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PRACTICE DIRECTIONS ON SMALL CLAIMS 2023.

The Honourable the Chief Judge of Abia State

In exercise of the powers conferred on me by Section 274 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), and by virtue of all other powers enabling me in that behalf, I HON. JUSTICE LILIAN ABAI, Chief Judge of Abia State, hereby issue the following Practice Directions.

PREAMBLE

Whereas, I, the Hon. Chief Judge hereby designate some

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

COMMENCEMENT

These Practice Directions shall come into effect on the 17th Day of November, 2023.

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 Recovery disputes and/or Liquidated Money Demands in the Magistrates' 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 Abia State or has a Claim against a Defendant who

resides or carries on business in Abia State.

- (b) The Defendant or one of the Defendants resides or carries on business In Abia State;
- (c) The cause of action arose wholly or in part in Abia State.
- (d) The claim is for a liquidated money demand of a sum not exceeding N5,000,000 (Five Million Naira), excluding interest and costs.
- (e) The Claimant 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 issue as in Form SCA 3 upon the Registrar or any duly authorized officer of the Small Claims Court being satisfied that the requirements of Article 2 (1) above have been met.

ARTICLE 3: SUMMARY JUDGEMENT

- i. Where a Claimant believes that there is no defence to his claim, he may file with the summons, an Application for Summary Judgement as in Form SCA 3A.
- ii. 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 3B.
- iii. If the Defendant files a Counter-affidavit specified in Article 7(2) below, the Claimant may file a Further-affidavit to the Defendant's Counter-affidavit within 5 days of service of the Counter-affidavit.
- iv. Where it appears to a Magistrate that the Defendant has a

good defence and ought to be permitted to defend the Claim, he may be granted Leave to defend.

v. Where it appears to a Magistrate that the Defendant does not have a good defence, the Magistrate may enter Judgment for the Claimant.

vi. Where it appears to a Magistrate that the Defendant has a good defence to part of the Claim but does not have a good defence to other parts of the Claim, the Magistrate may enter Judgment for that part to which there is no defence and grant Leave to defend that part to which there is a defence.

vii. Where there are several Defendants, and it appears to a Magistrate that one or more of the Defendants have a good defence, the Magistrate may permit such Defendant to defend and enter Judgment against the other Defendants.

ARTICLE 4: MARKING AND PAYMENT OF FILING FEES

Where a case satisfies the criteria in Article 2 above, the Assistant Chief Registrar or any other duly authorized Officer of the Small Claims Court 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

(1) Upon the marking of the Claim, the Assistant Chief Registrar or any other duly authorized Officer of the Small Claims Court shall within twenty-four (24) hours forward the case files to the Administrative Magistrate for assignment to a Magistrate of the Small Claims Court.

(2) The Administrative Magistrate shall within twenty-four (24) hours of receipt of the case files assign the Small Claims files to a Magistrate of the Small Claims Court. Such case assignments shall be undertaken on a random basis.

ARTICLE 6: SERVICE OF THE SUMMONS

(1) The Summons and other relevant Forms shall be served by the Registry of the Small Claims Court within Seven (7) days of filing by the Bailiff or any other designated Officer of the Small Claims Court.

(2) Service shall be effected between the hours of 6am and 6pm on Weekdays and Saturdays.

(3) Upon service, the bailiff or any other designated officer of the Small Claims Court shall file an Affidavit of service as in Form SCA 6 within two (2) days of service. 4

(4) The provision of the Magistrates' 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 bailiff or any designated officer 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.

(6) In the event of (5) above, the Claimant shall apply for an

Order of Substituted Service of the Summons on the Defendant by filing Form SCA 7.

- (7) Upon receipt of a duly completed Form SCA7 the Magistrate shall make an order for Substituted Service of the Summons.
- (8) Substituted service may also be effected by electronic mail. 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 6 (6) 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 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 7: FILING OF DEFENCE/ ADMISSION/ COUNTER CLAIM/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 SCA 5 as appropriate.
- (2) A Defendant who has been served with an Application for Summary Judgment Shall file (along with form SCA 5 and within 6 days stipulated for him to enter a Defence) a Counter-Affidavit as in Form SCA 5A stating why Summary Judgment should not be entered against him.
- (3) The provision of Article 6 on Service of Summons shall apply to Service of a Counter claim.
- (4) Where a Defendant fails to file an Answer to the Claim, or a counter-affidavit to the Application for Summary Judgment, such Defendant Shall 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 Claimant a liquidated money demand NOT exceeding N10, 000,000.00 (Ten Million Naira) (excluding 5 interest and costs), (which is the limit of the general jurisdiction of the Magistrate Court), the Defendant may file a Counterclaim in the pending Small Claims action by completing Form SCA 5.

