



**THE YOBE STATE JUDICIARY
DISTRICT'S COURTS LAW
PRACTICE DIRECTIONS ON
SMALL CLAIMS
2023**

TABLE OF CONTENTS

CITATION :

COMMENCEMENT:

INTERPRETATION:

ARTICLE 1: OBJECTIVES

ARTICLE 2: COMMENCEMENT OF ACTION

ARTICLE 3: SUMMARY JUDGMENT

ARTICLE 4: MARKING AND PAYMENT OF FILING FEES

ARTICLE 5: ASSIGNMENT OF SMALL CLAIMS FILES

ARTICLE 6: SERVICE OF PROCESS

**ARTICLE 7: FILING DEFENCE/ADMISSION/COUNTER AFFIDAVIT
TO APPLICATION FOR SUMMARY JUDGEMENT**

ARTICLE 8: COUNTER CLAIM

ARTICLE 9: NON-APPEARANCE

ARTICLE 10: PROCEEDINGS AT THE HEARING

ARTICLE 11: REPRESENTATION

ARTICLE 12: EVIDENCE

ARTICLE 13: JUDGEMENT

ARTICLE 14: ENFORCEMENT OF JUDGEMENT

ARTICLE 15: APPEALS

ARTICLE 16: GENERAL PROVISIONS

ARTICLE 17: WHERE NO PROVISION EXIST

APPENDIXES: FORMS

CITATION

This practice direction may be cited as the “ Yobe State Practice Direction on Small claims Court 2023”

COMMENCEMENT

This practice Direction shall come into effect on 7th Day of July, 2023

INTERPRETATION

In this Practice Direction, unless the context otherwise requires:

“**Admission**” Means a concession or voluntary acknowledgement of the Claimant’s claim.

“**Address for Service**” means the address of a place where any document may be left for, or sent by post, the party giving the address.

“**Appeal**” means applying to a High Court for reversal of the decision of the Small Claims Court.

“**Claimant**” means a person making claim in the Small Claims Court.

“**Counterclaimant**” means a Defendant in a Small Claims Court proceedings that sets up a claim against the original Claimant.

“**Court**” means Small Claims Court.

“**Defendant**” Means an individual, company, or institution sued in the Small Claims Court.

“**Defendant to counterclaim**” means the original claimant who has been sued by a defendant.

“**Appeal Registry**” means the small claim appeal registry of the high court of Yobe State.

“**High court**” means the High Court of Yobe State.

“**Judicial Service Commission**” means the Yobe State judicial service commission.

“**Judge**” means a judge of the small claims court including the high court of Yobe State.

“**Magistrate**” means a magistrate or any cadre of magistrate sitting in the small claims court.

“**District Court**” means a court established by the district court law 1994.

“**Liquidated Money Demand**” means a debt or other specific sum of money usually due and payable and its amount must be already ascertained or capable of being ascertained as a mere of arithmetic without any other further investigation.

“**Registry**” means the small claims court registry.

“**Set-Off**” means an amount that is or maybe set off against another in the settlement of claims.

“**Sheriff**” means an officer of the court, having various administrative functions, including service of court processes.

“**Substituted Service**” means the service of a court process or summons otherwise than by personal service (as by mail or electronic means, or publication or by leaving it at a defendant's place of business or residence or with an agent)

“**Summons**” means an order to appear before the Judge of the small claims court

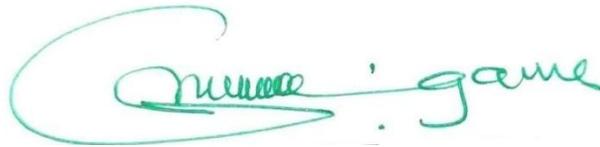
“**Summary judgment**” means a judgment entered in favor of the claimant and against the defendant summarily or affidavit evidence, i.e without a full trial.

“**CR**” means the Chief Registrar or his Deputy.

