

DISTRICT COURTS LAW

PRACTICE DIRECTIONS ON SMALL CLAIMS, 2022



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HON. JUSTICE DAVID GWONG MANN
CHIEF JUDGE OF PLATEAU STATE

DISTRICT COURTS LAW

PRACTICE DIRECTIONS ON SMALL CLAIMS, 2022

by

HON. JUSTICE DAVID GWONG MANN
CHIEF JUDGE OF PLATEAU STATE

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**PLATEAU STATE
DISTRICT COURTS LAW
(PRACTICE DIRECTIONS ON SMALL CLAIMS 2022)**

PREAMBLE:

WHEREAS: by reason of the increase in commercial activities, the challenges of urbanization, harsh economic environment with the attendant Inflation which has led to an increase in Commercial Litigation there is a correspondent need for better Access to Justice and Speedy Trial;

AND WHEREAS: it has become expedient to further increase the Monetary Jurisdiction of District Court Judges from N700,000.00 to N5,000,000.00 due to the decline in value of the Naira as a result of Inflation and its threats to the ease of doing Business and Investments;

AND WHEREAS: there is an urgent need to establish Small Claims Court to decongest the High Courts to achieve quicker Justice delivery to enhance both Domestic and Foreign Direct Investment in Plateau State;

AND WHEREAS: His Excellency, the Executive Governor of Plateau State, Rt. Hon. Simon Bako Lalong has on the 18th day of July, 2022, pursuant to Section 17 of the District Courts Law of Northern Nigeria (as Applicable to Plateau State), 1963, approved an increased jurisdiction in Civil Matters from N700,000.00 to N 5,000,000.00 to be exercised by any District Judge;

NOW THEREFORE: in the exercise of the powers conferred on me by Section 274 of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended), and by virtue of all other powers enabling me in that behalf, I, Honourable Justice David Gwong Mann, Chief Judge of Plateau State of Nigeria, do hereby make and issue the following Practice Direction:

SMALL CLAIMS PROCEEDURE

Citation and Commencement

- 1 This Practice Direction shall be cited as the Plateau State Small Claims Courts Practice Direction, 2022 and shall come into operation on the of 2022. In this Practice Direction: “court” means Small Claims Court;

Interpretation

- 2 “electronic mail” means any communication by E-mail, WhatsApp, Telegram or Short Message Service (SMS);

“GSM” means Global System for Mobile communication;

“judge” means the District Court Judge; and

“state” means Plateau State of Nigeria:

Application

- 3 The Objective of the Small Claims Procedure is to provide easy access to an informal, inexpensive and speedy resolution of simple debt recovery disputes in the District Courts.

Objective

- 4 This Practice Direction shall apply and be observed in the District Courts designated as Small Claims Court and by the High Court, when sitting over Appeals from the Small Claims Courts.

**Commencement
of Action**

- 5 (1) An Action may be commenced in the Court where the:
- (a) Claimants or one of the Claimants resides or carries on business in the State;
 - (b) Defendant or one of the Defendants resides or carries on business in the State;
 - (c) Cause of Action arose wholly or partly in the State;
 - (d) Claim is for a liquidated monetary demand in a sum not exceeding N5,000,000 (Five Million Naira), excluding Interest and Costs; and
 - (e) Claimant has served on the Defendant, a **LETTER OF DEMAND** as in **FORM SCA 1**.
- (2) The Action shall be commenced by a Claim upon the completion of a **SMALL CLAIMS COMPLAINT FORM** as in **FORM SCA 2** and the payment of requisite Fees through the approved payment channel as provided by the Plateau State Revenue (Consolidation) Law, 2020.
- (3) The **SUMMONS** shall issue as in **FORM SCA 3** upon the Registrar being satisfied that the requirements of Paragraph (1) of this Article have been met.

