



DISTRICT COURTS LAW

PRACTICE DIRECTIONS ON

SMALL CLAIMS

2023

KATSINA STATE



DISTRICT COURTS LAW

PRACTICE DIRECTIONS ON SMALL CLAIMS 2023.

In exercise of the powers conferred on me by Section 274 of the Constitution of the Federal Republic of Nigeria, 1999 (as Amended), Section 116 of the High Court Law, Laws of Katsina State (Cap 59) 1991, Section 89 of the District Courts Law (CAP 39) Laws of Katsina state 1991 and all other powers enabling me in that behalf, I **HON. JUSTICE MUSA DANLADI ABUBAKAR, NPOM** Chief Judge of Katsina State, hereby issue the following Practice Directions.

Dated at Katsina this day. *16th* of *May*, 2023

.....
HON. JUSTICE MUSA DANLADI ABUBAKAR, NPOM
Chief Judge of Katsina State.

PREAMBLE:

Whereas, I, the Hon. Chief Judge hereby designate some District Courts as Small Claims Courts.

The Practice Directions shall apply and be observed in the District' Courts designated as Small Claims Courts and by the High Court, when sitting over appeals from the Small Claims Courts.

SMALL CLAIMS PROCEDURE

ARTICLE 1

OBJECTIVE The objective of the small claims procedure is to provide easy access to an informal, inexpensive and speedy resolution of simple debt and liquidated money recovery dispute in the District Court.

ARTICLE 2

COMMENCEMENT OF ACTION

- 1) An action may be commenced in the Small Claims Court where:
 - (a) The Defendant or one of the Defendants reside or carry on business in Katsina State; or
 - (b) The cause of action arose wholly or in part of Katsina State; and
 - (c) The claim is for a liquidated monetary demand in a sum not exceeding N5,000,000 (Five million Naira), excluding interest and costs that may be awarded by the court.

- (d) The Plaintiff has served on the Defendant, a LETTER OF DEMAND
or a Demand Notice as in Form SCA 1.
- (2) The action shall be commenced by Claim upon the completion of a
Small Claims Complaint Form as in Form SCA 2
- (3) The Summons shall be issued as in Form SCA 3 upon the Registrar
or any person in charge being satisfied that the requirements of 2 (1) above have
been met.

ARTICLE 3

MARKING AND PAYMENT OF FILING FEES.

Where a case satisfies the criteria in Article 2 above, the Chief Registrar or any person 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.

ARTICLE 4

ASSIGNMENT OF SMALL CLAIMS FILES

- (1) Upon the marking of the Claim, the Chief Registrar or any person in charge shall within twenty four (24) hours direct or forward the case files to the Administrative District judge for assignment to a District judge of the Small Claims Court.
- (2) The Administrative District judge shall within twenty four (24) hours of receipt of the case files assign the Small Claims files to a District judge of the Small Claims Court. Such case assignments shall be undertaken on a random basis.

ARTICLE 5

SERVICE OF THE SUMMONS

- (1) The Summons shall be served by the Registry of the Small Claims Court within seven (7) days of filing by the Sheriff of the Small Claim Court
- (2) Upon service, the Sheriff of the Small Claims Court shall file an Affidavit of service as in Form SCA 6 within two (2) days of service.
- (3) The provision of the District court Rules regarding mode of service, except as provided herein shall apply to any process of whatever description issued by the Small Claims Court.
- (4) Where the Sheriff of the Small Claims Court is unable to serve the Summons on the Defendant within the time specified in (1) above, he 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 (3) above, the Plaintiff shall apply for an Order of substituted service of the Summons on the Defendant by filling and filing Form SCA 7.
- (6) Upon receipt of a duly completed Form SCA7 the District judge shall make an order for substituted service of the summons.

