

Assented to this 28th day of May, 2018.

HON. JUSTICE NURA SAGIR UMAR
Ag. Chief Judge of
Kano State



THE MAGISTRATES' COURTS RULES 2018

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 Kano State (Cap 57) 1991, Section 95 of the Magistrates' Courts Law 2018 and all other powers enabling me in that behalf, / **HON. JUSTICE NURA SAGIR UMAR**, Ag. Chief Judge of Kano State, hereby issues the following Rules.

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Interpretation and Citation

"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;

"Admission and Counter Claim" mean respectively any document, which shows that the defendant desires to ask for time for payment of the amount of the claim and costs, or to set up a counter-claim;

"Date of Commencement of Trial" shall have the same meaning as contained in Section 1 of the Magistrate's Courts Law;

"Chief Registrar" means Chief Registrar of the High Court;

"Guardian" includes Guardian ad litem, committee and next friend;

"Kano" means Kano State;

"Magistrate's Court" means a court established by the Magistrates' Court's law;

“Magistrate's In Chambers” means the Magistrate carrying out judicial or other functions prescribed by law other than in open court;

“Process” include any summons to appear and answer a claim any order made by the court and any other documents or notice required for any purpose connected with the court to be served on any person;

“Registrar” means registrar of the Magistrate's Court;

“Registry” means the office occupied by the Registrar and other officers of the Court. These Rules may be cited as the Magistrates' Courts Rules 2018.

ORDER 1

Commencement of Proceedings

Action that may be Commenced in Kano State.

1. (1) Except where any Law or Rule otherwise provided, an action may be commenced by plaintiff in a Magistrates' Courts if :-

a) the defendant or one of the defendants resides or carries on business in Kano; or the cause of action arose wholly or part in Kano.

(2) Where the Plaintiffs sues as assignee of a debt or other thing in action, the action may be commenced in Kano if the assignor might have commenced in Kano but for the assignment.

Originating Application that may be Commenced in Kano State.

2. Subject to any Law or Rule, an originating application may be commenced in the Magistrates' Courts -

a) if the Plaintiff or one of the Plaintiffs resides or carries on business in Kano;

b) the subject matter of the application is situated in Kano; or

c) where no plaintiff is named in the application, if the plaintiff or one of the plaintiffs resides or carries on business in Kano.

Instance where Court may appoint a Guardian.

3. Where proceedings in which a guardian is required are commenced without a guardian, the Court may:-

(a) appoint a guardian, any person who consents to act and gives an undertaking;

(b) order the proceedings to be struck out;

(c) on giving the undertaking the guardian shall be liable for costs in the same manner and to the same extent as if he were himself a plaintiff; and

(d) if the proceedings fail or are discontinued, an order for payment of cost may be made against the guardian whether or not an order for costs is not made against the infant and proceedings may be taken on order for recovery of the costs as for the recovery of any amount payable under a judgment.

4. (1) Any person (referred to as "the plaintiff") desirous of instituting civil proceedings by action commenced by claim shall deliver to the Registrar for filing, a claim together with the particulars of his claim.

Civil Proceedings to be Commenced by Claim.

(2) The particulars shall be signed by the plaintiff or his legal practitioner where he sues on his behalf, and the legal practitioner shall provide an address at which he will accept service of documents on behalf of the plaintiff as well as a telephone number or in addition, an e-mail address at which the Court and the other party may direct communications.

5. (1) The Magistrate shall strike out any action which on the face of it discloses no cause of action, or is in respect of a matter not within the jurisdiction of the Court, or the plaintiff fails to supply anyone or more of the statements required by the Court.

Where Claim Discloses no Cause of Action.

(2) The plaintiff shall be at liberty to file a fresh action.

Entry of
Claims.

6. On the filing of the documents prescribed by this Rule and on payment of the required fees, the Registrar shall, subject to the provisions of these Rules as to giving security when required:-

- (a) enter a claim in the Court Book kept for that purpose in his office stating the names and places of residence or of business of the parties and the substance of the action intended to be brought;
- (b) number the action every year in the order in which it is entered;
- (c) direct service on the opposing parties; and
- (d) deliver claims on the day of filing to the office of the Designating Magistrate.

Causes of
Action may
be joined.

7. (1) A plaintiff may unite in the same claim several cause of action, but the Court, if it thinks that such cause of action some of them cannot be conveniently tried together, may order separate trials.

(2) Where a plaintiff seeks to obtain payment or relief upon more than one cause of action, he shall in his particulars; state the grounds of each cause of action separately, and he shall also state separately the payment or relief which he claims in respect of each.

Originating
Applications.

8. (1) Any proceedings authorized to be commenced in Court and not required by any Law or Rule to be commenced otherwise, may be commenced by originating application and shall be referred to as an "action".

(2) An Originating application shall be in writing and shall state the:-

- (a) order applied for and sufficient particulars to show the grounds on which the applicant claims to be entitled to the order;
- (b) names and addresses of the persons intended to be served, referred to in this Rule as "the respondents"; and
- (c) applicant's address for service where no person is intended to be served.

- (3) The applicant shall deliver the application to the Registry for filing together with as many copies as there are respondents.
- (4) On the filing of the application:-
 - a) the Registry shall enter the application in the records kept for that purpose and fix a day for the hearing of the application, and deliver to the applicant a claim; and
 - b) a copy of the application shall be served on each respondent in the manner prescribed by the Rules for service of an ordinary summons.
- (5) The application may be heard in chambers.

ORDER 2

Ordinary summons, particulars, defense, counter-claims and admission

1.(1) After a plaint has been entered, the Magistrate or the Registrar, on the directive of the Magistrate, shall issue ordinary summons directed to the defendant unless a summary summons has been applied for.

Summons to Issue.

(2) A copy of the particulars shall also be annexed to every summons for service.

2. Subject to the provisions of the Magistrates' Courts Law and of Order 5 Rule 3(5) of these Rules, the Registrar shall where an ordinary summons is issued, fix the date for defendant to appear in Court to answer the claim:

Court to Fix Time for Appearance of Defendant.

Provided that such date shall not be less than five days after ensuring service of claims has been effected or defendant.

3. In case an ordinary summons issued for commencement of a cause is not served within three (3) month from the date of issue it shall become void with liberty to file fresh action subject to any statute of limitation.

Service to be Effected Within Time.

4. (1) If the defendant requires further particulars, he or his legal practitioner may within six (6) days of the service of the summons on him, file a notice and a copy of the notice specifying what further particulars he requires and request Magistrate in chambers to cause such copy to be served on the plaintiff or his legal practitioner and such notice shall give the defendant or his legal practitioner's address for service in Kano.

Further Particulars.

(2) The plaintiff or his legal practitioner shall, within two (2) days of the service of the notice for further particulars, file the further particulars together with a copy of it, and request the Magistrate in chambers to cause such copy to be served on the defendant or his legal practitioner as the case may be at the address for service given in accordance with the provisions of the last preceding paragraph.

(3) If the notice is not complied with. The Court before or at the trial, if satisfied that the defendant is prejudiced in his defense, may:-

- (a) order further particulars to be filed and served; and
- (b) stay all proceedings until the order has been obeyed, and order the action to be dismissed unless the order is obeyed within such further time as the Court may allow.

(4) This Rule shall apply to a counterclaim as it applies to an action, with the necessary modifications.

Counter
Claims of
Defendants.

5. (1) Where a defendant on whom an ordinary summons has been served intends to set up a counter-claim or set-off or a defence, he shall within six (6) days of the service of the summons on him file with the Registry for service on the plaintiff the counter-claim or defence.

(2) Such counter-claim or defence shall be accompanied by a copy of the summon and the Registry shall cause the copy to be served on the plaintiff.

(3) Where a defendant has set up a counter-claim or set-off or a defence after the period of six (6) days prescribed above, adjourn the trial and order the defendant to pay the costs properly incurred as a result of his delay.

Counter
Against
Person other
than Plaintiff.

6. Where the defendant desires to set up a counter-claim against a plaintiff and some other person, he may apply to the Court for an order that the other person be added as a defendant to the counter-claim, and the Court may make an order accordingly, and may give all such directions as may be necessary

to enable the questions and issues between all the parties be determined at the trial of the action.

