



Inauguration of the

Small Claims Court

defendant is not served

who will decide my case?

The Court will decide when the trial is over.

What if I do not agree with the Court's decision?

If you do not agree with the Court's decision, you can ask the High Court in Kaduna State to review your case. This is called an Appeal.

Do I have to pay for an Appeal?

Yes. You would have to pay a fee for a Notice of Appeal. You also have to pay for the compilation of the Records of Appeal for the High Court.

Do I need a Lawyer to ask for an Appeal?

No, but if you hire one, you will have to pay the cost of a Legal Practitioner in addition to the cost of filing an Appeal.

Is there a deadline to ask for an Appeal?

Yes. You must file a Notice of Appeal within 14 days of the Court's Judgement.

If I am the Defendant in the Claim or the Counter-claim and the Court gives judgement against me, do I have to pay the

judgement debt if I ask for an Appeal?

This will be at the discretion of the Trial Court who usually sets the conditions of Appeal.

How do I get the money if I win?

If you win your case, there is no guarantee that the Defendant will pay willingly. If the Defendant does not pay willingly within Fourteen (14) days, there are legal steps that you can take to enforce or get your Judgement sum.

Who will enforce my Judgement?

A Sheriff of the Small Claims Court will enforce your Judgement.

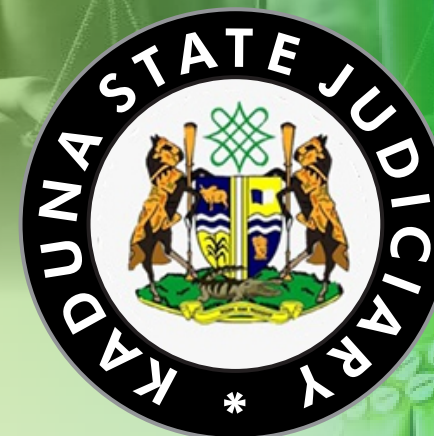
How can I find a Sheriff?

You can find a Sheriff in the Small Claims Registry.

What do I say to the Sheriff?

You tell the Sheriff that you are the Judgement Creditor in a Small Claims case. Give the Sheriff your Small Claims suit number and say that you want to ask the Court for an Execution.

An Execution is a Court Order that allows the Sheriff to take property or money of the person you sued to get your judgement paid.



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by the Chief Judge of Kaduna state.

VENUE:
High Court premises,
Bida Road Kaduna State.

DATE:
TIME:



What is Small Claim?

A small claim is a claim for money in any simple debt recovery with value not exceeding N5,000,000 (Five Million Naira).

Where can you file a Small Claims Action?

A Small Claims Action can be filed in the Small Claims Court Registry located in every District Court, it can be filed where you or the person you are claiming from lives, works or does business in any part of Kaduna State.

What is a Small Claims Court?

It is a special court where you can sue for N5,000,000(Five Million Naira) or less. You cannot sue for possession, or for pain or suffering or to enforce a promise in a Small Claims Court.

If your Claim is more than N5,000,000(Five Million Naira), you cannot split your Claim into smaller Claims to get around the limit of N5,000,000(Five Million Naira).

Who can use a Small Claims Court?

- An individual who is eighteen years and above.
- An individual who is less than eighteen years, or person of unsound mind,

can sue through his or her guardian.

- Partnership
- Association
- Corporation

What to do before filing a Small Claims action?

Write a Letter of Demand to the person from whom you have a claim.

How do I start my Small Claims action?

By filing a Complaint Form and Summons as.

Where do I get the Forms?

You can get the Forms from the Small Claims Registry in every District Court or on-line at the Kaduna State Judiciary Website www.highcourt.kd.gov.ng

What information will I need to fill on the form?

Your particulars as the claimant and the particulars of the person you are suing as well as a description of the claim. It is advisable to follow the instructions on the forms.

What if I do not have the Defendants' correct legal name?

You can still start your case. You can use any name that the person



you are suing is known or any name that the business or person operating the business uses. But once you get the correct information, you must inform the Court. (if you do not provide the required information, it will be very hard for you to recover your money judgment, if you win).

What do I do with my completed form?

It should be submitted to the Assistant Chief Registrar (ACR) of the Small Claims Registry in the District Court where the claims is filed.

Do I have to pay for to file my Claim?

Yes. You must pay the Court fees a assessed at the Small Claims registry.

Can the person I am suing sue me?

Yes. The person you are suing can file a small claims counter claim against you. In the small claims court, a counter-claim can only be for money and the limit is N5,000,000 (5 Million Naira).

How will I know if the Defendant files a counter-claim?

If the Defendant files a counter claim he must do so within seven (7) days from the date of service of the

summons on him you. You shall then be served by a sheriff of the court.

If the Defendant files a counter-claim, will my case be adjourned?

If you receive notice of the counter claim before the date of your trial you must be ready to present you claims and defend against the counter claim on the date of the trial. The case will not be adjourned because the defendant sues you.

Who tells the person I am suing about my claims?

The Small Claim Court's Sheriff will serve the defendant the summons personally. If the defendant cannot be served personally, the sheriff will file an Affidavit of Non-service and the court or the Registrar or an Officer of the Small Claims registry will inform you of the need to file an application for another mode/type of service.

What information will the summons give the Defendant?

The Summons tells the defendant:

- What the claims is about.
- How much money you are claiming from him
- The date of your small claims court trial.

You cannot have a trial if the