- (2) If at time the action is commenced, the Defendant has a Counterclaim that exceeds the general jurisdiction of the Magistrate Court, the Defendant may file the Counterclaim, by filing Form SCA 5, PROVIDED that any Judgment in the Defendant's favor shall be limited to the general jurisdiction of the Magistrates' Courts.
- (3) In the event of (2) above, the Defendant/Counterclaimant shall expressly state that he has abandoned any Claim in excess of the Counterclaim.
- (4) The Defendant(s) Counterclaim shall be limited to the Claimant(s) on record.
- (5) The Claimant may file a Reply to the Defendant(s) Defence and Defence to Counter-claim within five (5) days of service of the Defendant(s) Defence and Counter-claim.
- (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 Magistrate 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 Magistrate shall proceed with the hearing of the Claim and enter Judgment as far as the Claimant can prove his claim.

- (3) Where 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 Magistrate 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 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, the Magistrate shall promote, encourage and facilitate negotiation and amicable settlement between the parties by providing Settlement Options to the Parties as the Magistrate deems fit. The process of 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 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 Magistrate shall proceed to hear any Application for Summary Judgment or give directions for

hearing the Claim or the Counter-claim. 6

- (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) Proceedings may be conducted through a Video link, or any other virtual platform as may be directed by the Court.
- (6) Adjournment can only be granted during proceedings in unforeseen and exceptional circumstances and a party may not be granted more than one (1) adjournment during the entire proceedings.
- (7) During the hearing, the Magistrate may, in the interest of justice, ask any question of the witness or order the witness to produce any document in the possession of the witness in order to clear up any ambiguity which may have been left obscured in the evidence given by such a witness.
- (8) 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 11: REPRESENTATION

- (1) Parties may represent themselves at the proceedings in the Small Claims Court.

- (2) Partnerships and Registered Companies, and Incorporated Trustees can be represented by either a Partner, Company Secretary or any other Principal Officer of the Partnership or Company, or a Trustee or other Principal Officer of the Incorporated Trustee.

ARTICLE 12: EVIDENCE

- (1) Parties may testify for themselves and tender all necessary documents and they may call other witnesses to give evidence at the hearing.
- (2) The Court may, in the interest of justice, depart from the strict application of the Rules of Evidence and the Evidence Act.

ARTICLE 13: JUDGMENT

- 1) The Magistrate shall deliver Judgment within fourteen (14) days of the completion of the hearing. The Court shall include in its Judgment, Rulings on any Interlocutory Applications heard in the proceedings.
- 2) The entire period of proceedings from Filing of the Claim till Judgment shall not exceed Sixty (60) days.
- 3) The Judgment of the Court shall not be invalid by reason of the entire proceedings of the court having exceeded Sixty (60) days.
- 4) The Magistrate shall endeavour to issue authenticated copies of the Judgment immediately after its delivery but in any event not exceeding Seven (7) days from the date of

the delivery of the judgment.

ARTICLE 14: 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 FORTHWITH.
- 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 Magistrates' Court for the payment of money.

ARTICLE 15: APPEALS

- 1) Where either party is aggrieved with the Judgment, such party shall file the Notice of Appeal, as in Form SCA 8 within fourteen (14) days of the delivery of the Judgment stating the reasons for the Appeal.
- 2) The Assistant Chief Registrar or any other duly authorized officer of the Small Claims Court in charge of the Small Claims Registry shall compile the Records of Appeal within fourteen (14) days of the submission of Form of 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 shall be by Oral hearing or Written briefs of the Parties at the discretion of the Court and shall be on the Records of the Appeal.
- (6) The whole Appellate Process from the assignment of the Appeal to Judgment shall not exceed thirty (30) days.

ARTICLE 16: GENERAL PROVISIONS

- 1) Every Magistrate presiding in a Small Claims Court Shall take judicial control and management of all cases assigned to the Magistrate by the Administrative Magistrate.
- (2) The Magistrate shall fill the Small Claims Court Cases Assessment Form attached to the Case file.
- (3) The Magistrate shall record on the Small Claims Court Cases Assessment Form the day when the proceedings commenced and was concluded.
- (4) Where 60 days have expired from the date of filing of a Claim and no Judgment has been delivered, the Magistrate shall report to the Administrative Magistrate stating the reason(s) for the delay in not concluding the matter within 60 days.
- (5) The Administrative Magistrate, upon receiving the report

from the Magistrate, may reassign the case file to the Magistrate for adjudication as a General Civil matter.

- (6) The Magistrate shall include such a case file in the monthly returns as a matter converted to the general civil cause list.
- (7) The monthly returns shall be collated and submitted to the Collation Unit of the Small Claims Court Secretariat (not later than the seventh day of the subsequent month) for online publication on the Abia State Judiciary website.