7. (1) A defendant who has been served with an ordinary summons and who admits his liability for the whole or part of any claim but desires time for payment, shall, within six (6) days of the service of the summons on him, deliver to the Registry, an admission.

Admission
and Request
for Time.

(2) The Registrar shall upon the receipt by him of the admission send notice to the plaintiff

(3) If the plaintiff elects to accept the amount admitted in satisfaction of his claim and the proposal as to time of payment, he shall send notice of acceptance to the Registrar within three (3) days of the notice of admission, and judgment shall be entered as soon as practicable and the Magistrate shall make an order accordingly.

(4) If the plaintiff does not accept the amount admitted and the proposal as to time of payment, he shall within three (3) days of the receipt of the notice of admission send notice of non-acceptance to the Magistrate in chambers.

(5) If a defendant or plaintiff fails to deliver an admission or a notice of acceptance within the prescribed time by this Rule, the action may be set down for trial and the Court may order him to pay any costs properly incurred as a result of his delay.

(6) The delivery by a defendant of an admission containing a proposal as to time of payment shall relieve him from the obligation imposed by the summons to appear in Court on the return day.

ORDER 3

Summary summons

1. In any action in a Magistrates' Courts for a debt or liquidated money demand, with or without a claim for interest, the plaintiff may file a plaint and request by letter to the Registrar for the endorsement of the plaint as a summary summons:

Provided that no summary summons shall be issued :-

- (a) against an infant or a person of unsound mind or a person adjudged as a lunatic;
- (b) on behalf of an assignee of a debt or other thing in action;

Conditions for
Summary
Summons.

Issues of
Summary
Summons.
Defence,
Request for
Time.

- (c) to recover money secured by a mortgage or charge;
or
- (d) against a defendant who has to be served outside the jurisdiction.

2. The Registrar shall endorse the plaint to issue a summary summons

3. (1) A defendant in a summary action, who disputes his liability for the whole or part of any claim or desires time for payment or desires to set up a counterclaim, shall within five (5) days of the service of the summons on him, inclusive of the day of service, deliver to the Registrar:-

(a) the form appended to the summons completed according to the circumstances of his case and stating the address for service and signed by him or some other person on his behalf; or

(b) a defence or an admission and a request for time for payment (in this Order called an admission) or a counter claim, signed and accompanied by as many copies as there are plaintiff.

Judgment in
Default.

4. (1) If the defendant does not within five (5) days of the service of the summons on him, inclusive of the day of service, pay into Court the total amount of the claim and costs or deliver at the Registry of the Court, a defence or an admission or counter claim the service being duly proved, the plaintiff may have judgment entered against the defendant for the amount of the claim and costs, and the Order shall be for payment immediately, or at such time or times as the plaintiff may request:

Provided that if the defendant delivers at the Court a defence or an admission or a counter-claim after the said period of five (5) days has expired and before judgment has been entered, judgment shall not be entered under this paragraph but the procedure prescribed by Rule 5 or Rule 6 of this Order shall be followed.

(2) A judgment in default under this Rule for payment need not be drawn up or served, unless the judgment is for payment to the plaintiff or his legal practitioner, or unless the plaintiff has abandoned part of his claim and such shall be forwarded to the designating Magistrate for assignment.

5. If within the period of five (5) days prescribed by Rule 3 of this Order, or before judgment has been entered, the defendant delivers at the registry of the Court, a defence not accompanied by an admission of any part of the claim or delivers a counter-claim, the Registrar shall fix a day for the trial of the action and shall give not less than five (5) clear days' notice to the plaintiff a copy of the defence, if any as to part of the claim.

Defence or
Counter
Claim.

6. (1) If within the period of five (5) days prescribed by Rule 3 of this Order, or before judgment has been entered, the defendant delivers at the Registry of the Court an admission of the whole or part of the plaintiff's claim, not accompanied by a counter-claim, the Registrar shall upon the receipt of the admission, send notice of it to the plaintiff annexing a copy of the defence, if any, as to part of the claim.

Admission.

(2) If the plaintiff elects to accept the amount admitted in satisfaction of his claim and the proposal as to mode of payment, he shall, within five (5) days of the receipt of the notice of admission, send notice of acceptance to the Registry, and judgment shall be entered accordingly as soon as practicable if the Magistrate is satisfied that the admission bears the defendant's signature.

(3) If the plaintiff does not elect to accept the amount admitted or the proposal as to mode of payment, he shall, within five (5) days of the receipt of the notice of admission, send notice of non-acceptance to the Registrar who shall:-

- (a) if the whole claim is admitted, fix a day (in these Rules called the day fixed for the disposal of the action) on which the action will be disposed of and the decision of the Court will be given as to the date of payment or the installments by which payment is to be made, and not less than five (5) clear days' notice of the day so fixed shall be given to the plaintiff and to the defendant; or
- (b) if part of the claim is admitted, fix day for the trial of the action and give not less than five (5) clear days' notice to the Plaintiff and the defendant.

Power to Let Defendant Defend.

7. If the Magistrate is satisfied that the defendant when he delivered his admission intended to dispute the whole or any part of the claim or to set up a counter-claim, he may give the defendant permission to defend the action or to set up a counterclaim, on such terms as to costs or otherwise as he thinks fit, and if he gives such order, he shall fix a day for the trial of the action and give notice of it to the plaintiff and defendant.

Power to Strike Out.

8. Where three (3) months have expired from the date of service of a summary summons, and

- (a) no defence or admission or counter-claim has been delivered and judgment has not been entered against the defendant; or
- (b) an admission has been delivered but no notice of acceptance or non acceptance has been received from the plaintiff by the Registrar who shall forward same to the Magistrate in chambers, the action shall be struck out and no extension of time shall be granted beyond the three (3) months.

Exchange of Summary Summons for Ordinary Summons

9. A summary summons which has not been served may at the request of the plaintiff, be exchanged after the payment of the prescribed fees for an ordinary summons within three (3) months of the issue of the summons.

10. Rules 6 of Order 2 shall apply to an action in which a summary summons has been issued as they apply to an action in which an ordinary summons has been issued.

Provisions Common to Ordinary and Summary Actions.

ORDER 4

Parties

Part 1 - General

1. (1) All persons may be joined as plaintiffs in an action where right to relief in respect of or arising out of the same transaction or series of transactions is alleged to exist, whether jointly, severally, or in the alternative, where, if they brought separate actions, common question of law or fact would arise:

Joinder of Plaintiffs.

Provided that if on the application of any defendant it appears that any joinder may embarrass or delay the trial, the Court may order separate trials, or make such other order as it thinks fit.

(2) judgment may be given to any plaintiff for the relief to which he is entitled, but any defendant, though unsuccessful, may be awarded any extra costs caused by joining any person who is not found entitled to relief.

2. (1) All persons may be joined as defendants in an action where the right to any relief in respect of or arising out of the same transaction or series of transactions is alleged to exist, whether jointly, severally or in the alternative, where, if separate actions were brought any common question of law or fact would arise, the plaintiff may at his option join as parties to the same action all or anyone of the persons severally or jointly liable on any contract.

Joinder of Defendants.

(3) Judgment may be given against one or more of the defendants as may be found to be liable according to their respective liabilities, where two or more persons are made defendants, whether jointly or severally liable, the plaintiff may have judgment against anyone or more of the defendants and may issue execution, without prejudice to proceed with the action.

(3) It shall not be necessary that every defendant to an action shall be interested as to all the relief claimed, or as to every cause of action, but the Court may make an order that may prevent any defendant from being embarrassed or put to any unnecessary expense by being required to attend any proceedings in which he has no interest.

3. (1) Where judgment is given against two or more defendants jointly or severally, they shall be entitled to contribution among themselves and any defendant who satisfies the judgment may apply to the Court for an order of contribution against any other defendant.

(2) The provisions of this Rule shall not affect the rights and liabilities between joint tortfeasors.

Persons
Jointly Liable.

4. (1) Where the plaintiff has a demand recoverable against two or more persons jointly liable, it shall be sufficient to serve any of these persons with process, and judgment may be entered, and execution issued, against any person so served, notwithstanding that others jointly liable may not have been served or sued or may not be within the jurisdiction of the Court.