(7) Substituted service includes service pasting on a conspicuous area at the Defendant's last known place of abode, by registered post, electronic means via the parties verified and verifiable e-mail, Twitter, Instagram, WhatsApp, Telegram address/account or any other related electronic message device as may be appropriate.

i. The application for substituted service in Article 5 (5) above shall be accompanied by an Affidavit confirming the identity of the Defendant/Respondent's postal/physical address, electronic mail address, and existing phone number(s) verified and verifiable e-mail, Twitter, Instagram, WhatsApp, Telegram address/account or any other related electronic media with which the Defendant will receive service of the Summons.

ii. A copy of any previous correspondence including attachments between the parties may be attached as proof of the validity of the electronic mail address and existing phone number(s) verified and verifiable e-mail, Twitter, Instagram, WhatsApp, Telegram address/account or any other related electronic media.

iii. The Bailiff of the Small Claims Court shall serve the Summons as ordered by the Court, indicating what processes have been served by way of electronic media and the number of pages that were served.

Provided that substituted service by means of text message (SMS) shall be used for Hearing Notices only

ARTICLE 6

SUMMARY JUDGMENT

1. Where a Plaintiff believes that there is no defence to his claim, he may file with the Summons, an application for Summary Judgment as in Form SCA10.

2. The Application for Summary Judgment shall be supported by an Affidavit stating the grounds for his belief (that there is no defence to his claim) as in Form SCA 11

3. If the Defendant files a Counter Affidavit specified in Article 7 (2) below, the Plaintiff may file a Further-affidavit to the Defendant's counter affidavit within 5 days of service of the counter affidavit

4. Where it appears to the District Judge that the Defendant has a good defence and ought to be permitted to defend the claim, he may be granted leave to defend.

5. Where it appears to the District Judge that the Defendant does not have a good defence the District Judge may enter judgment for the plaintiff.

6. Where it appears to a District Judge that the Defendant has a good defence to part of the claim but does not have a good defence to the other parts of the claim,

the District Judge may enter judgment for that part of the claim to which there is no defence and grant leave to defend that part to which there is defence.

7. Where there are several Defendants, and it appears to a District Judge that one or more of the Defendants have a good defence, the District Judge may permit such Defendants to defend and enter judgment against the other Defendants

ARTICLE 7

FILING OF DEFENCE/ADMISSION/COUNTERCLAIM

(1) Upon service of the Summons, the Defendant shall file his Defence/Admission or Counterclaim within Seven (7) days by completing Form SCA 5 as appropriate.

(2) A Defendant who has been served with an Application for Summary Judgment shall file (along with Form SCA5 and within 7 days stipulated for him to enter a Defence) a Counter-affidavit as in Form SCA5 stating why summary judgment should not be entered against him

(3) The provision of Article 5 on service of Summons shall apply to service of a Counterclaim.

(4) Where a Defendant fails to file an Answer to the Claim, within 7 days such Defendant may be held to have admitted the Claim.

ARTICLE 8

COUNTER CLAIM

- (1) If at the time the action is commenced the Defendant intends to claim against the Plaintiff 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 complete and file a counterclaim form 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 Plaintiff 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, the Defendant may file a counterclaim in the pending Small Claims action by filling Form SCA 5.
- (3) If at the time the action is commenced, the Defendant has a counterclaim that exceeds the jurisdiction of the District judge, the Defendant may file the counterclaim, by completing Form SCA 5, PROVIDED that any Judgment in the Defendant's favour shall be limited to the jurisdiction of the District judge.
- (4) In the event of (3) above, the Defendant/Counterclaimant shall expressly state that he has abandoned any claim in excess of (general jurisdiction of the court) (excluding interest and cost).
- (5) The Plaintiff may file a reply to the Defendant(s) Defence and Counter-claim within five (5) days of service of the Defendant(s) Defence and Counter-claim.
- (6) No pleadings after reply are allowed.

ARTICLE 9

NON-APPEARANCE

- (1) When the claim is called for hearing on the date fixed and neither party appears, the District judge shall unless he sees good reason to the contrary, strike out the claim.
- (2) Where the claim is called for hearing and the Plaintiff appears but the Defendant does not 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 Plaintiff can prove his claim.
- (3) Where the claim is called for hearing, and the Defendant appears but the Plaintiff does not appear, the Defendant if he has no counterclaim, shall be entitled to an Order striking out the claim, but if he has a

counterclaim, the District judge shall proceed to hear the counterclaim and enter Judgment accordingly, as far as the Defendant can prove his counterclaim.

