



PRACTICE DIRECTIONS
ON
SMALL CLAIMS
2022

By:

HON. JUSTICE M. T. MALIYU

The Honourable Chief Judge of Kaduna State.



**PRACTICE DIRECTIONSON
SMALL CLAIMS 2022**

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**PRACTICE DIRECTIONS ON
SMALL CLAIMS 2022**

In exercise of the powers conferred on me by section 274 of the Constitution of the Federal Republic of Nigeria, 1999 (as Amended), High Court Law Cap 67, Vol.2, Laws of Kaduna State 1991, section 79 of the District Courts Law 1960, Cap.46 Vol.1, Laws of Kaduna State 1991, and by virtue of all other powers enabling me in that behalf. I, HON. Justice M.T.M. Aliyu, Chief Judge of Kaduna State, hereby issue the following Practice Directions.

PREAMBLE:

Whereas, I 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 claim's procedure is to provide easy access to an informal, inexpensive and speedy resolution of simple and liquidated debt recovery disputes in the District Courts”.

ARTICLE 2 COMMENCEMENT OF ACTION

- 1) An action may be commenced in the Small Claims Court where:
 - (a) The Claimant or one of the Claimants resides or carries on business in Kaduna State;
 - (b) The Defendant or one of the Defendants resides or carries on business in Kaduna State;
 - (c) The cause of action arose wholly or in part in Kaduna State.
 - (d) The claim is for a liquidated monetary demand in a sum not exceeding ₦5,000,000 (Five Million Naira), excluding interest and costs.
 - (e) The Claimant has served on the Defendant, a **LETTER OF DEMAND** 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 issue as in Form SCA 3 upon The Registrar or Assistant Registrar being satisfied that the requirements of 2 above have been met.



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ARTICLE 3

MARKING AND PAYMENT OF FILING FEES.

Where a case satisfies the criteria in Article 2 above, the Registrar or Assistant 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 Assistant Chief Registrar shall within 24 hours forward the case files to the Principal District Judge for assignment to a District Judge of the Small Claims Court.
- 2) The Principal District Judge shall within 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 Sheriff of the Small Claims Court within seven (7) days of filing by the Sheriff of the Small Claims Court.
- (2) Upon service, the Sheriff of the Small Claims Court shall file an Affidavit of service as in Form SCA 6 within 2 days of service.



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- (3) The provision of the District Courts Rules regarding the 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 (4) above, the Claimant 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 SCA 7, the District Judge shall make an order for substituted service of the summons
- (7) Substituted service may be effected by services of the electronic mail address of a party, the following provisions shall be applicable
 - i. The application in terms of Article 5(5) above must be accompanied by an affidavit confirming the identity of the respondent, postal/physical address and the electronic mail address at which the defendant will receive services of the summons.
 - ii. A copy of any electronic mail correspondence including attachment between the parties may be



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attached as proof of the validity of the electronic mail address.

iii. The Sheriff of the Small Claims Court shall serve the summons, annexures and pleadings by way of electronic mail on the address as if ordered by the court, indicating what processes have been served by way of electronic mail and the number of pages that were mailed.

ARTICLE 6

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) The provision of Article 5 on service of Summons shall apply to service of a Counterclaim.
- (3) Where a Defendant fails to file an Answer to the Claim, such Defendant may be held to have admitted the Claim.

ARTICLE 7

COUNTERCLAIM

- (1) If at the time the action is commenced the Defendant intends to claim against the Claimant a liquidated money demand not exceeding ₦5,000,000 (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 counterclaim form as



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in Form SCA 5 in answer to the Claim.

- (2) If at the time the action is commenced, the Defendant has a counterclaim that exceeds the general jurisdiction of the District Court, the Defendant may file the counterclaim, by filling Form SCA 5, PROVIDED that any Judgment in the Defendant's favour shall be limited to the general jurisdiction of the District Courts.
- (3) In the event of (2) above, the Defendant/ Counter claimant shall be deemed to have abandoned the excess of the counterclaim.
- (4) The Claimant may file a Reply to the Defendant(s) Defence and Counter-claim within 5 days of service of the Defendant(s) Defence and Counter-claim.
- (5) No pleadings after Reply are allowed.