DISTRICT'S COURTS LAW
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), Section 116 of the High Court Law, Laws of Yobe State (Cap 63) 1994, Section 3 and 89 of the District's Courts Law, Cap 43 Laws of Yobe State 1994 and all other powers enabling me in that behalf, I **HON. JUSTICE G.K KAIGAMA** Chief Judge of Yobe State, hereby issue the following Practice Directions.

Dated This 7th Day of July, 2023



HON. JUSTICE G.K KAIGAMA
Chief Judge of Yobe State.

PREAMBLE

Whereas, I, the Hon. Chief Judge hereby establish and designate the following Chief District Court of Damaturu, Potiskum, Bade, Geidam and Nguru as Small Claims Courts.

The Practice Directions shall apply and be observed in the foregoing District's 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: OBJECTIVES

The objectives of the small claims procedure is to provide enduring access to an informal, inexpensive equitable, just, fair, easy and speedy resolution of simple debt recovery disputes in the Small Claims Courts.

ARTICLE 2: COMMENCEMENT OF ACTION

(1) An action may be commenced in the Small Claims Court where:

(a) The Plaintiff or one of the Plaintiffs resides or carries on business in Yobe State;

(b) The Defendant or Defendants resides or carries on business in Yobe State;

(c) The cause of action arose wholly or in part in Yobe State.

(d) The claim is for a liquidated monetary demand in a sum not exceeding N5,000,000 (Five Million Naira), excluding interest and costs.

(e) The Plaintiff has served on the Defendant or Defendants a LETTER OF DEMAND or a Demand Notice as in Form SCC 1.

(2) The action shall be commenced by Claim upon the filling of a Small Claims Complaint Form as in Form SCC 2

(3) The Summons shall be issue as in Form SCC 3 upon the Registrar being satisfied that the requirements of Article 2 above have been met.

ARTICLE 3: SUMMARY JUDGMENT

- (1) Where a claimant believes there is no defense to his claims, he may file with the summons, application for summary judgment as in Form SCC 3A
- (2) The application for summary judgment shall be supported by an affidavit stating the grounds for his belief (that there is no defense to his claim) as in SCC 3B
- (3) If the Defendant files a counter-affidavit as referred in ARTICLE 7 (2), the claimant 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 a 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 a Judge that the Defendant does not have a good defense, the Judge may enter judgment for the claimant.
- (6) Where it appears to a Judge that the defendant(s) has a good defence to other parts of the claim, the judge may enter judgment for that of the claim to which there is no defense and grant leave to defend that part to which there is a defense.
- (7) Where there are several defendant, and it appears to a judge that one or more of the Defendant have a good defense, the judge may permit such Defendant(s) to defend and enter judgment against the other Defendants.

ARTICLE 4: MARKING AND PAYMENT OF FILING FEES.

Where a matter satisfies the requirements in Article 2, the 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 5: ASSIGNMENT OF SMALL CLAIMS FILES

Upon the marking of the Claim, the Registrar shall within twenty four (24) hours forward the case files to the court judge of that division or to the administrative division judge for assignment to a judge (s) of his division within 24 hours of the receipt of the case file.

ARTICLE 6: SERVICE OF PROCESS

- (1) The Summons and other process shall be served by the sheriff of the Small Claims Court within seven (7) days of filing
- (2) Service shall be effected between the hours of 6am and 6pm on week days and Saturday
- (3) Upon service, the Sheriff/Bailiff of the Small Claims Court shall file an Affidavit of service as in Form SCC 6 within two (2) days of service.
- (4) The provision of the District's Courts (Civil Procedure) Rules regarding mode of service, except as provided herein shall apply to any process of whatever description issued by the Small Claims Court.
- (5) Where the Sheriff/Bailiff of the Small Claims Court is unable to serve the Summons and other process on the Defendant within the time specified in (1) above, he shall file an Affidavit of Non-Service as in Form SCC 4 after the expiration of the time allowed for service.
- (6) In the event of (5) above, the claimant shall apply for an Order of substituted service of the Summons on the Defendant by filling and filing Form SCC 7.
- (7) Upon receipt of a duly completed Form SCC 7 the judge shall make an order for substituted service of the summons.
- (8) Substituted service may be effected by whatever means applied to the court or by electronic email. If substituted service is to be effected by services at