Marking and Payment of Filing Fees	6	Where a Case satisfies the criteria in Article 4, the Registrar (or any Officer) in charge of the Small Claims Registry shall cause the Claim to be marked “Qualified for Small Claims” and direct the Applicant to pay appropriate Filing Fees.
Assignment of Small Claims File	7	(1) Upon the marking of the Claim, the Registrar shall within 24hours forward the Case File to the Judge of the Court. (2) The Judge shall within 24 hours of receipt of the Case File fix a date for Mention.
Service of Summons	8	(1) The Summons shall be served by the Sheriff of the Court within Seven (7) days of filing. (2) Upon service, the Sheriff of the Court shall file an Affidavit of Service as in FORM SCA 6 within Two (2) days of Service. (3) The provision of the District Courts Rules regarding Mode of Service, except as provided in this Practice Direction, shall apply to any Process of whatever description issued by the Court. (4) Where the Sheriff of the Court is unable to serve the Summons on the Defendant within the time specified in paragraph (1) of this Article, the Sheriff shall file an Affidavit of Non-Service as in FORM SCA 4 after the expiration of the time allowed for Service. (5) In the event of paragraph (4) of this Article, the Claimant shall apply for an Order of Substituted Service of the Summons on the Defendant by filing FORM SCA 7.

Upon receipt of a duly completed FORM SCA 7, the Judge shall make an Order for Substituted Service of the Summons.

Substituted Service may be effected by electronic mail. If the substituted service is to be by E-mail address or GSM number of a Party, the following provisions shall be applicable:

- (a) the Application in paragraph (5) of this Article shall be accompanied by an Affidavit confirming the identity of the Respondent, Postal /Physical address and the E-mail address or GSM number at which the Defendant will receive Service of the Summons;
- (b) a copy of any E-mail correspondence, including Attachments between the Parties may be attached as proof of the validity of the Service;
- (c) and the Sheriff of the Court shall serve the Summons, Annexures and Pleadings by way of E-mail on the address as is ordered by the Court, indicating what Processes have been served by way of E-mail or SMS and the number of pages that were mailed.

**Filing of Defence/
Admission/
Counter-Claim**

- 9 (1) Upon service of the Summons, the Defendant shall file a **Defence or Admission or Counter-Claim** within Seven (7) days by completing **FORM SCA 5** as appropriate.
- (2) The provision of Article 7 of this Practice Direction on **Service of Summons** shall apply

service of a Counter-Claim.

- (3) Where a Defendant fails to file an Answer to the Claim, such Defendant may be deemed to have admitted the Claim.

Counter-Claim

- 10 (1) If at the time the Action is commenced, the Defendant intends to claim against the Claimant a Liquidated Money Demand not exceeding N5,000,000.00 (Five Million Naira) excluding Interest and Costs and which Claim arises out of the same transaction or series of transactions, the Defendant shall file a **Counter-claim** as in **FORM SCA 5** in answer to the Claim.
- (2) If at the time the Action is commenced, the Defendant intends to claim against the Claimant a Liquidated Money Demand exceeding N5,000,000.00 (Five Million Naira) but not more than N10,000,000.00 (Ten Million Naira) excluding Interest and Costs, which is the limit of the General Jurisdiction of the District Court, the Defendant may file a Counter-claim in the pending **Small Claims Action** by filing **FORM SCA 5**.
- (3) If at the time the Action is commenced, the Defendant has a Counter-claim that exceeds the general Jurisdiction of the District Court, the Defendant may file a Counter-claim in the pending **Small Claims Action** by filing **FORM SCA 5**: PROVIDED that any Judgment in the Defendant's favour shall be limited to the general Jurisdiction of the District Courts.

- (4) In the event of paragraph (3) of this Article, the Defendant or Counter-claimant shall be deemed to have abandoned the excess of the Counter-claim.
- (5) The Defendant's Counter-claim shall be limited to the Claimant(s) on record.
- (6) The Claimant may file a Reply to the Defendant's Defence and Defence to Counter-claim within Five (5) days of service of the Defendant's Defence and Counter-claim.
- (7) There shall be no further Pleadings after the Reply is filed.

- Non Appearance** 11 (1) When the Claim is called for Hearing on the date fixed and neither Party appears, the District Judge shall, unless there is good reason to the contrary, strike out the Claim.
- (2) When the Claim is called for Hearing and the Claimant appears but the Defendant does not
 - (2) appear, PROVIDED there is Proof of Service, the District Judge shall proceed with the hearing of the Claim and enter Judgment as far as the Claimant can prove the Claim.
 - (3) When the Claim is called for Hearing and the Defendant appears but the Claimant does not appear, and the Defendant has no Counter-claim, the Defendant shall be entitled to an Order striking out the Claim. However, where the Defendant has a Counter-claim, the District Judge shall proceed to hear the Counter-claim and enter Judgment accordingly, as far as the Defendant can prove the Counter-claim.