ARTICLE 8 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 Claimant 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 Claimant can prove his claim.



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- (3) When the Claim is called for hearing, and the Defendant appears but the Claimant 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.

ARTICLE 9 PROCEEDINGS AT THE HEARING

- (1) At the first appearance of the parties before the Court, the District Judge shall promote, encourage and facilitate an amicable settlement of the dispute among the parties by mediating and providing settlement options to the parties as he deems fit. The process of mediating and facilitating amicable settlement of the dispute among the parties shall not exceed seven (7) days.
- (2) Notwithstanding (1) above, the parties are also encouraged to contact one another to settle 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 preliminary hearing to give directions for hearing of the claim or counterclaim (as the case may be) including a hearing time table, length of trial or



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hearing, exchange of witness(es) list, formulation and settlement of issues, as appears 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.

**ARTICLE 10
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 11
EVIDENCE**

Parties may testify on their behalf and tender all



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necessary documents and they may call other witnesses to give evidence at the hearing.

**ARTICLE 12
JUDGMENT**

- (1) The District Judge shall endeavour to deliver judgment within fourteen (14) days of the completion of the 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 because of the entire proceedings of the court having exceeded sixty (60) days.
- (4) The District Judge shall endeavour to issue authenticated copies of the judgment immediately after its delivery but in any event not exceeding 7 days from the date of the delivery of the judgment.

**ARTICLE 13
ENFORCEMENT OF JUDGMENT**

- (1) The Defendant or Defendant to Counterclaim (as the case may be) shall comply with the Judgment and pay the Judgment sum within fourteen (14) days of delivery of judgment.
- (2) Upon default of the Defendant or Defendant to counterclaim 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.

ARTICLE 14 APPEALS

- (1) Where either party is aggrieved with the Judgment, such party shall comply with the provisions of Section 71 of the Districts' Court Law (subject to any express provisions to the contrary in any other written law and to the provisions of this Law, any person aggrieved by a decision or Judgement of a District Judge may appeal therefrom to the High Court.
- (2) The aggrieved party shall file the Notice of Appeal as in form SCA 8 within fourteen (14) days of delivery of the judgement stating the reasons for the Appeal.
- (3) The Assistant Registrar of the Small Claims Registry shall compile the records of appeal within fourteen (14) days of the submission of Form of SCA 8.
- (4) 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.
- (5) The Judge, so designated shall cause Hearing Notices to be issued 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 Records of the appeal.

- (7) The whole Appellate Process from the assignment of the Appeal to Judgment shall not exceed thirty (30) days.

ARTICLE 15
GENERAL PROVISIONS

- (1) Every District Judge of the Small Claims Court shall take charge of all cases allocated to him.
- (2) The District Judge shall note in the Small Claims record book the duration of each sitting. The record book shall provide detailed information on the progress of each case from filing to issuance of Judgement
- (3) The District Judge must note on the record of the proceedings in respect of each case:
 - i. the date and time when proceedings commenced
 - ii. the date and time when proceeding was adjourned to
 - iii. the date and time the proceedings concluded
- (4) In line with Article 12(2), all District Judges shall strive to finalize cases within 60 days of the filing by the Claimant. District Judges must report monthly to the Chief Registrar on all part-heard case that have not been finalized within two (2) months from the date of commencement of trial
- (5) Upon the direction of the Chief Registrar, a Principal 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 Court.

FORM SCA 1

**SMALL CLAIMS COURT
LETTER OF DEMAND**

FROM:

.....

WORK ADDRESS.....

RESIDENTIAL ADDRESS.....

TELEPHONE NO. AND

EMAIL.....

TO.....

WORK ADDRESS.....

RESIDENTIAL ADDRESS.....

TELEPHONE NO. 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.

.....

CLAIMANT'S SIGNATURE

FORM SCA 2

IN THE DISTRICT COURT OF KADUNA 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, experts' report (if applicable) etc. upon which the claim is based.
3. Submit this form at the Registry of the Small Claims Court.

PARTICULARS OF CLAIMANT(S)

FULL NAME.....

WORK ADDRESS.....