(2) Where judgment is obtained against one person, he shall be entitled to recover in the Court contribution from any other person jointly liable with him.

(3) Where a plaintiff does not proceed against all or several persons jointly liable, every defendant sued may set up any defence or counterclaim which he would have been entitled to set up if all the persons liable had been made defendants.

Partners.

5. Where partners sue or are sued in the name of their firm, the partners may be ordered by the Court, on application by any other party, to furnish a statement verified by affidavit of the names and addresses of the persons who were partners in the firm when the cause of action arose and, in default of compliance,

the proceedings shall be stayed or the partners shall be barred from defending the action, according to whether they are plaintiffs or defendants.

6. (1) Where there are numerous persons having an interest in one action, one or more of them may sue or be sued, or may be authorized by the Court, before or at the trial, to defend, on behalf of all persons so interested.

Representative Proceedings.

(2) Where a defendant desires to defend on behalf of numerous persons having an interest, he shall within five (5) days of the service of the summons on him:-

- (a) file in the Court's registry an affidavit stating the facts on which he relies;
- (b) give the partners, addresses and occupations or, where appropriate, a collective description of the persons on behalf of whom he desires to defend;
- (c) serve on the plaintiff a copy of the affidavit together with notice of the defendant's intention to apply to the Court upon a day and at a time to be named in it for leave to defend.

(3) If an order is made for a defendant to so defend:-

- a) the names or collective descriptions of the person to whom the order relates shall be added to the name of the defendant in the Court's records;
- b) notice shall be sent to the plaintiff and other persons affected by the order and shall be notified in such manner as the Court may direct; and
- c) any person whose name has been entered in the Court's records or who is included in the collective description may, at the trial, object to the defendant defending on behalf of all or any of the persons to whom the order relates, and the Court may, if it thinks fit, direct that the names of all or any of them be struck out from the Court's records or that the collective description be amended.

7. The fact that the plaintiff sues, or any defendant is sued in a representative capacity, shall be expressed in the title of proceedings.

Representative Capacity to be Stated.

Misjoinder
and Non
joinder.

8. (1) The Court may at any stage strike out the names of any parties improperly or unnecessarily joined, and may, after due notice, whether they have appeared or not shall be bound by the proceedings in the action:

Provided that no person shall be added as a plaintiff without his consent in writing, or in the case of a person under disability without the consent in writing of the next friend or committee or other person acting on behalf of the person under disability.

(2) No action shall be defeated by reason of the misjoinder or non-joinder of parties.

PART 2

Persons Under Disability

Suits by
Infants and
Persons of
Unsound
Mind.

9. (1) An infant may sue by his guardian and may be defended by his guardian.

(2) A person who has been adjudged a lunatic may sue or may defend by his guardian.

Appointment
of Guardian
by the Court.

10. (1) Where it appears on the face of the proceedings that a defendant is an infant or a person of unsound mind that is unable to defend the action, the Magistrate may at any time after the service of the summons and not less than five (5) clear days before the return day, on the application made to him on behalf of the infant or person of unsound mind, appoint by order a fit person to be guardian ad litem; provided that such guardian has consented in writing to act and the application shall be supported by an affidavit.

(2) Where no application is made on behalf of the infant or person of unsound mind within the time specified in the last preceding paragraph, the Magistrate in chambers shall, on the fifth (5th) day before the return day notify the plaintiff that he must apply to the Magistrate for an order that some proper person be appointed guardian ad litem to the defendant and the plaintiff must comply with such notice before taking any further steps in the proceedings.

(3) The Magistrate, on application being made, may appoint the person proposed by the plaintiff or any other proper person who is willing to act, or who the Magistrate directs.

(4) Before such an order is made pursuant to this Rule, the Court shall cause such notice to be served on, or left at the dwelling-house of the person with whom, or under whose care, the defendant is, unless the Court sees good reason to the contrary, in the case of an infant not residing with or not under the care of his parent or guardian, shall be served on or left at the dwelling house of his parent or guardian.

11. (1) Where it is discovered in the course of proceedings that any defendant is an infant or a person of unsound mind adjudged a lunatic, the following provision shall apply:-

Appointment of Guardian in the cause of Proceedings.

(a) if the infant is in Court and there is a person in Court willing to act as guardian of the infant, that person may be appointed guardian or such person as the Magistrate may direct; and

(b) In any other case the plaintiff shall be ordered to apply for an order that some proper person be appointed guardian ad litem to the infant or person of unsound mind and the provisions of paragraph (2) of the last preceding Rule shall be followed.

12. Where a guardian is appointed under either of the two preceding rules, his appointment shall be entered in the record of the Court and in the title of the action for the purpose of all subsequent proceedings.

Entry of Appointment.

13. A guardian to an infant or a person of unsound mind not adjudged a lunatic shall not be personally liable but may have recourse to any assets or properties standing to the credit of the infant or the person with unsound mind for any costs not occasioned by his personal negligence or misconduct.

Guardian May Have Recourse to Assets or Property of Infant Defendant or Persons of Unsound Mind.

14. Notwithstanding the provisions of this Order, any person under the age of eighteen (18) years may bring an action in the Court for any sum of money which may be due to him or wages or piece of work or for work as a servant, in the same manner and in all respects as if he were of full age.

Action by infant for Wages.

Compromise
or Payment
Out in Case
of Infants.

15. (1) In any action in which money or damages is or are claimed by or on behalf of or for the benefit of an infant or a person of unsound mind:-

(a) no settlement or compromise or acceptance of money paid into Court, whether before or at or after the trial, shall be valid without the sanction of the Magistrate; and

(b) no money or damages recovered or awarded in any such action whether by settlement, compromise, payment into Court or otherwise before or after the trial shall be paid to the guardian of any party or to any party's legal practitioner, unless the Magistrate so directs.

(2) Where the sole object of the proceedings is to obtain the sanction of the Magistrate to settlement or compromise, the particulars of claim shall contain a brief statement of the cause of action together with an application for the approval of the settlement or compromise.

(3) The sanction of the Magistrate may be given in chambers, whether Court proceedings are held on that day or not.

(4) All money or damages recovered or awarded shall, unless the Magistrate otherwise directs, be paid into Court to the credit of an account instituted in the action.

(5) An application to the Court as to the mode of dealing with the money on it may be made by or on behalf of any person interested.

(6) Nothing in this Rule shall prejudice the lien of a legal practitioner for costs.

This Rule shall not apply to any case in which an infant sues as if he were of full age by virtue of Rule 14 of this Order.

Consent for
Persons
Under
Disability.

16. In any proceedings to which:-

(a) an infant; or

(b) a person of unsound mind, whether adjudged a lunatic or not; or

(c) person under any other disability as to capacity, is a party, any consent as to the mode of taking evidence or as to another procedure given by the guardian or any other person acting on behalf of the person under disability as

to capacity shall, with the consent of the Court, have the same force and effect as if the party were under no disability and had given his consent.

PART 3
Change of Parties

17. (1) An action shall not abate by reason of the marriage, death or bankruptcy of any party, if the cause of action survives or continues, and shall not become defective by the assignment, creation, change, transmission or devolution of any interest, estate or title during the proceedings.

When Proceedings Not to Abate.

(2) Whether the cause of action survives or not, an action shall not abate by reason of the death of any party between the findings of fact and the judgment, but judgment may be entered notwithstanding the death.

18. (1) Where after the commencement of an action and before judgment there is any change or transmission or devolution of interest, estate or title or liability in relation to any party, any person interested may apply to the Court for an order enabling or compelling the proper parties to carry on the proceedings.

Change of a Party's Title or Interest.

(2) Where an order is made ex-parte under paragraph (1) of this Rule any person served with such order may, within such time not exceeding five (5) days as the Court may direct, apply to the Court to discharge the order.

19. Where a plaintiff or defendant in an action dies, and the cause of action survives, but the person entitled to proceed fails to proceed, the defendant (or the person against whom the proceedings may be continued) may apply to the Court for an order directing the plaintiff to proceed within such time as may be ordered, and in default the action may be struck out, and in a case where it is the plaintiff who has died, execution may issue for any costs awarded to the defendant.

Where Persons Entitled to Proceed on Death of Party Fails to do so.