**Proceedings at
the Hearing**

- 12 (1) At the first appearance of the Parties before the Court, the Judge shall promote, encourage and facilitate amicable settlement of the dispute among the Parties by mediating and
- (5) providing Settlement options to the Parties as deemed fit. The process of mediating and facilitating amicable settlement of the dispute among the Parties shall not exceed Seven (7) days.
- (2) Notwithstanding paragraph (1) of this Article, the Parties are also encouraged to contact one another with a view to settling the matter amicably or to narrow the issues. The Court shall be informed on the Hearing date if the Case is settled by Agreement before that Hearing date and a Consent Judgment may be entered by the Court accordingly.
- (3) In the event that Parties are unable to settle the dispute amicably, the District Judge shall hold a Preliminary Hearing for the purpose of giving directions for hearing of the Claim or Counter-claim (as the case may be), including a Hearing Time Table, Length of Trial or Hearing, exchange of List of Witness(es), formulation and settlement of issues, as appears to the District Judge to secure the just, expeditious and speedy disposal of the Claim or Counter-claim.
- (4) Hearing shall be conducted by the Court from day to day as far as is practicable and may only be adjourned as a last resort and for the shortest possible time.

- (5) Adjournment can only be granted during Proceedings in unforeseen or exceptional circumstance and a Party may not be granted more than one Adjournment during the entire Proceedings.
- (6) The entire period of Hearing shall not be more than Thirty (30) days from the first date of Hearing, inclusive of the Seven (7) days, for amicable settlement.
- (7) During the Hearing, the Judge may ask the Witness any question or order the Witness to produce any Document in the Witness' possession in order to clear any ambiguity which may have been left during the taking of evidence given by such a Witness, to speed up the Hearing.
- (8) The Judge shall hold a Case Management Hearing immediately issues are joined.

Representation	13	Parties may represent themselves at the Proceedings in the Court. Partnerships and Registered Companies can be represented by either a Partner, Company Secretary or any other Principal Officer of the Partnership or Company.
Evidence	14	Parties may testify on their own behalf and tender all necessary Documents and they may call other Witnesses to give evidence at the Hearing.
Judgement	15	(1) The Judge shall endeavour to deliver Judgment within Fourteen (14) days of the completion of Hearing. The Judgment shall include the

Court's determination of issues raised in any Interlocutory Application(s) filed by any of the Parties.

- (2) The entire period of Proceedings from filing till Judgment shall not exceed Sixty (60) days.
- (3) The Judgment of the Court shall not be invalid by reason of the entire Proceedings of the Court having exceeded Sixty (60) days.
- (4) The Judge shall endeavour to issue authenticated copies of the Judgment immediately after its delivery but in any event not exceeding Seven (7) days from the date of the delivery of the Judgment.

Enforcement of the Judgment

- 16 (1) The Defendant or Defendant to a Counter-claim (as the case may be) shall comply with the Judgment and pay the Judgment Sum within Fourteen (14) days of delivery of the Judgment.
- (2) Upon default of the Defendant or Defendant to a Counter-claim to pay the Judgment sum within the time specified, the Judgment shall be enforced in like manner as any Order of the District Court for the payment of money.

Appeals

- 17 (1) Where either Party is aggrieved with the Judgment, such Party shall comply with the provisions of **Section 73 (1) and (2)** of the District's Courts Law with regards to Leave of the District Court.
- (2) The aggrieved Party shall file the **Notice of Appeal** as in **FORM SCA 8** within Fourteen (14) days of delivery of the Judgment stating the

reasons for the Appeal.

- (3) The Registrar of the Small Claims Registry shall compile the Record of Appeal within Fourteen (14) days of the submission of Form SCA 8.
- (4) The Record of Appeal shall thereafter be forwarded to the Fast Track Registry of the High Court, where it is then assigned to a Judge of the Fast Track Court designated to hear Appeals from the District Court.
- (5) The Judge, so designated shall cause Hearing Notices to issue to the Parties and the Appeal shall be heard at the earliest convenience of the Court.
- (6) The Appeal shall be by written Briefs of the Parties and on the Record of Appeal.
- (7) The whole Appellate Process from the Assignment of the Appeal to Judgment shall not exceed Thirty (30) days.