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 service of the summons.
- ii. A copy of any electronic mail correspondence including attachments between the parties may be attached as proof of the validity of the electronic mail address.
- iii. The Sheriff/Bailiff 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/COUNTER AFFIDAVIT TO APPLICATION FOR SUMMARY JUDGMENT

- (1) Upon service of the Summons, the Defendant shall file his Defence/Admission or Counterclaim within Six (6) days by completing Form SCC 5 as appropriate.
- (2) A defendant who has been served with an application for summary judgment shall file (along with forms SCC 5 and within 6 days stipulated for him to enter a defence) a counter-affidavit as in form SCC 5A 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 counter claim.
- (4) Where a defendant fails to file an answer to the claim of a counter affidavit to the application for summary judgment such defendant may be held to have admitted the claim

ARTICLE 7: COUNTER CLAIM

(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 fill a counterclaim form as in Form SCC 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), the Defendant may file a counterclaim in the pending Small Claims action by filling Form SCC 5.

(3) If at 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 SCC 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 (3) above, the Defendant/Counter claimant shall expressly state that he has abandoned any claim in excess of N 10,000,000.00 (Ten Million Naira) excluding interest and cost.

(5) The Defendant(s) counterclaim shall be limited to the claimant (s) on record.

(6) The claimant 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.

(7) 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 judge shall unless he sees 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 appear, provided there is proof of service, the judge shall proceed with the hearing of the claim and enter Judgment as far as the claimant can prove his claim.
- (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 judge shall proceed to hear the counterclaim and enter Judgment accordingly, as far as the Defendant can prove his counterclaim.
- (4) Where a claim has been struck out as in (1) or (3) above it shall not be relisted.

ARTICLE 10: PROCEEDINGS AT THE HEARING

- (1) At the first appearance of the parties before the Court, it shall be the primary duty of the judge after parties have joined issues, to promote, encourage as well facilitate amicable settlement of the dispute among the parties not exceeding seven (7) days
- (2) Notwithstanding, (1) above, the parties are encouraged to contact one another with a view to settle the matter amicably, the court shall 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) If the parties are unable to settle the dispute amicably, the judge shall proceed to hear any application for summary judgment or give direction for hearing the claim or the counter claim.

(4) The 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) An Adjournment can only be granted during proceedings in unforeseen and exceptional circumstances and a party may not be granted more than two adjournments during the entire proceedings.

(6) The entire hearing period shall not be more than forty (40) days from the first date of hearing, including the seven (7) days for amicable settlement.

(7) During the hearing, the judge may ask any question to 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 or be represented by counsel of their choice at the proceedings in the Small Claims Court. (2) Partnerships Registered Companies and in cooperated trustees can be represented by either a Partner, Company Secretary or any other Principal Officer of the Partnership or Company or incorporated trustees.

ARTICLE 12: EVIDENCE

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

(2) In the interest of justice, the court may depart from the application of provision of the evidence act.

ARTICLE 13: JUDGMENT

(1) The judge shall deliver judgment within twenty (20) days of the completion of hearing. The court shall include its judgment, Ruling on any interlocutory application in the proceedings.

(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.
Type your text

(4) The judge shall endeavor to issue authenticated copies of the judgment immediately after its delivery but in any event not exceeding fourteen (14) days from the date of the delivery of the judgment.

ARTICLE 14: ENFORCEMENT OF JUDGMENT

(1) The Defendant or Defendant(s) to counterclaim (as the case may be) shall comply with the Judgment and pay the Judgment sum forth with.