- (4) A Claim struck out on grounds of non-appearance or want of diligent prosecution shall not be relisted but may be refiled upon payment of prescribed fees.

ARTICLE 10

PROCEEDINGS AT THE HEARING

- (1) At the first appearance of the parties before the Court, the District judge shall promote, encourage and facilitate negotiation among the parties. The process of facilitating amicable settlement of the dispute among the parties shall not exceed seven (7) days.
- (2) Notwithstanding 9(1), the parties are also encouraged to contact one another with a view to settling the matter amicably or to narrow the issues. However, the court must be informed on the hearing date if the case is settled by agreement before that 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 pre trial conference for the purpose of giving directions for hearing of the claim or counterclaim (as the case may be) including a hearing time table, length of trial or hearing, exchange of witness(es) list, formulation and settlement of issues, as appears to the District judge to secure the just, expeditious and speedy disposal of the claim or counterclaim.
- (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 and exceptional
circumstances and a party may not be granted more than one adjournment during the entire proceedings.

- (6) The entire hearing period 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 District judge may ask any question of the witness or order the witness to produce any document in the witness' possession in order to clear up any ambiguity which may have been left obscured in evidence given by such a witness.

ARTICLE 11

REPRESENTATION

Parties may represent themselves at the proceedings in the Small Claims Court. Partnerships and Registered Companies can be represented by either a Partner, Company Secretary or any other Principal Officer of the Partnership or Company.

ARTICLE 12

EVIDENCE

Parties may testify on their own behalf and tender all necessary documents and they may call other witnesses to give evidence at the hearing.

ARTICLE 13

JUDGMENT

- (1) The District judge shall endeavor 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 invalidated by reason of the entire proceedings of the court having exceeded sixty (60) days.

- (4) The District judge shall endeavor 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.

ARTICLE 14

ENFORCEMENT OF JUDGMENT

- (1) The Defendant(s) to the Claim or Counter-Claim (as the case may be), shall comply with the Judgement and pay the Judgement sum forthwith or as may be ordered by the Court.
- (2) Upon default of the Judgment Debtor to pay the Judgment sum, the Judgment shall become enforceable forthwith.

ARTICLE 15

APPEALS

- (1) Where either party is aggrieved with the Judgment, such party shall complete the Appeal form, as in Form SCA 8 within fourteen (14) days of the delivery of the Judgment stating the reasons for the Appeal.
- (2) The Assistant Registrar of the Small Claims Registry or any officer of the small claims court shall compile the records of appeal within fourteen (14) days of the submission of Form SCA 8
- (3) The Records 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 Small Claims Court.
- (4) 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.

- (5) The Appeal may be by oral address or written brief and on the records of appeal
- (6) The whole Appellate Process from the assignment of the Appeal to Judgment shall not exceed thirty (30) days.

ARTICLE 16

ATTACHMENT OF DEBTS BY GARNISHEE

A party who is entitled to the benefit of a judgment for recovery or payment of money shall fill and file motion ex parte as in FORM SCA 9 with accompanying affidavit containing the following information:

- (1) the name and address of the judgment debtor.
- (2) details of the judgment or order sought to be enforced.
- (3) the amount of money remaining due under the judgment or order.
- (4) if the judgment debt is payable by instalments, the amount of any instalments which have fallen due and remain unpaid.
- (5) the name and address of the third party.
- (6) if the third party is a bank or building society –
 - (i) its name and the address of the branch at which the judgment debtor's account is believed to be held; and
 - (ii) the account number; or, if the judgment creditor does not know all or part of this information, confirmation that to the best of the judgment creditor's knowledge or belief, the third party –

(a) is within the jurisdiction; and

(b) owes money to or holds money to the credit of the judgment debtor;

(7) if the judgment creditor knows or believes that any person other than the judgment debtor has any claim to the money owed by the third party –

(a) his name and (if known) his address; and

(b) such information as is known to the judgment creditor about his claim.