**Recourse to
Other Laws**

- 18 Where no provision is made in this Practice Direction, the provisions of the District Courts Rules and District Court Law of the State; the High Court (Appeal) Rules or any other Rule or written Laws for the time being in force shall so far as they can be conveniently applied, be in force in the Court.

Miscellaneous

- 18 (1) Every Judge presiding in the Court shall hear and determine matters before him judicially and judiciously.

- (2) The Judge shall note in the Small Claim Record of Proceedings, the date when the Proceedings commenced and ended.
- (3) The Registrars of the designated Courts may be required from time to time, to forward the number of disposed Cases in the Court to the High Court.
- (4) The Chief Registrar of the High Court may from time to time, generate and publish a Report on the number of disposed Cases before the Court in Two (2) National Dailies.

- (2) The Judge shall note in the Small Claim Record of Proceedings, the date when the Proceedings commenced and ended.
- (3) The Registrars of the designated Courts may be required from time to time, to forward the number of disposed Cases in the Court to the High Court.
- (4) The Chief Registrar of the High Court may from time to time, generate and publish a Report on the number of disposed Cases before the Court in Two (2) National Dailies.

List of Forms

Letter of Demand	SCA1
Small Claims Complaint Form	SCA2
Small Claims Summon	SCA3
Affidavit of Non-Service	SCA4
Defence/Admission/Counter Claim Form	SCA5
Affidavit of Service	SCA6
Motion Ex-parte	SCA7
Notice of Appeal	SCA8

FORM SCA 1

**IN THE DISTRICT COURT OF PLATEAU STATE
IN THE DISTRICT COURT OF THE DISTRICT**

**SMALL CLAIMS COURT
LETTER OF DEMAND**

FROM:.....
WORK ADDRESS:.....
RESIDENTIAL ADDRESS:.....
TELEPHONE NO. & E-MAIL:.....

TO:.....
WORK ADDRESS:.....
RESIDENTIAL ADDRESS:.....
TELEPHONE NO. & E-MAIL:.....

SIR/MADAM,

DEMAND

I hereby demand from you the sum of:

.....
.....

(PLEASE STATE PARTICULARS)

Unless you comply with this demand within Fourteen (14) days after receipt of this Letter, a Summons will be issued against you in Small Claims Court.

Yours Faithfully,

Claimant's Signature

FORM SCA 2

**IN THE DISTRICT COURT OF PLATEAU STATE (SMALL CLAIMS)
COMPLAINT FORM (TO ACCOMPANY FORM SCA 3)**

NB:

- 1. Please fill the Form legibly.
- 2. Please attach copies of the Documents (Contracts, Receipt, Experts Report (if applicable) etc., upon which the Claim is based.
- 3. Submit this Form at the Registry of the Small Claims Court.

A. PARTICULARS OF CLAIMANT(S)

FULL NAME.....
WORK PLACE:
TELEPHONE No. & E-MAIL.....
ADDRESS:.....

Please attach a list of other Claimants (if more than one) with the required particulars.

B. PARTICULARS OF DEFENDANT(S)

FULL NAME:.....
WORK PLACE:
TELEPHONE No. & EMAIL.....

Please attach a list of other Defendants (if more than one) with the required particulars.

C. PARTICULARS OF CLAIM(S)

.....
.....
.....
.....
TOTAL SUM CLAIMED
INTEREST
COSTS (if applicable).....
OTHERS (if applicable).....

PLEASE SUMMARIZE YOUR COMPLAINT AND STATE THE STEPS YOU HAVE TAKEN TO RECOVER THE CLAIM

.....

.....

.....

.....

CLAIMANT'S SIGNATURE/ THUMBPRINT **DATE**

Sworn to at the Small Claims Court Registry this.....day of.....
20.....

The foregoing have been read and interpreted by me to the Deponent in
..... Language, the Deponent being Illiterate/Blind
and having appeared perfectly to have understood before affixing a
Thumb Print Impression.

.....

JURAT (If applicable)

Commissioner for Oaths.