ARTICLE 17: OMINIBUS PROVISION OR WHERE NO PROVISION EXISTS.

Where no provision is made in this Practice Directions, the Provisions of the Magistrates 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 applied, be in force in the Small Claims Court.

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 to, the party giving the address.

"Appeal" means applying to a High Court for a reversal of the decision of the Small Claims Court.

"Claimant" means a person making a 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 the 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.

"Fast-Track Court" means High Court of Abia State designated to hear Appeals from Small Claims Court.

"Fast-Track Registry" means the Fast -Track Registry of the High Court of Abia State.

"High Court" means the High Court of Abia State.

"Judicial Service Commission" means the Abia State Judicial Service Commission.

"Judge" means a Judge of the High Court of Abia State.

"Magistrate" means a Magistrate or any cadre of Magistrate sitting in the Small Claims Court.

"Magistrates' Court" means a Court established by the **Magistrates' Courts Law** for the time being in force in Abia State.

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

"Registry" means the Small Claims Court Registry.

"Set-off" means an amount that is or may be set off against another in the settlement of claims.⁹

"Bailiff" 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 Magistrate of the Small Claims Court.

"Summary Judgment" means a judgment entered in favour of the Claimant and against the Defendant summarily on affidavit evidence, i.e., without a full trial.

CITATION: This Practice Directions may be cited as the " Abia State Practice Directions on Small Claims Court 2023".

Issued This 17th Day of November, 2023.

Under the HAND AND SEAL OF:



.....
HONOURABLE JUSTICE LILIAN ABAI
The Honourable Chief Judge of Abia State.

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 Seven (7) days after receipt of this letter, summons will be issued against you in the Small Claims Court

Yours faithfully,

.....
CLAIMANT'S SIGNATURE

FORM SCA 2
IN THE MAGISTRATE COURT OF ABIA 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 CLAIMANT(S)

FULL NAME.....
WORK ADDRESS.....
ADDRESS.....
RESIDENTIAL ADDRESS.....
TELEPHONE NO.(S) & E-EMAIL ADDRESS.....

Please attach a list of other Claimants (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.

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

CLAIMANT'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 MAGISTRATE COURT OF ABIA STATE (SMALL CLAIMS)
SUMMONS (TO BE SERVED WITHIN SEVEN DAYS OF FILING)

CLAIM NO.....BETWEEN:
CLAIMANT(S)

AND

.....DEFENDANT(S)

The Claimant Claims:

Debt (particulars are attached)

.....

Court Fees

Costs

Total: N

To

.....

1. You are hereby summoned to appear personally before this Court on the day 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. Take notice that:

(a) 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) If you admit the Claim and wish to consent to Judgment or wish to undertake to pay the claim in instalments or in full you may approach the Claimant.

4. 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 ofof 20.....

Registrar

FORM SCA 3A
IN THE MAGISTRATES' COURT OF ABIA STATE (SMALL CLAIMS)
SUMMARY JUDGMENT
(TO BE SERVED ON THE DEFENDANT WITHIN 7 DAYS OF FILING)

CLAIM NO:.....

BETWEEN:

.....CLAIMANT

AND

.....DEFENDANT

APPLICATION FOR SUMMARY JUDGMENT

TAKE NOTICE that this Honourable Court shall be moved on the
.....day of20..... 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 costs.

[State the exact amount claimed without more]

2. And for such order(s) the Court may deem fit to make.

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

CLAIMANT'S SIGNATURE

ADDRESS:.....

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

TELEPHONE NO :.....

E-MAIL:.....

FOR SERVICE ON

DEFENDANT'S NAME:

ADDRESS:

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

TELEPHONE NO. AND WHATSAPP NO:.....

E-MAIL ADDRESS:.....

FORM SCA 3B
IN THE MAGISTRATES' COURT OF ABIA STATE (SMALL CLAIMS)
IN THE.....MAGISTERIAL DISTRICT
HOLDEN AT.....

CLAIM NO:.....

BETWEEN:

.....CLAIMANT

AND

.....DEFENDANT

AFFIDAVIT IN SUPPORT OF

APPLICATION FOR SUMMARY JUDGMENT

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

Abia 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 defence whatsoever to my 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 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:

.....

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

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

FORM SCA 4
IN THE MAGISTRATE COURT OF ABIA 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 of 20.....

At.....O'clock I attempted to serve upon

Summons for small claims.....

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

I have been unable to serve the Summons

Because

.....