(8) details of any other applications for third-party debt orders issued by the judgment creditor in respect of the same judgment debt. Where the judgment creditor satisfies the provision of Article 9 sub(1), the Magistrate may issue a garnishee order nisi and direct the garnishee (s) to show cause regard been had to provision of Section 83 (2) of the Sheriff & Civil Process Act.

ARTICLE 17

GENERAL PROVISIONS

- (1) Every District judge presiding in a Small Claims Court must take judicial control and management of all cases allocated to him by the Administrative District judge.
- (2) The District judge must note in the Small Claims record book, the duration of each sitting. the record book shall provide details information on the progress of each case from filing to issuance of judgment.

- (3) The District judge must note on the record of the proceedings in respect of each case:
- i. the time of the day when the proceedings actually commenced and actually ended; and
 - ii. the time of the day of the commencement and conclusion of each adjournment on that day.
- (4) In line the Article 12 (2) above, all District judges shall strive to finalize cases within 60 days of filing by the plaintiff. A District judge must report monthly to the Chief Registrar on all part-heard cases that had not been finalized within two (20 months from the date of commencement of the trial, Provided that District judge should not have more than five (5) or more part heard cases and should not start new cases without a written approval from the Chief Registrar. A District judge who has more than five (5) part heard cases must submit along with their monthly reports an action plan on how they are going to reduce their part heard cases and provide monthly reports on progress.
- (5) Upon the direction of the Chief Registrar, an Administrative District judge must submit any information and any assessment material including statistics, records showing compliance with time frames for court events, and any other reports required by the Chief Registrar to assess the functioning and efficiency of the Small Claims Courts.
- (6) The Chief Registrar shall be responsible for providing court performance related data to the Katsina State Judicial Service Commission on a monthly basis. The Secretary to the Katsina State Judicial Service Commission shall ensure that court performance reports are generated and published on a quarterly basis which must show:
- (7) (i) the time it takes each Small Claims Court within a particular District to dispose of matters (i.e. from filing to judgment); and (ii) the

duration of matters pending before a Small Claims Court within a particular District.

FORM SCA 1

SMALL CLAIMS COURT

LETTER OF DEMAND

FROM:

.....

WORK ADDRESS.....

RESIDENTIAL ADDRESS.....

TELEPHONE NO. (S) AND E-MAIL

TO

.....

WORK ADDRESS.....

RESIDENTIAL ADDRESS:

TELEPHONE NO.(S) AND E-MAIL.....

SIR/MADAM

DEMAND:

I hereby claim from you

.....

.....

(PLEASE STATE PARTICULARS)

.....

.....

Unless you comply with this demand within fourteen (14) days after receipt of this letter, summons will be issued against you in the Small Claims Court

Yours faithfully,

.....

PLAINTIFF'S SIGNATURE

FORM SCA 2

IN THE DISTRICT COURT OF KATSINA 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, receipts, expert’s 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 PLAINTIFF(S)

FULL NAME.....

WORK ADDRESS.....

RESIDENTIAL ADDRESS.....

TELEPHONE NO.(S) & E-EMAIL ADDRESS.....

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

B. PARTICULARS OF DEFENDANT(S)

FULL NAME

WORK ADDRESS

RESIDENTIAL ADDRESS.....

TELEPHONE NO.(S) & E-EMAIL ADDRESS.....

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

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

.....

.....

.....

.....

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

.....

**PLAINTIFF'S SIGNATURE/
THUMBPRINT**

.....

DATE

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

The foregoing having been read and interpreted by me to the Deponent in
Language he being Illiterate/Blind and he having appeared perfectly to have understood before
affixing his thumb print impression.

JURAT (If applicable)

Commissioner for Oaths.