(2) Upon default of the Defendant or Defendant to counterclaim to pay the Judgment sum forthwith the Judgment shall be enforced in like manner as any order of the District's Court for the payment of money.

ARTICLE 15: APPEALS

(1) Where either party is aggrieved with the Judgment, such party shall fill the Appeal form, as in Form SCC 8 within fourteen (14) days of the delivery of the Judgment stating the reasons for the Appeal.

(2) The Registrar of the Small Claims Registry shall compile and certify the records of appeal within fourteen (14) days of the submission of Form SCC 8.

(3) The Records of Appeal shall thereafter be forwarded to the Small Claim Appeal Registry of the High Court, where it will be assigned or forwarded to the High Court Judge designated to hear appeals from the small claims court.

(4) The Judge, so designated shall cause a Hearing Notices to be issued to the parties and the appeal shall be heard at the earliest convenience of the Court.

(5) The appeal shall be heard on the records of appeal and the written briefs of the parties.

(6) The whole Appellate Process from the assignment of the Appeal to Judgment shall not exceed Forty (40) days.

ARTICLE 16: GENERAL PROVISIONS

(1) Every Judge presiding in a Small Claims Court must take judicial control and management of all matters filed before the court or assigned to it.

(2) The judge shall ensure the registrar fill the small claims court cases assessment form attached to the case file.

(3) The registrar shall record on the small claims court assessment form the day when the proceedings commenced and was concluded.

(4) Where 60 days have expired from the date of filling of a claim and no judgment has been delivered, judge must report monthly to the CR any part heard cases that had not been finalized within sixty (60) days from the date of commencement of the trial. The 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, a 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. The judge shall report to the Chief Registrar stating the reason (s) for the delay in not concluding the matter within 70 days.

(6) The chief Registrar upon receiving the report from the judge re-assign the case file to the same judge for adjudication as a general civil matter before the court.

(7) The judge shall include such a case file in the monthly returns as a matter converted to the general civil cause list.

(8) The monthly returns shall be collected and submitted to the collation unit of the small claims court secretariat (not later than seventy days of the subsequent month) for online publication or transmission to the judicial service commission for performance evaluation purpose.

ARTICLE 17

WHERE NO PROVISION EXIST

Where no provision is made in this practice direction, the provisions of the District' Court (Civil Procedure) Rules; the High Court (Appeal) Rules or any other written law for the time being in force shall so far as they can be conveniently applied, be in force in the Small Claims Court.

FORM SCC1

**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.

Claimant's Signature

FORM SCC 2

**IN THE DISTRICT COURT OF YOBE STATE (SMALL CLAIMS) COMPLAINT
FORM (TO ACCOMPANY FORM SCC 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 CLAIMANT(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.....

C. PARTICULARS OF CLAIM(S)

TOTAL SUM CLAIMED:.....

INTEREST:.....

COSTS:.....

OTHERS:.....

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

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

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

.....
**CLAIMANT'S SIGNATURE/
THUMBPRINT**

.....
DATE

FORM OF JURAT (If applicable)

Where the Commissioner has read the Affidavit to the Deponent.

SWORN at

This.....day of Before me, I have first truly
and audibly read over the contents of this affidavit to the deponent who is “blind (or illiterate)
and explained the nature and content of the exhibits therein referred to in the.....
.....language when he appeared perfectly to understand the
same and made his remark (signature) thereto in my presence.

Commissioner for Oaths

FORM SCC 3

IN THE DISTRICTS COURT OF YOBE STATE (SMALL CLAIMS)

SUMMONS

(TO BE SERVED ON DEFENDANT WITHIN SEVEN DAYS OF FILING)

CLAIM NO.....

BETWEEN:

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

AND

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

The Claimant Claims:

Debt (particular are attached)

.....

Court Fees.....

Costs.....

Total: ~~₦~~.....

To.....

.....

.....