20. Where a plaintiff or defendant is substituted or added under any of the Rule of this order, the record of the court shall be altered accordingly and all subsequent proceedings shall be carried on under the altered title.

Alteration of records on Change of Parties.

Claim to Money in Court Where Change in Parties after Judgment.

21. (1) Where any change has taken place after judgment by death, Court assignment or otherwise, in the parties to any action and there is money standing in Court to the credit of the action, any person claiming to be entitled to the money apply to the Magistrate for his claim by motion on notice accompanied by an affidavit of the facts stated in the notice.

**ORDER 5
Service**

Normal Mode of Service.

1. (1) Subject to the provisions of any Law or Rule service of an ordinary summons, a summary summons or other process shall be effected by delivering the summons or other process together with the particulars:-

(a) if on an individual to him personally; or

(b) if on a partnership:-

(i) to one of the partners personally; or

(ii) to any employee at the principal place of business of the partnership business:

Provided that, where the partnership has to the knowledge of the plaintiff been dissolved before the commencement of the action, the plaintiff shall apply for substituted service; and

(c) if on a statutory corporation, to the secretary personally or any other person with the executive authority.

(2) Where a person carrying on a business in a name other than his own, issued in that name as if he were a firm name, the summons or other originating process shall be served in accordance with the provisions of this Rule as if he were a partner sued in the name of a firm and his business were a partnership.

(3) Where the defendant is a person of unsound mind, whether adjudged a lunatic or not, the summons or other originating process shall be delivered to the person with whom he resides or who has him under his care or control.

(4) Where a defendant is an infant, the summons shall be delivered to any of his parent or guardian, or, if he has no parent or guardian, to the person with whom he resides.

Provided that the Court may order that service personally on the infant shall be good service.

(5) The provisions of this Rule regarding mode of service shall apply to any process of whatever description issued by a Magistrate's Court.

2. Where it appears to the Court, either with or without an attempt at service in accordance with the provisions of Rule 1 of this Order that for any reason service of any process including a judgment summons cannot conveniently be effected, the Court, after being satisfied by affidavit that it is necessary so to do, may order that service be effected:-

Substituted
Service.

- (a) by delivering the process together with a copy of the order to some person being the agent of the person to be served, or to some other person on it being proved that there is reasonable probability that the document would in the ordinary course, through that agent or other person, come to the knowledge of the person to be served;
- (b) by delivery of the process through an accredited courier service in accordance to the Law and proof of delivery to the satisfaction of the Court;
- (c) by advertisement in some newspaper circulating within the jurisdiction;
- (d) by notice affixed in a conspicuous position at the Court house premises or some other place of public resort in that part of Kano wherein the proceedings in respect of which the service is made have been instituted;
- (e) by affixing the process together with a copy of the order in a conspicuous position at the entrance or on a door of the usual or last known place of abode or business of the person to be served; or
- (f) in such manner as the Court may direct, and upon compliance with the order, service shall be deemed to be good and sufficient service of the process on the person to be served.

3. (1) No summons for service on a defendant in Nigeria, outside of Kano, shall issue without the order of the Court.

Service
Outside
Jurisdiction.

(2) Every application for an order to issue shall be made within twenty four (24) hours to the Magistrate in chambers and where such order is granted, an entry to that effect shall be made in the records of the Court.

- (3) Every application shall be accompanied by affidavit or other evidence showing :-
- (a) that the plaintiff has prima facie good cause of action;
 - (b) that the relief sought is against any person ordinarily resident in Kano;
 - (c) that the claim is against a breach or alleged breach in Kano of any contract wherever made, which, according to the terms of it, ought to be performed in Kano;
 - (d) that the claim is founded on a tort committed in Kano;
 - (e) that any injunction is sought as to anything done or to be done, in Kano, or any nuisance in Kano is sought to be prevented or removed;
 - (f) that any person out of Kano, is a necessary or proper party to any proceedings properly commenced in the Court against some person duly served in Kano; or
 - (g) that the cause of action arose, wholly or in part, at Kano or that the thing that is the subject matter of the proceedings is in Kano.
- (4) If it shall appear to the Court that there is a concurrent remedy in the part of Nigeria where service is sought to be made, the Court shall have regard to the comparative cost and convenience of proceeding in Kano, or in the place of residence of the person to be served.
- (5) The date specified in a summons served out of the jurisdiction under this Order for the appearance of the defendant in Court shall not be less than thirty (30) days after the service of the summons.

Mode of Service Outside of the Jurisdiction.

- 4.** (1) When an application for service out of Kano has been granted, the Court granting such application shall direct the mode for the service of the process outside Kano.
- (2) An order for service out of Kano may be varied from time to time with respect to the mode of service directed by the order.

Record and Evidence of Service.

- 5.** Evidence of service shall be kept in the record of proceedings in which the order for service was made.

Who May Effect Service.

- 6.** Service of process shall be effected by a bailiff of the Court or a member of the Police as provided by Section 44 of the Law but a Magistrate may order service to be effected by any person designated by him:

Provided that service of any notice of determination of tenancy or of intention to recover possession under the Recovery of Premises Law may be served by the Landlord or his agent as if he were a bailiff.

7. (1) Where any process issued by the Court is served in accordance with the provisions of section 44 of the Law, service or such other proof of the person affecting the service setting out the fact, place, mode and date of service shall be prima facie evidence of the matters stated in the affidavit.

Proof of Service.

(2) The return shall be handed in at the Registry of the Court of issue.

8. Where a legal practitioner represents that he is authorized to accept service of an ordinary summons on behalf of a defendant, it shall be sufficient to deliver the summons to him, if he endorses upon the copy retained by the person serving the summons a memorandum stating that he accepts service thereof on behalf of the defendant, and giving an address for service in Kano.

Legal Practitioner accepting Service.

9. Service shall be effected between the hours of 6 am and 6 pm on any weekday including Saturdays.

Time for Service.

10. Where service is to be effected by delivering a document to the person to be served personal service and such person refuses to take the document, it is sufficient to inform such person of the nature of the document and to throw it down near him.

How Personal Service May be Effected.

11. Where in any proceedings in the Court any process is required to be served on any person and no other mode of service is prescribed by any Law or Rule, the following provisions shall apply:-

Mode of Service Other than Personal Service by Court Appointed Bailiff.

(a) where an address for service has been given by the person to be served, service shall be sufficiently effected by sending the process to such address or by delivering the process at the last known address for service to an adult person employed or residing at such address;

(b) if the person to be served is the proprietor of a business, service shall be sufficiently effected by delivering the process at his place of business or sending it to his last known place of business; and

(c) where the person to be served is acting by a legal practitioner, service shall be sufficiently effected by delivering the process at or sending it to the legal practitioner's address for service.

ORDER 6

Assignment, Transfer and Case Stated

Assignment of Cases.

1. (1) Upon receipt from the Registry, the designating Magistrate shall ensure prompt assignment of cases.

(2) The case files of all new actions shall be transferred from the designating Magistrate to the assigned Magistrate after filing but before the expiration of the time prescribe for service.

Application for Transfer.

2. (1) An Application under Sections 31 and 32 of the Law for the transfer of civil cause or matter shall be made to the Magistrate in writing and state grounds on which it is based.

(2) Where a Magistrate, at his discretion or on application made by an interested party, is of the opinion that a civil cause or matter ought to be transferred, he shall forward a report together with his remarks to the designating magistrate.

(3) After a report has been forwarded as provided by the last preceding paragraph the trial of the cause or matter affected by the application shall not be preceded with until the decision of the designating Magistrate has been communicated to the Magistrate in whose court the cause or matter is pending.

(4) The Magistrate shall inform the parties concerned of the report.

(5) Process shall be completed within (5) working days of the receipt of the request to transfer.

Statement of Case to be sent to Chief Registrar of the High Court.

3. Where a case has been stated, it shall be sent to the Chief Registrar of the High Court of Kano and the proceedings before the Magistrate shall be stayed until the opinion of the High Court has been received.

ORDER 7
Third Party Procedure

1. (1) Where a defendant claims against any person not already a party to the action (in this Order called "the third party") that:-

Third Party
Notice.