FORM SCA 3

**IN THE DISTRICT COURT OF PLATEAU STATE (SMALL CLAIMS)
SUMMONS**

(TO BE SERVED WITHIN SEVEN DAYS OF FILING)

CLAIM NO:.....

BETWEEN:

.....**CLAIMANT**

AND

.....**DEFENDANT**

The Claimant Claims:

Debt (particulars are attached).....

Court Fees:.....

Costs:.....

Total: N.....

To:

.....

.....

1. You are hereby summoned to appear personally before this Court on the day of 20..... at to admit or deny your liability for the above mentioned Claim.
2. If you deny liability or have a Counter-claim you are advised to complete and return **FORM SCA 5** to the Registry of the Small Claims Court within Seven (7) days after the service of this Summons, inclusive of the day of Service. If you require a longer time for payment, complete the **FORM OF ADMISSION** as in **FORM SCA 5**.
3. (1) Take notice that if you fail to appear in Court on the Hearing date
after a Summons has been served on you, Judgment may be obtained against you by the Claimant;
(2) Money payable in terms of a Judgment or Order of Court may be paid directly to the Judgment Creditor;

- (3) If you admit the Claim and wish to consent to Judgment or wish to undertake to pay the Claim in instalments or in full, you may approach the Claimant.
4. If any person against whom a Judgment for the payment of money has been given or an Order for the payment of money in instalments has been made, fails to satisfy the Judgment or Order:
- (a) such Judgment or Order may be enforced against movables and if the movables are found to be insufficient, then against the immovable of the Party against whom the Judgment or Order has been issued; and
 - (b) execution shall be taken against the whole Judgment Debt and Costs which have not been paid in default of an instalment being paid.
5. The Judgment Debtor is liable to notify the Judgment Creditor fully and correctly within Seven (7) days after he has changed his Place of Work, Employment or Residence of his new Place of Work, Employment or Residence.

Dated this day of 20.....

.....
REGISTRAR

FORM SCA 4

**IN THE DISTRICT COURT OF PLATEAU STATE (SMALL CLAIMS)
AFFIDAVIT OF NON-SERVICE**

CLAIM NO:.....

BETWEEN:

.....**CLAIMANT**

AND

.....**DEFENDANT**

I,
.....

Make Oath and say that on the day of 20..... at
..... O' clock, I attempted to serve upon

Summons for Small Claims:.....

True copy whereof annexed issued out of this Court at.....

.....I have been unable to serve the

Summons.....

Because.....

.....
.....

.....
Bailiff

**SWORN TO AT THE DISTRICT COURT OF PLATEAU STATE, (SMALL CLAIMS)
REGISTRY**

Thisday of20...

FORM SCA 5

IN THE DISTRICT COURT OF PLATEAU STATE (SMALL CLAIMS)

**FORM OF ADMISSION, DEFENCE AND COUNTER-CLAIM TO ACCOMPANY
FORM SCA3**

(TO BE SERVED ON THE CLAIMANT WITHIN SEVEN DAYS OF SERVICE OF FORM SCA3)

CLAIM NO:.....

BETWEEN:

.....**CLAIMANT**

AND

.....**DEFENDANT**

A. ADMISSION

I admit the Claimant's Claim (or) part of the
Claimant's Claim and I ask for permission to pay the sum with Costs on that
amount on the day of202..... (or by instalments
of N..... per) because,

1.

2.

3.

(State why you cannot pay at once)

B. DEFENCE

I have a Defence

.....

.....

.....

.....

.....

.....

(Or I dispute part of the Claimant's Claim).....

because.....

(State briefly the facts you wish to put before the Court).

C. COUNTER-CLAIM OR SET OFF.

I have a Counter-claim or Set-off against the Claimant for

N.....
.....
.....
.....

(State the particulars of the Counter-claim or Set-off)

.....
CLAIMANT'S SIGNATURE/THUMBPRINT

.....
DATE

The foregoing having been read and interpreted by me to the Deponent in Language the Deponent being illiterate/Blind and having appeared perfectly to have understood before affixing the Thumb Print Impression.

.....
JURAT (if applicable)

Commissioner for Oaths

Defendant's Address for Service in Plateau State

.....

Dated this day of20.....