1. You are hereby summoned to appear personally before this court on theday of20.....atto 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 SCC 5 to the registry of the Small Claims Court within Seven (7) days after the service of this Summons, including the day of service. If you require longer time for payment, you should still complete the form of ADMISSION as in Form SCC 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, Judgment may be obtained against you by the Claimant.

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

(c) The Judgment Debtor shall notify the judgment Creditor fully and correctly within 7 days after he has changed his place of work, employment, or residence.

Datedthis day of20.....

REGISTRAR OF COURT

IN THE DISTRICT COURT OF YOBE STATE (SMALL CLAIMS)

SUMMARY JUDGMENT

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

CLAIM NO.....

BETWEEN:

..... CLAIMANT(S)
AND

.....DEFENDANT(S)

APPLICATION FOR SUMMARY JUDGMENT

TAKE NOTICE that this Honorable Court shall be moved on the..... day of
..... 20..... At 9' O'clock in the forenoon or so soon thereafter as the Claimant
may be heard praying for an Order.

- 1. Entering Summary Judgment against the Defendant in the sum of -
[N] plus interest and cost.
[State the exact amount claimed with more]
2. And for such order(s) the Court may deem fit to make.

Dated this day of.....20.....

CLAIMANT'S SIGNATURE

ADDRESS:.....

TELEPHONE:

E-MAIL:

FOR SERVICE ON

DEFENDANT'S NAME.....

ADDRESS:.....

TELEPHONE:

E-MAIL:

IN THE DISTRICTS COURT OF YOBE STATE (SMALL CLAIMS)
IN THE DISTRICT

HOLDEN AT.....

CLAIM NO.....

BETWEEN:

..... CLAIMANT(S)
AND

.....DEFENDANT(S)

AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SUMMARY JUDGMENT

I, [.....] of [.....]

Yobe State do hereby make an oath and state as follows.
[State the name and address of the Claimant]

1. I am the Claimant in this case.
2. The Defendant is indebted to me in the sum of [N] and I verily believe that the Defendant has no defense whatsoever to mu claim.
(State the exact amount claimed without more)
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 cause 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 amount of:

.....
[Explain the details of the transaction and why summary judgment should be entered against the Defendant. Explain all efforts made to recover the indebtedness. Attached all necessary documents. Use extra sheets if necessary].

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

IN THE DISTRICT COURT OF YOBE STATE (SMALL CLAIMS)

AFFIDAVIT OF NON-SERVICE

CLAIM NO.....

BETWEEN:

..... CLAIMANT(S)/APPLICANT(S)

AND

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

I,.....
.....

Make Oath and say, that on the day of20 At.....O'clock I
attempted to serve upon

.....
Summons for small claims

.....
The copy 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 YOBE STATE, (SMALL CLAIMS)
REGISTRY THIS.....DAY.....20.....

BEFORE ME

COMMISSIONER OF OATHS

FORM SCC 5

**IN THE DISTRICT COURTS OF YOBE STATE (SMALL CLAIMS)
FORM OF ADMISSION, DEFENCE AND COUNTERCLAIM TO ACCOMPANY FORM SCC 3
(TO BE SERVED ON THE CLAIMANT WITHIN 7 (SEVEN) DAYS OF SERVICE OF FORM SCC 3)**

Claim No.

BETWEEN:

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

AND

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

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 installments of N.....per.....) because,

1.
2.
3.
(State why you cannot pay at once)

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)

COUNTERCLAIM OR SET-OFF

I have a Counterclaim or set-off against the Claim 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 Yobe..... Dated
this..... day of 20.....

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

FORM SCC 5A

**IN THE DISTRICTS COURT OF YOBE STATE (SMALL CLAIMS)
IN THE DISTRICT**

HOLDEN AT.....

CLAIM NO.....

BETWEEN:

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

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

**DEFENDANT’S COUNTER-AFFIDAVIT
TO APPLICATION FOR SUMMARY JUDGMENT**

TO BE SERVED ON THE CLAIMANT WITHIN 7 DAYS OF SERVICE FORM SCC 3 (A) & (B)

I [.....] of [.....] Yobe State.