- (a) he is entitled to contribution or indemnity;
- (b) he is entitled to any relief or remedy relating to or connected with original subject-matter of the action and substantially the same as some relief or remedy claimed by the plaintiff; or
- (c) any question or issue relating to or connected with the said subject matter is substantially the same as some question or issue arising between the plaintiff and the defendant, and should properly be determined not only as between the plaintiff and the defendant, but as between the plaintiff and the defendant and the third party, or between any or either of them, the defendant may apply to the Court on notice in chambers for an order to serve a "third party notice", and shall file a copy of the third party notice with the application.

1. Notice of the application shall be served on the plaintiff and filed in the Court within two (2) days of service of the summons, inclusive of the day of service, and on receipt of the notice by the Court all other proceedings in the action shall be stayed until the day fixed for the hearing of the application.

2. On the hearing of the application, the Court may grant or refuse the order, and, if order is granted, shall give directions as to the time for service of the third-party notice and as to the date of trial, and, if the action is a summary action, judgment shall not be entered pending the trial.

3. The notice shall state the nature and grounds of the claim, or the nature of the question or issue sought to be determined, and the nature and extent of any relief or remedy claimed.

4. The notice shall be served on the third party personally, and shall be accompanied by a copy of the summons in the action and of the annexed particulars.

5. The third party shall, as from the time of the service upon him of the third party notice, be a party to the action with the same rights in respect of his defence against any claim made against him and otherwise as if he had been sued in the ordinary way by the defendant.

Default by
Third Party.

2.(1) If a third party disputes the plaintiff's claim as against the defendant by whom notice has been given or his own liability to the defendant, he shall:-

- (a) take the necessary steps for his defence and the provisions of Order 2, Rule 6 and Order 3, Rule 4 shall apply with necessary modifications; and
- (b) appear at the Court on the day fixed for the trial of the action.

(2) If the third party does not appear at the trial, he shall be deemed to admit the validity of and be bound by any judgment given in the action whether by consent or otherwise and by any decision on any question specified in the notice, and when contribution or indemnity or some other relief or remedy is claimed against him in the notice, he shall be deemed to admit his liability in respect of such contribution or indemnity or other relief or remedy.

At the Trial.

3. (1) Subject to any directions which may have been given by the Court before the trial, the Magistrate shall have full power at the trial to direct what part the third party shall take in the trial and generally how the trial shall be conducted.

(2) As between the defendant by whom the third-party notice has been given and the third party, the Magistrate may grant to either party any relief or remedy which might properly have been granted if the claim against the third party had been made in a separate action, and may give such judgment for either party against the other as may be just: Provided that execution against the third party shall not be issued without the order of the Magistrate until the defendant has satisfied the judgment in the same action given against him.

4. (1) Where a third party makes any person not already a party to the action such a claim as is defined in Rule 1(1) of this Order, the provisions of this Order regulating the rights and procedure as between the defendant and the third party shall apply as between the third party and such other person, and the expressions "third party notice" and "third party" shall apply to and include every notice issued against a fourth or subsequent party and every fourth or subsequent party served with such a notice respectively.

Fourth and Subsequent Parties.

(2) Where a person served with a notice under this Rule by a third party in turn makes such a claim as is defined in Rule 1(1) of this Order against another person not already a party to the action, this Order as applied by this Rule shall have effect as regards such further person and any other further person or persons so served and so on respectively.

5. Where a defendant makes against any other defendant in the same action such a claim as is defined in Rule 1(1) of this Order, he may without any order serve on such other defendant a notice making such claim, and the same procedure shall be adopted for the determination of the claim as would be appropriate under this Order if such other defendant were a third party:

Co-defendant.

Provided that nothing contained in this Rule shall prejudice the rights of the plaintiff against any defendant.

In this Order the words "plaintiff" and "defendant" respectively shall include a plaintiff and a defendant to a counter-claim.

ORDER 8 Amendment

1. The Court may, on not more than one occasion:-

Generally.

- (a) amend any defect or error in any proceedings whether the defect or error is that of the party applying to amend or not; and
- (b) add, strike out or substitute any person either as plaintiff or defendant; and all such amendments as may be necessary for the purpose of determining the issues between the parties, and the proceedings shall continue in all respects as if they had been commenced in the form in which they appear after the amendment has been made:

	<p>Provided that, no person shall be added as a plaintiff without his consent in writing or in the case of a person under disability, without the consent in writing of the guardian.</p>
Service Added defendant.	<p>2. Where any person is ordered to be added or substituted as defendant, except under Rule 8 of this Order, the amended originating process shall be served on the added or substituted defendant according to the Rules applicable to the service of the originating process, and the proceedings as against him shall be deemed to have begun only on the service of the process on him.</p>
When Amendment may be Made.	<p>3. The amendment may be made at any stage of the proceedings before judgment by the Court or on the oral application of any party at the trial, or before the trial on notice.</p>
Abandonment of Part of Claim.	<p>4. A plaintiff may, at any time before an action is called on for trial, or in part opening his case abandon any part of his claim, and the abandonment shall be entered in the records of the Court.</p>
Change of defendant.	<p>5. Where a person other than the defendant appears at the trial and admits that he is the person whom the plaintiff intended to sue, or ought to have sued, he may, if the plaintiff consents, be substituted for the defendant, and the proceedings shall continue as if he had originally been made defendant and this shall not amount to an amendment.</p>
Effect of Misnomer.	<p>6. No misnomer or inaccurate description of any person or of place in any claim or summons shall vitiate the same, if the person or place is described so as to be identifiable.</p>
Clerical Mistake and Errors.	<p>7. Clerical mistakes in judgments or orders or errors arising from any accidental omission may at any time be corrected by the Court.</p>
Amendment of terms.	<p>8. The Court, when granting the application for the amendment, may impose such terms as it may think just.</p>

ORDER 9

Application and Directions In Civil Proceedings

General Procedure.	<p>1. Where by any Law or Rule any application in the course of an action before or after the judgment is expressly or by implication authorized to be made to the Magistrate or to the Court, then, subject to the provisions of the particular Law or</p>
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rule applicable as far as it is not inconsistent, the following provisions shall apply;

- (1) All interlocutory applications shall be to the Magistrate, accompanied by an affidavit and a short statement of the law relied upon.
- (2) All such interlocutory applications shall be served on the other party prior to it being delivered to the Magistrate.
- (3) The party served with such an application may respond by way of a counter affidavit if he so desires and short statement of the Law relied upon (if any) within three (3) days of delivery of the said application at the address provided for service or to his legal practitioner.
- (4) The Magistrate shall deliver the Court's decision within 5 days of the receipt of the response from the party not applying.
- (5) The decision of the Magistrate shall be available for collection upon payment of the prescribed fees.
- (6) In exceptional cases the Court may permit the parties to bring interlocutory applications orally or in writing after the commencement of trials.
- (7) All applications for stay of execution of a judgment or for order to appeal the decision of a Magistrate shall be considered and determined in open Court.

2. The Court may, as a condition of granting any interlocutory application, impose such terms and conditions as it thinks fit, and without prejudice to the generality of the following provisions, may make orders requiring any party to:-

Power to
Impose
Terms.

- (a) give security;
- (b) give an undertaking;
- (c) pay money into Court; or
- (d) pay all or any part of the costs of proceedings.

3. (1) In any action the Court may at any time on the application on notice of any party or of its own motion give such directions as it thinks proper.

Directions.

(2) Without prejudice to the generality of the last preceding paragraph, the Court may at any time on the

application on notice of any party or at its discretion, order the parties to state more fully their respective cases and may thereupon frame issues before trial and determining the action; and in cases in which, owing to their difficult or complicated nature, pleadings are required, the Court may adjourn the trial and report to the Chief Judge with a view to the action being transferred to the High Court.

Adjournment. **4.** (1) A Magistrate may adjourn from the date of commencement of trial and during the proceedings for a period not exceeding ten (10) days.

(2) A Magistrate may, after the matter has been set down for trial at his discretion, grant in:-

(a) uncontested civil cases, not more than two (2) adjournments; and

(b) contested civil cases, not more than four (4) adjournments.

(3) Subject to the provisions of this Rule, in the event that any of the parties to the action fails to, is unable to or refuses to attend Court or proceed with the cause or matter, the Magistrate shall strike the matter off the cause list and out of the Court or enter judgment in default against the defendant.