RESIDENTIAL ADDRESS.....

TELEPHONE NO. AND E-MAIL.....

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

PARTICULARS OF DEFENDANT(S)

FULL NAME.....

WORK ADDRESS.....

RESIDENTIAL ADDRESS.....

TELEPHONE NO. AND E-MAIL.....

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.

.....

.....

.....

.....

.....

.....

CLAIMANTS' SIGNATURE/

DATE

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

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 KADUNA 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 : _____

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 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.(a) Take Notice that if you fail to appear in court on the hearing date after a summons has been served on you, judgement may be obtained against you by the Claimant.

(b) Money payable in terms of a Judgement or Order of Court may be paid directly to the Judgement Creditor.

(c) The Judgement Debtor must 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 KADUNA STATE (SMALL CLAIMS)

AFFIDAVIT OF NON-SERVICE

CLAIM NO.....

BETWEEN

..... **CLAIMANT**

AND

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

I.....
.....

Make Oath and say, that on the day of.....20.....

AtO' 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 Cor

SWORN TO AT THE (SMALL CLAIMS) COURT REGISTRY.

THIS DAY OF20.....

FORM SCA 5

IN THE DISTRICT COURT OF KADUNA STATE (SMALL CLAIMS)

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

Claim No.....

BETWEEN:

.....**CLAIMANT**

AND

.....**DEFENDANT**

ADMISSION

I admit the Claimant's claim (or)part of the Claimants' claim and I ask for permission to pay the sum with costs on that amount onthe..... day of.....20.....(or by instalments of N.....per.....) because,

- 1.....
- 2.....
- 3.....

State why you cannot pay at once)

DEFENCE

I have a defense

.....

.....

.....

.....

or I dispute part of the claim).....because

(State briefly the facts you wish to put before the court)

(b) COUNTER 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/

THUMB PRINT

DATE

JURAT(If applicable)

The foregoing have 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 Kaduna.....

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

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

FORM SCA 6

IN THE DISTRICT COURT OF KADUNA SMALL CLAIMS)

AFFIDAVIT OF SERVICE

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

CLAIM NO:.....

BETWEEN

..... **CLAIMANT**

AND

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

I

Make Oath and say, that on the..... day of 20.....

atO'clock I served upon

Summons for small claims

.....

.....True copy where of 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.

.....
Sheriff Corp

SWORN TO AT THE SMALL CLAIMS

COURT REGISTRY.

THIS DAY OF20.....

FORM SCA 7

IN THE DISTRICT COURT OF KADUNA (SMALL CLAIMS) IN THE..... DISTRICT COURT

HOLDEN AT.....

CLAIM NO:.....

BETWEEN

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

AND

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

MOTION EX-PARTE

BROUGHT PURSUANT TO ORDER 4 RULE 2 OF THE DISTRICT COURT RULES, 2013 AND UNDER THE INHERENT JURISDICTION OF THE COURT

TAKE NOTICE that the Honourable Court will be moved on theday of20....., at 9'O 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 HIGH COURT OF KADUNA STATE
(FAST TRACK COURT)/DIVISION
HOLDEN AT.....

APPEAL NO:.....

BETWEEN

.....

APPELLANT

AND

.....

RESPONDENT

NOTICE OF APPEAL

TAKE NOTICE that the/Appellant being dissatisfied with the decision of the (Small Claims Court).....District as contained in the Judgment delivered on the bydo hereby appeal to the High Court of Kaduna 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 the names and addresses of the persons who would be directly 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 Judge erred in law when His Honour held that..

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

PARTICULARS OF ERROR

(a)
.....
.....

(b)

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

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

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

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

4. PERSONS DIRECTLY AFFECTED BY THE APPEAL

	NAMES	ADDRESS
(a)
(b)

Dated this Day of 20.....

ADDRESS FOR SERVICE

.....
APPELLANT'S SIGNATURE

ISSUED THIS 22 DAY OF SEPT 2022

UNDER THE HANDS AND SEAL OF

M. T. M Aliyu

.....
HON. JUSTICE M. T. M ALIYU
HON. CHIEF JUDGE OF KADUNA STATE