Hereby make oath and state as follows.

[State the Defendant’s name and address]

1. I am that [.....] De
[if there are multiple Defendant state the position]
2. I have a good defence against the Claimant’s claim. I have expressed my defence in Form SCC 5.
[State if there is a Counterclaim].
3. The Claimant is not entitled to summary Judgment against me
[.....]
[State name of the Defendant].
4. I dispute the allegations in paragraph [.....] of the
Claimant’s affidavit because: [the defendant SHALL state paragraph in the affidavit that
he is opening]

.....
[Explain in detail why summary judgment should not be entered against Defendant.

Attached all necessary documents. Use extra sheets if necessary].
.....
.....
.....
.....

IN THE DISTRICTS COURT OF YOBE STATE (SMALL CLAIMS)
AFFIDAVIT OF SERVICE
(PROOF OF SERVICE TO BE FILED WITHIN TWO (2) DAYS OF SERVICE)

CLAIM NO.....

BETWEEN:CLAIMANT(S)/APPLICANT(S)

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

I,.....

Make Oath and say, that on the day of.....20..... At.....O'clock I
served Upon.....

Summons for small upon.....

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.....

BEFORE ME
COMMISSIONER FOR OATHS

IN THE DISTRICT COURT OF YOBE STATE (SMALL CLAIMS)

IN THEDISTRICT

HOLDEN AT

CLAIM NO.....

BETWEEN:

..... CLAIMANT(S)/APPLICANT(S)

AND

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

MOTION EX-PARTE

BROUGHT PURSUANT TO ORDER 5 RULE 2 OF THE DISTRICT COURT (CIVIL PROCEDURE) RULES, 1994 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 Plaintiff/Applicant to serve the Summons on the Defendant by substituted means, to wit:

(1). Pasting, same at..... being the last known address of the Defendant or by any other means of service, as is hereby stated.

(2) any other means including electronic service via:

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

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

..... CLAIMANTS SIGNATURE

IN THE DISTRICT COURT OF YOBE STATE
SMALL CLAIM APPEAL SESSION DIVISION
HOLDEN AT

CLAIM NO.

BETWEEN:

..... APPELLANT(S)

AND

..... RESPONDENT(S)

MOTION ON NOTICE

BROUGHT UNDER THE DISTRICT COURTS (CIVIL PROCEDURES) RULES, 1994 AND UNDER THE
INHERENT JURISDICTION OF THE COURT.

TAKE NOTICE that the Honourable Court will be moved on..... day of20
at 9 o'clock in the forenoon or soon thereafter as the/applicant may be
heard praying the Court for the following:

AN ORDER of the court granting LEAVE to the/Applicant to appeal the
judgment of this Court delivered on the day of 20.....

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

Dated this Day of.....20.....

APPELLANT'S SIGNATURE

ADDRESS:.....

.....

.....

.....

TELEPHONE:

E-MAIL:

FOR SERVICE ON

RESPONDENT'S NAME.....

ADDRESS:.....

.....

.....

TELEPHONE:

E-MAIL:

FORM SCC 8B

**IN THE DISTRICT COURT OF YOBE STATE
SMALL CLAIM APPEAL SESSION DIVISION
HOLDEN AT**

CLAIM NO.

BETWEEN:

..... **APPELLANT(S)**

AND

..... **RESPONDENT(S)**

NOTICE OF APPEAL

TAKE NOTICE that the/Appellant(s) being dissatisfied with the decision of the Judge (Small Claims Court)as contained in the Judgment delivered on the by do hereby appeal to the High Court of Yobe 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 Judge erred in law when His Honourable Judge held that

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

3. PARTICULARS OF ERROR

(a)

.....

(b)

.....

.....

4. RELIEFS BEING SOUGHT FROM THE HIGH COURT OF YOBE STATE

- (a) An Order.....
.....
- (b) An Order
.....