FORM SCA 3

IN THE DISTRICT COURT OF KATSINA STATE (SMALL CLAIMS)

SUMMONS (TO BE SERVED WITHIN SEVEN DAYS OF FILING)

CLAIM NO.....

BETWEEN:

..... **PLAINTIFF(S)**

AND

..... **DEFENDANT(S)**

The Plaintiff Claims:

Debt (particulars are attached)

Court Fees

Costs

Total: ₦ _____

To

.....

.....

1. You are hereby summoned to appear personally before this court on the
..... day of20..... at to
admit or deny your liability for the above mentioned claim.

2. If you deny liability or have a counterclaim you are advised to complete and return Form
SCA 4 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 longer time for payment,
complete the form of ADMISSION as in Form SCA 4.

- 3.(a) 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 PLAINTIFF.
- (b) Money payable in terms of a Judgment or Order of Court may be paid directly to the Judgment Creditor.
- (c) 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 plaintiff.

4. Enforcement

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.
- (b) Execution shall be taken against the whole Judgment debt and costs which have not been paid in default of an instalment being paid.
- (c) The Judgment Debtor is liable to notify the Judgment Creditor fully and correctly; within 7 days after he has changed his place of work, employment or residence, of his new place of work, employment or residence.

Dated atthis.....day of20.....

.....
Registrar

FORM SCA 4

IN THE DISTRICT COURT OF KATSINA STATE (SMALL CLAIMS)

AFFIDAVIT OF NON-SERVICE

CLAIM NO.....

BETWEEN:

.....

PLAINTIFF(S)/APPLICANT(S)

AND

.....

DEFENDANT(S)/RESPONDENT(S)

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

.....

.....
Sheriff Corp

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

THISDAY.....20.....

FORM SCA 5

IN THE DISTRICT COURT OF KATSINA STATE (SMALL CLAIMS)

**FORM OF ADMISSION, DEFENCE AND COUNTERCLAIM TO ACCOMPANY FORM SCA 3
(TO BE SERVED ON THE CLAIMANT WITHIN 7 (SEVEN) DAYS OF SERVICE OF FORM SCA 3)**

Claim No.

BETWEEN:

..... **CLAIMANT(S)**

AND

..... **DEFENDANT(S)**

(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 of 20..... (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 courts)

c) COUNTERCLAIM OR SET OFF.

I have a counter-claim or set-off against the Claimant for N.....

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

(State the particulars of the Counterclaim or Set off)

.....

.....

**CLAIMANT'S SIGNATURE/
THUMPRINT**

DATE

JURAT (If applicable)

The foregoing having been read and interpreted by me to the Deponent in Language
he being Illiterate/Blind and he having appeared perfectly to have understood before affixing his thumb
print impression.

Commissioner for Oaths

Defendant's address for service in Katsina

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

**NB: IF YOU FAIL TO FILE AN ANSWER TO THE CLAIM, YOU WILL BE HELD TO HAVE
ADMITTED THE CLAIM**

FORM SCA 6

IN THE DISTRICT COURT OF KATSINA STATE (SMALL CLAIMS)

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

CLAIM NO.....

BETWEEN:

..... **PLAINTIFF(S)/APPLICANT(S)**

AND

..... **DEFENDANT(S)/RESPONDENT(S)**

I,.....

Make Oath and state that on the day of 20.....

At.....O'clock I served upon

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 wasand he said, he was.

.....

Sheriff Corp

SWORN TO AT THE SMALL CLAIMS COURT REGISTRY.

THIS DAY.....20.....

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

CLAIM NO.....

BETWEEN:

..... PLAINTIFF(S)/APPLICANT(S)

AND

..... DEFENDANT(S)/RESPONDENT(S)

MOTION EX-PARTE

BROUGHT PURSUANT TO ORDER..... RULE..... OF THE DISTRICT COURT RULES AND UNDER
THE INHERENT JURISDICTION OF THE COURT

TAKE NOTICE that this Honourable Court will be moved on theday of20....., at 9’O
Clock in the forenoon or soon thereafter as the Plaintiff/Applicant may be heard praying the court
for the following:

An Order of the Court granting leave to the Plaintiff/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 FURTHER ORDER OR ORDERS as this Honourable Court may deem fit to make
in the circumstances in this claim.