Abridgement of Time. **5.** (1) Subject to the provisions of these Rules, any of the times fixed by these Rules for -

(a) taking any step in any proceedings;

(b) filing any document; or

(c) giving any notice; may be abridged by the Court on the application of any party.

(2) An order abridging time may be made although the application is not made to the Court.

Application for Interim Injunction. **6.** Where any party desires before the trial, an immediate order :-

(a) in the nature of an injunction;

(b) for the appointment of a receiver;

(c) for taking any accounts; or

(d) for making any inquiries,

he may apply in accordance with Order 9 Rule 1.

- 7.** The Court may grant an interlocutory order on such terms as to its duration, the giving of security or otherwise, as may seem just in accordance with Order 9 Rule 1. Interlocutory Injunction on Terms.
- 8.** Where the circumstance permits, an application may be made to the Magistrate in chambers for consideration on an ex-parte basis. Application in Chambers.
- 9.** Where an application is made ex parte for an interlocutory injunction or order, the Court may direct notice to be given to any person who may be affected by the order. Notice.
- 10.** Any interim injunction or order granted or made ex parte shall be for such limited time not more than 14 days as shall be stated and the injunction or order shall be served on the person affected. Where Order is Made Ex-parte.
- 11.** Where an interim injunction or order is granted or made ex parte, such injunction or order may be discharged or varied by the Court on application made by any person affected thereby, after notice is given to the party who obtained such injunction or order. Discharge or Variation of Ex-parte Order.
- 12.** (1) Where in any action the plaintiff claims the recovery of specific property other than land, and the defendant admits the title of the plaintiff but claims to retain the property by virtue of a lien, or otherwise as security for the payment of a sum of money, the Court may order that the plaintiff be at liberty to pay into Court, to abate the event of the action, the sum of money in respect of which the defendant claims to retain the property and such further sum (if any) for costs as the Court may think fit, and that upon such payment into Court the defendant shall return the property to the plaintiff. Recovery of Goods Where Lien Claimed.
- (2) This Rule shall apply to a counter claim as it applies to a claim, with the necessary modifications.
- 13.** When by any contract a prima facie case of liability is established, and there is alleged, as a matter of defence, a right to be relieved wholly or partially from that liability, the Court may make an order for the preservation or interim Preservation of Subject Matter.

custody of the subject matter of the action, or may order that the amount in dispute be brought into Court or otherwise secured.

Order for Detention.

14. The court may, upon the application of any party to an action, make any order for the detention, preservation, inspection, surveying, measuring, or weighing of any property or thing, being the subject of the action or as to which any question may arise and may authorize any persons to enter to the action, and authorize any samples to be taken, or any observation, plan, or model to be made, or experiment to be tried, which may be necessary or expedient for the purpose of obtaining full information or evidence.

Order for Sale of Perishable.

15. The Court may, upon the application of any party to an action, order the sale by a person to be named in the order, of any subject matter of the proceedings which:-

- (a) is of a perishable nature;
- (b) incurs charges for food or keep; or
- (c) ought for any other sufficient reason to be sold at once.

ORDER 10
Consolidation of Proceedings and
Selected Actions

Generally.

1. Actions or matters pending in the same Court may be consolidated by order of the Court of its own motion or on the application of any party on notice.

Selection
Action
Against
Several
Plaintiffs.

2. (1) Where several actions by different plaintiffs against the same defendant are proceeding in the same Court, in respect of causes of action arising out of the same breach of contract, wrong or other circumstances, the defendant may, on filing an undertaking to be bound, so far as his liability in the several actions is concerned, by the decision in such one of the actions as may be selected by the Court, apply to the Court for an order to stay the actions, other than the one selected, until judgment is given in the selected action.

(2) An application under this Rule shall be made on notice to the plaintiffs who would be affected by any order made.

3. (1) If judgment in a selected action under Rule 2 of this order is given in favour of the defendant, the defendant shall be entitled to his costs up to the date of the order staying proceedings against every other plaintiff whose action is stayed, unless any such plaintiff gives the Court, within five (5) days from the judgment, notice to set down his action for trial.

Where Judgment is in Favour of Defendant in Selected Action.

(2) On judgment in the selected action being given, the Court shall notify every other plaintiff and if any such plaintiff makes an application to the Court to set down his action for trial, the Court shall appoint a day for trial, and send notice to both plaintiff and defendant not more than five (5) clear days before the day so appointed.

4. (1) If judgment in a selected action is given against the defendant, the plaintiff in the action stayed shall be at liberty to proceed for the purpose of ascertaining and recovering their debts or damages and costs.

Where Judgment Against Defendant in Selected Action

(2) On judgment in the selected action being given, shall immediately make an application to the Court to set down his action for trial, and on receipt of the application, the Court shall appoint a day for the trial, and notify both plaintiff and defendant, not less than five (5) clear days before the day so appointed.

5. (1) Where several actions by the same plaintiff against several defendants are proceeding in the same Court, and the event of the actions depends on the finding of the Magistrate on a question common to all of them, the Magistrate may at any time select one of them for trial, and stay proceedings in all the others until judgment in the selected action is given.

Where Judgment Against Defendant in Selected Action

(2) After judgment is given in the selected action, unless, plaintiff and the defendant in the other actions, or any of them, submit to have judgment entered in accordance with the judgment in the selected action, the other actions shall proceed.

(3) On Receipt of the application from the plaintiff or defendant in any such action to set it down for trial, the Court shall appoint a day for the trial, and shall notify both plaintiff and defendant not more than five (5) clear days before the day so appointed.

ORDER 11

Discontinuance by Plaintiff

Notice. 1. If a plaintiff desires to discontinue wholly or in party any proceedings against all or any of the parties, he shall notify the court and every party against whom he desires to discontinue.

Costs. 2. If such costs are not paid within five (5) days, the defendant shall be entitled to apply for an execution warrant in respect of the unpaid costs:

Provided that:-

(a) if the proceedings are not wholly discontinued against the defendant, execution shall not issue before the proceedings are disposed of, except by leave of the Court; and

(b) discontinuance under this Order shall not be a defence to any subsequent proceedings, but if subsequent proceedings are brought for substantially the same cause of action before the payment of the costs mentioned, the Court may stay the proceedings until the costs have been paid.

ORDER 12

Special Witnesses

Appointment of Special Witness. 1. A Magistrate may, on the application of either party, appoint a special witness who in the opinion of the Magistrate, has specialized knowledge on any matter that is in issue in any action or proceedings before the Court.

2. The special witness shall give evidence in person on oath or by an affidavit. Evidence of Special Witness.
3. (1) The Court may direct that parties contribute to all expenses arising from the appointment of a special witness. Remuneration of Special Witness.
(2) Pending his appointment, a special witness shall be required to state all costs associated with rendering of his opinion in Court.

ORDER 13
Payment Into Court In Action

1. (1) Where the only relief claimed is the payment of money a defendant may, within six (6) days of the service of the summons on him, pay into Court in satisfaction of the Claim:- Payment of Claim and Costs Within Six (6) days of Service.
(a) the whole amount of the claim and costs stated on the summons; or
(b) so much of the claim as he admits to be due from him to the plaintiff together with the costs stated on the summons.
(2) Where the whole amount of the claim and costs is so paid into Court judgment shall be entered and the defendant shall not be liable for any costs except those stated on the summons.
(3) Where the amount so paid into Court is less than the amount of the claim and costs:-
(a) if the plaintiff accepts the amount paid into Court, he shall within three (3) days after receipt by him of the notice of payment into Court, deliver to the Court a notice of acceptance; and
(b) on receipt of the notice of acceptance the Court shall notify the defendant who shall not be liable for any costs except those stated on the summons and the action shall only be heard on the disputed amount.
2. A defendant in an action may at any time before judgment pay money into court:- Liability Admitted Unless Denied.
(a) in satisfaction of the claim, or where several causes of action are joined in one action, in satisfaction of one or more of the causes of action; or

(b) on account of a sum admitted by him to be due to the plaintiff.

(1) Money may be paid into Court under the last preceding paragraph by one or more of several defendants sued jointly or in the alternative.

