretary*)
 19. Paul Eshiemomoh, Esq.
 20. Mag. Oyeyipo A. Olakunle
 21. Mag. Chukwuemeka Tony Ubani
 22. Mag. Sharon Ishaya Tanko
 23. Afam Okeke, Esq.
 24. Oluseyi J. Amose, Esq.
 25. Brown Akpabio, Esq.
 26. Prince Adebisi Adetosoye
 27. B. A. Oyefeso, Esq.
 28. C. I. A. Ofoegbunam
 29. Catherine Cyril
 30. Mrs Bolaji Gabari
- DRAFTSMAN:**
1. C. J. Osman, Esq
- SECRETARIAT:**
1. Mr. Julius A. Affiku
2. Austine A. Ochoche