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

.....

Plaintiff’s signature

IN THE HIGH COURT OF JUSTICE OF KATSINA STATE
IN THEJUDICIAL DIVISION (FAST TRACK COURT)
HOLDEN AT

APPEAL NO.

BETWEEN:

..... APPELLANT(S)

AND

..... RESPONDENT(S)

NOTICE OF APPEAL

(TO BE FILED WITHIN 14 (FOURTEEN) DAYS OF DELIVERY OF THE JUDGMENT)

TAKE NOTICE that the/Appellant(s) being dissatisfied with the decision of the District court (Small Claims Court)District as contained in the Judgment delivered on the by do hereby appeal to the High Court of Katsina State, upon the grounds set out in paragraph 2 and will at the hearing of the Appeal seek the reliefs set out in paragraph 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. GROUNDS OF APPEAL

(1) The learned District court erred in law when His Honor held that

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

PARTICULARS OF ERROR

(a)

.....
.....

(b)
.....
.....
.....

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

(a) An Order of the Honourable Court
.....

(b) An Order
.....
.....

4. PERSON(S) DIRECTLY AFFECTED BY THE APPEAL

| NAMES | ADDRESS |
|--------------|----------------|
| | |
| | |
| | |
| | |

Dated this day of 20.....

.....
APPELLANT'S SIGNATURE

ADDRESS FOR SERVICE:
.....
.....
.....

FORM SCA 9

IN THE DISTRICT COURT OF KATSINA STATE (SMALL CLAIMS)

IN THE DISTRICT HOLDEN AT

CLAIM NO.....

BETWEEN:

..... JUDGMENT CREDITOR
[INSERT A NAME]

AND JUDGMENT DEBTOR
[INSERT A NAME]

AND GARNISHEE(S)
.....
..... [INSERT NAME(S)]

AFFIDAVIT IN SUPPORT

I, _____ of
_____ [state name of judgment creditor] [state
address of judgment creditor] Katsina State do hereby make an oath and state as
follows:

1. I am the judgment creditor in this case.

2. The judgment debtor is _____ of
_____ [state name of judgment debtor] [state
address of judgment debtor]

3. On _____ judgement was entered against the
judgment debtor in the sum of (N) _____ [state date judgment was delivered]

[state judgment sum] [if the judgment debt is payable by instalments, the amount of any instalments which have fallen due and remain unpaid].

4. I know that the _____ [state name of garnishee] of _____ has to its credit sums belonging the judgment debtor by way of _____ [state address of garnishee]

_____ [state particulars of funds held with the garnishee, if the garnishee is a bank state –

- (i) the branch at which the judgment debtor's account is believed to be held; and
- (ii) the account number].

5. To the best of my knowledge or belief the said garnishee

(a) is within the jurisdiction of this court, and

(b) owes money to or holds money to the credit of the judgment debtor.

6. To the best of my knowledge or belief no other person other than _____ [state name of judgment debtor] has any claim to the money owed by the garnishee

7. I have not obtained or instituted any other garnishee application against the judgment debtor in respect of the same judgment debt.

8. I depose to this affidavit conscientiously, believing all the depositions contained herein to be true and correct by the Oaths Law of Katsina State.

DEPONENT

SWORN TO at the Registry of the Small Claims Court, State.....
this..... day of20

BEFORE ME COMMISSIONER FOR OATHS

FORM SCA 10

IN THE DISTRICT COURT OF KATSINA STATE (SMALL CLAIMS)

IN THE DISTRICT

HOLDEN AT

(TO BE SERVED ON THE DEFENDANT WITHIN 7 DAYS OF FILING)

CLAIM NO.....