5. PERSON(S) DIRECTLY AFFECTED BY THE APPEAL

NAME:.....
ADDRESS.....
.....
TELEPHONE NO.....
E-MAIL.....

NAME:.....
ADDRESS.....
.....
TELEPHONE NO.....
E-MAIL.....

Dated this Day of 20.....

.....
APPELLANT'S SIGNATURE

ADDRESS FOR SERVICE:

NAME:.....
ADDRESS.....
.....
TELEPHONE NO.....
E-MAIL.....

FORM SCC 9A

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

CLAIM NO.

BETWEEN:

..... **JUDGMENT CREDITOR**

AND

..... **JUDGMENT DEBTOR**

AND

.....**GARNISHEE (S)**

.....

.....

.....

MOTION EX-PARTE

**SECTION 83 AND 84 OF THE SHERIFFS AND CIVIL PROCESS ACT AND ORDER IV RULES 1 (2)
ORDER VIII RULES 3 (1) & (2), 4, 5 AND 8 OF THE JUDGMENT (ENFORCEMENT) RULES AND
UNDER THE INHERENT JURISDICTION OF THIS COURT**

TAKE NOTICE that this Honourable court shall be moved on theday of20.....
At 9 O'clock in the forenoon or so soon thereafter as the judgment creditor be heard praying the Court for the
following:

1. **AN ORDER** attaching the fund standing to the credit of the judgment Creditor in the custody of the Garnishee(s) to the outstanding Judgment sum of (N.....[State the Judgment Debt] (**“Judgment Debt”**))
2. **AN ORDER** directing the Garnishees to appear before this Court within 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 Garnishees(s) as at the date of the service of the Order of Court and that such disclosure be made on oath and verified by an affidavit sworn and filed before the Court within 8 days of the service pf the Order of this Court.

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

Dated thisday of20.....

Judgment Creditor’s Signature

FORM SCC 9B

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

CLAIM NO.

BETWEEN:

..... **JUDGMENT CREDITOR**

AND

..... **JUDGMENT DEBTOR**

AND

..... **GARNISHEE (S)**

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

AFFIDAVIT IN SUPPORT

I _____ of _____
[state the name and address of the Judgment Creditor]

Yobe 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 the name and address of the Judgment Debtor]

On _____ Judgment was entered (in the Small Claims Court)
[State the date Judgment was delivered] against the

.....
Judgment Debtor in the sum of (₦).....
.....

[State Judgment sum] [if Judgment Debt is payable by installments, the amount of any installments will have fallen due and remain unpaid]

3. I know that the _____ of _____ -
[state the name and address of the Garnishee (s)]
has to its credit money belonging to the Judgment Debtor by way of.....
.....

[State particulars of funds held with the Garnishee(s), if the Garnishee(s) is a bank, state- (i) the bank branch at which the Judgment Debtor's account is believed to be held and (iii) the account number].

4. To the best of my knowledge or belief the said Garnishee (s) is within the jurisdiction of this Court, and (b) owes money to or holds money to the credit of the Judgment Debtor.
5. To the best of my knowledge or belief no other person other than Has any claim to the money owe by the Garnishee.
6. I have not obtained or instituted another Garnishee application against the Judgment Debtor in respect of the same Judgment Debt.
7. I depose to this Affidavit conscientiously, believing all the depositions contained here to be true and correct by the Oaths Law of Yobe State.

DEPONENT

SWORN TO AT THE MAGISTRATE COURT OF YOBE STATE, (SMALL CLAIMS) REGISTRY

THIS THIS DAY OF20.....

BEFORE ME

COMMISSIONER FOR OATHS

**ISSUED THIS 7th DAY OF JULY 2023
UNDER THE HANDS AND SEAL OF**

A handwritten signature in green ink, appearing to read 'G.K. Kaigama', written over a horizontal line.

**HON. JUSTICE G.K KAIGAMA
HON. CHIEF JUDGE OF YOBE STATE**