(2) A payment made under this Rule shall be deemed to be made with an admission of liability, unless accompanied by a notice stating that liability is denied.

When
Payment
deemed to be
on Account.

3. Where the amount paid into Court under the last preceding Rule is less than the amount claimed, the payment shall be deemed to be made on account of the amount claimed, unless accompanied by a notice stating that it is made in satisfaction of the claim or, where several causes of action are joined in one action, in satisfaction of one or more of the causes of action.

Several
Causes of
Action.

4. Where a payment under Rule 2 of this Order is made in satisfaction of one or more of several causes of action, the payment shall be accompanied by a notice specifying the cause or causes of action in respect of which it is made, and the sum paid in respect of each cause of action.

Defendant
Sued Jointly
in Alternative.

5. Where a payment under Rule 2 of this Order is made by one or more of several defendants sued jointly or in the alternative, it shall be accompanied by a notice stating the name and address of the defendant or defendants making the payment.

Notice of
Payment into
Court.

6. The Court shall on receipt of any payment under this Order, if time permits notify the plaintiff and if the payment was made by one or more of several defendants sued jointly or in the alternative, notify every other defendant.

7. Where in any case to which Rule 1 (1) (a) of this Order does not apply, the only relief claimed is the payment of money and the whole amount of the claim is paid into Court, the following provisions shall apply:

Where Whole Claim is Paid after Seven Days of Service or Without Costs.

(1) Proceedings in the action, except those authorized by this Rule, shall be stayed, and the defendant shall not be liable for any costs incurred after the receipt by the plaintiff of the notice of payment into Court.

(2) The plaintiff shall not be entitled to have the amount in Court paid out to him without the written approval of the Magistrate.

(3) If the amount of the costs entered on the summons is not paid into Court with the amount of the claim, the plaintiff may have judgment entered for such costs or any balance unpaid and the costs of entering judgment.

8. Where in any case to which Rule 1 (1) (b) of this Order does not apply, the amount paid into Court is less than the amount of the claim, or where the whole amount of the claim is paid into Court but there is a claim for some relief other than payment of money, and the plaintiff elects to accept the sum or any one or more of specified sums paid into Court in satisfaction of his claim or of the cause or causes of action to which the specified sum or sums relate, the following provisions shall apply:-

Where Money Paid into Court is Accepted.

(a) the plaintiff shall within three (3) days after the receipt by him of the notice of payment into Court, notify the Court of his acceptance, following which the Court shall stay proceedings in the action or in respect of any cause of action to which the notice relates;

(b) the Court shall also notify every defendant; and

(c) the plaintiff shall not be entitled to have the accepted sum or sums paid out to him without the written approval of the Magistrate.

9. If a plaintiff fails to give notice of acceptance within the time limited by Rule 1 or Rule 8 of this Order, he may give notice of acceptance subsequently, but the Court may order

Defendant's Courts.

the plaintiff to pay any costs reasonably incurred by the defendant since the date of payment into Court, including the costs of attending Court to obtain the order.

Counter Claim **10.** A plaintiff or other person made defendant to a counterclaim may pay money into Court as if he were a defendant to an action, and Rules 2 to 10 of this Order shall apply with necessary modifications.

Paying Out. **11.** Money paid into Court under the provisions of this Order Paying out shall not be paid out without the approval in writing of the Magistrate.

ORDER 14
Evidence and Witnesses

Admission by any Party. **1.** Any party to an action may give notice to any other party that he admits the truth of the whole or part of the case of the other party, and no costs incurred after the receipt of the notice in respect of the proof of any matters admitted shall be allowed.

Evidence to be Taken Orally. **2.** Except as otherwise provided by these Rules or any applicable Law, the evidence of witnesses at the trial of any action shall be taken orally on oath or affirmation, and where, by these Rules, evidence is required or permitted to be taken by affidavit, it shall nevertheless be taken orally on oath or affirmation if the Court, on an application before or at the trial, so directs.

Power to Order Proof by Affidavit. **3.** Where for the purpose of establishing any fact to which an exhibit to an affidavit is required, the following shall be acceptable as exhibits to the affidavit:-
a) printout of e-mails;
b) print out of short message service from the network provider;
c) image recording of any fact submitted in the manner acceptable to the Court, stating in writing, the existence of such video recording; and
d) audio recording.

- 4.** Where the circumstances require, a party may use an affidavit to establish the existence of any fact so long as he provided the other party the opportunity to have notice of the content of the affidavit and to respond in order to contradict or accept the content of the affidavit. Use of Affidavit without Order.
- 5.** Any of the parties to any cause or action may apply to the Court to issue witness summons, with or without a clause requiring the production of the books, deeds, papers and writings in the possession or control of the person summoned as a witness and such summons shall be served by delivery to the person summoned. Service of Summons to Witnesses.
- 6.** Immediately prior to the trial of any cause or action in which witnesses are to be examined the Court may direct that all witnesses shall leave the Court and shall be kept out of Court as provided by Section 212 of the Evidence Act: Witnesses in General to be Out of Hearing.
Provided that the Magistrate may in his discretion permit professional and technical witnesses to remain in Court and Provided further, that failure to comply with the provisions of this Rule, shall not invalidate the proceedings.
- 7.** (1) Subject to the provision of the Evidence Act any person summoned as a witness in civil proceedings who :- Penalties for Disobeying Witness Summons.
a) refuses or neglect, without sufficient cause, to appear or to produce any documents required by the summons to be produced; or
b) refuses to be sworn or make an affirmation or give evidence; or
c) shall pay a fine of a sum not exceeding five thousand Naira (N5,000:00) as the Magistrate may direct:
Provided also that, where the person so summoned, has not appeared, penalty shall not be pronounced until a notice has been served upon him personally.
- (2) Any person present in Court who is required to give evidence but refuses without sufficient cause to be sworn or make an affirmation or to give evidence shall be liable to pay a fine referred to in this Rule
- (3) The Magistrate may in his discretion direct that the whole or any part of any such sum after deducting the costs, shall be applicable towards indemnifying the party injured by the refusal or neglect.

- Evidence of Witness About to Leave Kano.
- (4) Any sum forfeited under this Rule shall be treated as if it were a judgment debt and shall be payable forthwith to the Court unless time for payment is allowed by the Magistrate.
- 8.** (1) At any time after an action is begun and before the trial, the Magistrate may take the evidence of a witness who is about to leave Kano or who, from illness or old age or any other sufficient cause, is not likely to be able to be present at the trial. Such evidence may be taken at some convenient place outside the Court, if necessary.
- (2) The note of the evidence shall be signed at the time by the Magistrate taking the same.
- (3) The evidence so taken and recorded may not, except for special reasons to be recorded in the Magistrate's notes, be admitted as evidence at the trial unless it is shown that the party against whom it is offered had an opportunity of being present and of cross examining the deponent.
- Prisoners as Witnesses.
- 9.** (1) It shall be lawful for the Court to issue an order to bring up any person confined as a prisoner under any sentence or order of commitment for trial, or otherwise, or under civil process, to be examined as a witness in civil proceedings pending in the Court:
- Provided that such order shall not be made as of course, unless the Court shall have reasonable grounds for believing that the evidence of the prisoner is likely to be material.
- (2) The officer in charge of the prison or person in whose custody such prisoner may be, shall obey such order by bringing the prisoner to the Court in his custody, or by delivering him to an officer of the Court as the order may direct, and if the prisoner shall under the terms of order be delivered to any officer of the court, the officer in charge of the prison or other person shall not be liable for the escape of such prisoner:
- Provided that the officer in charge of the prison or other person as aforesaid shall not be bound to obey the order unless there is tendered to him a reasonable sum for the conveyance and maintenance of the prisoner, in going to, remaining at and returning from the Court.

10. Evidence taken at the trial of an action may be used at any subsequent stage of the same proceedings.

Use of Evidence Taken at Trial.

11. The practice with reference to the examination, cross examination and re-examination of a witness at the trial of an action shall extend and be applicable to oral evidence taken in any proceedings at any stage.

Practice as to Taking Evidence.

ORDER 15
Affidavits and Documentary Evidence

1. (1) All affidavits shall be made by some person who has knowledge of the facts stating:-

Contents of Affidavits.