NB: IF YOU FAIL TO FILE AN ANSWER TO THE CLAIM YOU MAY BE DEEMED TO HAVE ADMITTED THE CLAIM

FORM SCA 6

IN THE DISTRICT COURT OF PLATEAU STATE (SMALL CLAIMS)

AFFIDAVIT OF SERVICE

(PROOF OF SERVICE TO BE FILED WITHIN TWO (2) DAYS OF SERVICE)

CLAIM NO:.....

BETWEEN:

.....**CLAIMANT**

AND

.....**DEFENDANT/RESPONDENT**

I,.....

make Oath and say that on the day of20.....

atO' clock, I served upon.....

a Summons for Small Claims.....

True copy whereof annexed, issued out of this Court at

upon.....

..... on the Complaint of

by delivering the same personally to

..... Before the day I served the Summons.....

I did not know

personally, but after he was pointed out to me by

asked him if he was

..... and he said, he was.

.....

Bailiff

SWORN TO AT THE SMALL CLAIMS COURT REGISTRY,

This..... Day of 20.....

FORM SCA 7

**IN THE DISTRICT COURT OF PLATEAU STATE (SMALL CLAIMS)
IN THE DISTRICT COURT OF THE DISTRICT
HOLDEN AT**

CLAIM NO:.....

BETWEEN:

.....**CLAIMANT/APPLICANT**

AND

.....**DEFENDANT**

MOTION EXPARTE

**BROUGHT PURSUANT TO ORDER XV RULE I OF THE DISTRICT COURT (CIVIL
PROCEDURE) RULES, LAWS OF NORTHERN NIGERIA, 1963 AND UNDER THE
INHERENT JURISDICTION OF THE COURT**

TAKE NOTICE that this Honourable Court will be moved on the day of
..... 20..... at 9.0 clock in the forenoon or soon thereafter as the
Claimant/Applicant may be heard praying the Court for the following:

An Order of the Court granting leave to the Claimant/Applicant to serve the
Summons on the Defendant by substituted means, to wit: pasting same at

.....
being the last known address of the Defendant or by any other means of
service as is hereby stated:.....

AND FOR SUCH ORDER OR ORDERS as this Honourable Court may deem fit to
make in the circumstances in this Claim.

Dated Day of20.....

.....
Claimant's Signature

FORM SCA 8

**IN THE DISTRICT COURT OF PLATEAU STATE (SMALL CLAIMS)
IN THE DISTRICT COURT OF THE DISTRICT
HOLDEN AT.....**

**CLAIM NO:.....
BETWEEN:**

.....**CLAIMANT**
AND
.....**DEFENDANT**

NOTICE OF APPEAL

TAKE NOTICE that the/Appellant being dissatisfied with the decision of the District Court (Small Claims Court) in the District, contained in the Judgment delivered on the by do hereby appeal to the High Court of Plateau State, upon the Grounds set out in Paragraph 2 and will at the Hearing of the Appeal seek the Reliefs set out in Paragraphs 3.

AND the Appellant further states that the names and addresses of the persons who would be directly affected by the Appeal are those set out in Paragraph 4 of this Notice.

1. PART OF THE DECISION OF THE LOWER COURT COMPLAINED OF:

.....
.....
.....

2. GROUND(S) OF APPEAL:

The Learned District erred in Law when His Honour held that
.....
.....

PARTICULARS OF ERROR:

(a)

.....
.....
.....

(b)

.....
.....
.....

3. RELIEFS BEING SOUGHT FROM THE HIGH COURT OF PLATEAU STATE

(a) An Order of the Honourable Court

.....
.....

(b) An Order:

.....
.....
.....

4. PERSONS DIRECTLY AFFECTED BY THE APPEAL

NAMES:

(a).....

.....

(b).....

.....

ADDRESS:

.....

.....

.....

.....

.....

Appellant's Signature

ADDRESS FOR SERVICE:

.....

ISSUED THIS18TH..... DAY OF Nov.,.....2022.....

UNDER THE HANDS AND SEAL OF

A handwritten signature in blue ink, appearing to read 'David Gwong Mann', written over a horizontal dotted line.

HON. JUSTICE DAVID GWONG MANN
CHIEF JUDGE OF PLATEAU STATE