BETWEEN:

..... PLAINTIFF(S)

AND

..... DEFENDANT(S)

**APPLICATION FOR SUMMARY JUDGMENT BROUGHT PURSUANT TO ORDER.....
RULE..... OF THE DISTRICT COURT LAW PRACTICE DIRECTION ON SMALL CLAIMS
AND UNDER THE INHERENT JURISDICTION OF THE COURT**

TAKE NOTICE that this Honourable Court will be moved on theday of
.....20....., at 9'O Clock in the forenoon or soon thereafter as the Plaintiff
may be heard praying the court for an order:

1. Entering Summary Judgment against the Defendant in the sum of
[N.....] plus interest and cost
2. AND FOR SUCH FURTHER ORDER OR ORDERS as this Honourable Court may
deem fit to make in the circumstances in this claim.

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

Plaintiff's signature

ADDRESS

.....
.....

TELEPHONE NO:.....

EMAIL.....

FOR SERVICE ON:

DEFENDANT'S NAME:.....

ADDRESS:.....

.....
.....

TELEPHONE NO:.....

EMAIL:.....

FORM SCA 11

IN THE DISTRICT COURT OF KATSINA STATE (SMALL CLAIMS)

IN THE DISTRICT

HOLDEN AT

(TO BE SERVED ON THE DEFENDANT WITHIN 7 DAYS OF FILING)

CLAIM NO.....

BETWEEN: PLAINTIFF(S)

AND

..... DEFENDANT(S)

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SUMMARY JUDGMENT

I, _____ of
_____ [state the name and address of the Plaintiff]

Katsina State do hereby make an oath and state as follows:

1. I am the Plaintiff in this case.
2. The Defendant is indebted to me in the sum of [N.....] and I verily believe that the Defendant has no defence whatsoever to my claim
3. Notwithstanding the issuance of a Letter of Demand, Defendant failed to liquidate his indebtedness to me
4. I have also issued a Complaint Form and caused a Summons to be issued against the Defendant.
5. Notwithstanding the service of the foregoing on the Defendant, he has failed to liquidate his indebtedness to me 6. the indebtedness arose on account of:

.....

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

7. I depose to this Affidavit conscientiously believing all the depositions contained here to be true and correct by the Oaths Law of Katsina State

DEPONENT

SWORN TO at the Registry of the Small Claims Court, Katsina State.....
this..... day of20

BEFORE ME COMMISSIONER FOR OATHS

FORM SCA 12

IN THE DISTRICT COURT OF KATSINA STATE (SMALL CLAIMS)

IN THE DISTRICT

HOLDEN AT

CLAIM NO.....

**BETWEEN: JUDGMENT
CREDITOR [INSERT A NAME]**

**AND JUDGMENT DEBTOR
[INSERT A NAME]**

**AND GARNISHEE(S)
[INSERT A NAME]**

**MOTION EX-PARTE SECTIONS 83 AND 84 OF THE SHERIFFS AND CIVIL PROCESS
ACT AND SECTION 64(1) OF THE DISTRICT COURT LAW OF KATSINA STATE AND
UNDER THE INHERENT JURISDICTION OF THIS COURT**

TAKE NOTICE that this Honourable Court shall be moved on theday of
..... 20... at 9 O'clock in the forenoon or so soon thereafter as the
judgment creditor praying for the following reliefs:

1. An Order attaching the funds standing to the credit of the judgment debtor in the custody of the garnishee(s) to the outstanding judgment sum of [.....] (“the judgment debt”).
2. An Order directing the garnishees to appear before this Court within fourteen (14) days of service of the order to show cause why an order should not be made for payment to the judgment creditor of the judgment debt accruing to the judgment debtor or so much thereof as will satisfy the judgment debt.

3. An Order directing the garnishees to respectively disclose forthwith funds standing to the credit of the judgment debtor with the garnishee(s) as at the date of the service of the order of Court, and that such disclosures be made on oath and verified by an affidavit sworn and filed before the Court within eight (8) days of the service of the order of this Court.

And for such order or orders as the Court may deem fit to make.

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

Judgment Creditor's signature