BAILIFF

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

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

COMMISSIONER FOR OATHS

FORM SCA 5
IN THE MAGISTRATE COURT OF ABIA STATE (SMALL CLAIMS)
FORM OF ADMISSION, DEFENCE AND COUNTERCLAIM TO ACCOMPANY FORM SCA 3
(TO BE SERVED ON THE CLAIMANT WITHIN 6 (SIX) 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. 19

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/THUMB PRINT

.....
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 ABIA STATE

Dated this..... Day of20.....

NB: IF YOU FAIL TO FILE AN ANSWER TO THE CLAIM, YOU WILL BE HELD TO HAVE ADMITTED THE CLAIM 20

**FORM SCA 5A
IN THE MAGISTRATES' COURT OF ABIA STATE (SMALL CLAIMS)**

IN THE _____ MAGISTERIAL DISTRICT
HOLDEN AT _____
CLAIM NO BETWEEN: _____
_____ CLAIMANT

AND _____ DEFENDANT

DEFENDANT'S COUNTER-AFFIDAVIT
TO APPLICATION FOR SUMMARY JUDGMENT
(TO BE SERVED ON THE CLAIMANT WITHIN 6 DAYS OF SERVICE OF FORM SCA3
(A) & (B))

I, [.....] of
[.....] Abia State, hereby make oath and
state as follows.

[State the Defendant's name and address]

1. I am the [.....] Defendant in this case.
[If there are multiple Defendants state the position of the Defendant]

2. I have a good defence against the Claimant's claim. I have expressed my defence in
Form SCA 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 paragraphs [.....] of the
Claimant's affidavit because: [the Defendant SHALL state paragraphs in the affidavit that
he is opposing]

.....
.....
[Explain in detail why summary judgment should not be entered against Defendant.
Attach all necessary documents. Use extra sheets if necessary].

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

5. I know that Defendant is not indebted to the Claimant in the sum of
[N.....] or any sum whatsoever.
[State the amount being claimed]

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

DEPONENT _____

SWORN TO AT THE MAGISTRATES' COURT OF ABIA STATE, (SMALL CLAIMS)
REGISTRY
THIS.....DAY OF.....20.....
BEFORE ME

COMMISSIONER FOR OATHS

FORM OF JURAT (If applicable)

Where the Commissioner has read the Affidavit to the Deponent.

SWORN at..... in.....
this..... day of20.....before me, I have first truly distinctly and audibly
read over the contents of this affidavit to the deponent who is *blind (or illiterate) and
explained the nature and contents of the exhibits therein referred to in the.....
.....language when he appeared perfectly to understand the same and made
his mark (or signature) thereto in my presence.

Commissioner for Oaths

FORM SCA 6
IN THE MAGISTRATE COURT OF ABIA 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 of20.....

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..... I asked

him If he wasand he said, he

was.

.....
BAILIFF

SWORN TO AT THE SMALL CLAIMS COURT REGISTRY.

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

COMMISSIONER FOR OATHS

FORM SCA 7
IN THE MAGISTRATE COURT OF ABIA STATE (SMALL CLAIMS)
IN THEMAGISTERIAL DISTRICT
HOLDEN AT

CLAIM NO.....

BETWEEN:

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

AND DEFENDANT(S)/RESPONDENT(S)

MOTION EX-PARTE

BROUGHT PURSUANT TO ARTICLE 6 (7) AND (8) OF THE SMALL CLAIMS PRACTICE DIRECTIONS 2023, ORDER [.] RULE [.] OF THE MAGISTRATE COURT (CIVIL PROCEDURE) RULES, [.] 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 FURTHER ORDER OR ORDERS as this Honourable Court may deem fit to make in the circumstances in this claim.

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

.....
CLAIMANT'S SIGNATURE

**FORM SCA 8
IN THE HIGH COURT ABIA STATE
IN THE FAST TRACK COURT**

HOLDEN AT

APPEAL NO.

BETWEEN:

..... APPELLANT(S)

AND

..... RESPONDENT(S)

NOTICE OF APPEAL

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

TAKE NOTICE that the/Appellant(s) being dissatisfied with the decision of the Magistrate Court (Small Claims Court)

..... Magisterial District as contained in the Judgment delivered on the by do hereby appeal to the High Court of Abia 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: -

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2. GROUNDS OF APPEAL

(1) The learned Magistrate erred in law when His WORSHIP held that

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PARTICULARS OF ERROR

(a).....
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(b).....
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3. RELIEFS BEING SOUGHT FROM THE HIGH COURT OF ABIA STATE

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

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(b) An Order

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4. PERSON(S) DIRECTLY AFFECTED BY THE APPEAL

NAME	ADDRESS
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.....
.....

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

ADDRESS FOR SERVICE

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APPELLANT'S SIGNATURE

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