- (a) the deponent's residence and occupation;
- (b) what facts are within his knowledge and his means of knowledge; and
- (c) what facts are deposed to on information derived from other sources and what the sources are.

(2) Affidavits shall be expressed in the first person and shall be drawn up in numbered paragraphs.

2. Subject to the provisions of these Rules and the Evidence Act, where a party desires to cross-examine a deponent who has made an affidavit filed on behalf of the other party in any proceedings, the following provisions shall apply:-

Cross Examination of Deponent.

- (a) he may cause to be served on the other party through the court a notice requiring the production of the deponent for cross-examination at the trial; and
- (b) a witness summons may be issued on the application of the party served with the notice for the purpose of summoning the deponent to attend for cross- examination.

3. Every document admitted in evidence shall be put in and read or taken as read by consent and shall be marked by the Court with a distinguishing mark or letter, and a note of the date and character of all material documents admitted in evidence shall be made by the Court in the record of the case, and each document admitted shall be retained by the Court until the proceedings have been concluded and the period for filing a notice of appeal has elapsed:

Documents Admitted in Evidence.

Provided that the Court may, in special circumstances, return a document to the party who puts it in, on such party giving an undertaking deemed sufficient by the Court, to keep the document marked and to return it to the Court if an appeal is lodged. After a notice of appeal has been filed, the Court or Magistrate shall not allow a document to be returned to the party who put it in at the trial unless the leave of the appeal court has first been obtained.

Document not admitted in Evidence.

3. Where the Court does not allow a document to be produced, the document shall be marked as having been offered in evidence but rejected.

ORDER 16

Alternative Dispute Resolution

Order to Attend A.D.R.

1. At any stage of the proceedings, where parties to the action consent, the Court may make an order referring disputes to the Alternative Dispute Resolution Centers.

Duration of A.D.R Proceedings.

2. Alternative Dispute Resolution proceedings shall not in any event exceed fourteen (14) days except with the leave of court.

Time Within Which to Take any Step. Report.

3. The time within which to take procedural steps under this rule shall not run during the period of resolution.

4. The outcome of the resolution shall be made to the court in writing within three (3) days of the end of the resolution whether or not a settlement had been achieved.

ORDER 17

Trial

Sitting Down for Trial.

1. (1) The plaintiff shall not later than ten (10) days after filing his plaint apply to the Magistrate requesting the Magistrate to fix date for trial.

(2) A Magistrate shall fix a date for trial, a hearing notice shall be Issued by the Court and served on the parties within three (3) days, subject to the payment of the prescribed fee by the plaintiff.

Trial in Open Court.

2. Trial of civil actions shall be held in open Court: Provided that a Magistrate may order a trial to be held in camera where a public trial would defeat public interest: Provided also that this Rule shall not be deemed to be infringed by the provisions of Order 14 Rule 3 (c).

3. (1) If the plaintiff does not appear at the trial of an action, then except as otherwise provided In these Rule, an order for costs shall be made against the plaintiff.

Where Plaintiff does not appear.

(2) Where any action has been struck out under these Rules, the Court may re-instate It for trial on the same or any subsequent day on such terms as the Court may deem just and the provisions of paragraph (2) of the next succeeding Rule shall apply as regards any cost awarded against the plaintiff under this Rule as if the plaintiff had been non-suited.

(3) Where the plaintiff does not appear at the trial but the Court has received from him an affidavit which is admissible in evidence by virtue of any Law or Rule, the proceedings shall not be struck out but the plaintiff shall be deemed to have appeared at the trial and to have tendered the evidence in the affidavit.

4. (1) Where the plaintiff appears but does not prove his claim to the satisfaction of the Court, It may either non-suit him, or give judgment for the defendant.

Where Claim is not proved.

(2) Where after a plaintiff has been non-suited, a subsequent action for the same or substantially the same cause of action is brought before payment of any costs awarded to the defendant when the plaintiff was non-suited, the Court may stay the subsequent action until such costs have been paid.

5. If the defendant does not appear, the Court, upon proof of service and of facts entitling the plaintiff to relief, may give such judgment or make such order as may be just.

Judgment where defendant does not Appear.

6. Where the defendant appears on the day fixed for the trial and admits the claim, the Court shall give judgment or make such order as may be just.

Defendant Appearing and Admitted Claim.

7. Where the defendant sets up a counterclaim and the claim of the plaintiff is discontinued, struck out, stayed or dismissed, the counter-claim may be proceeded with and the defendant, on proof of it, may have judgment.

If Proceeding Discontinued Counter-Claim May Proceed.

Non Appearance on Counter-Claim.	8. If a person, not originally a party to the proceedings, who has been served with a counter-claim, does not appear at the trial, the Court may proceed with at the trial and may give such judgment or make such order as may be just against the person so served, or may adjourn the trial and give such directions as it thinks fit.
Exclusion of Counter-Claim.	9. Where the Court is of the opinion that a counter-claim could be better disposed of in independent proceedings, the Court may of its own motion or on the application of any party order the counterclaim to be excluded.
Judgment where Counter-Claim is Established.	10. (1) Where a counter-claim is established against the claim of the plaintiff and there is a balance in favour of one of the parties, the Court may give judgment accordingly. (2) Nothing in the preceding paragraph shall affect the discretion of the Court to award costs in such proportions as it thinks fit.
Misjoinder of Plaintiff not to Defeat Counter Claim.	11. Where any person has been improperly or unnecessarily joined as a plaintiff, a defendant who has set up a counter-claim may proceed with the counter-claim against the other plaintiff.
Injunctions.	12. (1) In any proceedings in which an injunction has been or might have been claimed, a plaintiff may, before or after judgment, apply for an injunction to restrain the defendant from :- a) the repetition or continuance of the wrongful act or breach of contract complained of; or b) the commission of any wrongful act or breach of contract of a like kind, relating to the same property or right or arising out of the same contract; and the Magistrate, in addition to giving judgment for such damages and costs as the plaintiff may be entitled to, may grant the injunction on such terms as may be just. (2) An application under this Rule may be made:- (a) before the trial of the action in accordance with Order 9 Rule 6; (b) at or immediately after the trial, in which case the order shall be included in the judgment; or

- (C) after judgment, on notice and supported by affidavit.
- 13.** (1) The Magistrate may inspect any property or thing concerning which any question may arise in any proceedings. Inspection by Magistrate.
- (2) The expenses of any inspection under this Rule shall be paid in the first instance by the party on whose application the inspection is made or ordered, or if made or ordered without an application, by the plaintiff, and shall be costs in the proceedings unless the Magistrate otherwise orders.
- 14.** (1) At the trial of any proceedings, Court records shall be taken by Court recorded in the manner prescribed by law. Evidence and the Records of Proceedings.
- (2) The record of proceedings shall be certified when endorsed by the presiding Magistrate and the Court Registrar who transcribed the Court proceedings.
- (3) The record of the Court proceedings shall be available to any member of the public upon payment of the prescribed fees.
- (4) The record of proceedings in these Rules shall include the verbatim minutes of the proceedings; and all other documents, letters, exhibits, affidavits, judgments and decisions used in the action.
- 15.** If on the day of trial, both parties appear, the claim shall be read to the defendant and the Magistrate shall require him to make his answer or defence, and on such defence or answer being made, the Magistrate shall immediately record the same and shall, except where the Court considers it necessary to order otherwise, proceed in a summary way to hear and determine the cause, without further pleading or formal joinder of issue. Procedure when Both Parties Appear.
- 16.** Where the Magistrate deems it necessary, evidence may be given in every matter that will enable the Magistrate to determine the issues in controversy between parties. Evidence May be given of any Claim Which is not in Summons.
- 17.** (1) The party on whom the burden of proof lies shall be entitled to address the Court at the commencement of the case. When the party who began has closed, his opponent shall, provided there is any case to answer, announce whether he intends to adduce evidence or not; and if he announces that he does not intend to call evidence the party beginning shall be entitled to address the Court for a second time, for the purpose of summing up his evidence, and his opponent shall have a right of reply. Order of proceedings at Trial of Action.

(2) When the party beginning has concluded his case, if the opponent decides to call witnesses, he shall be at liberty in his turn to open his case, call his witnesses and sum up and comment not only on his own evidence but on the whole case.

(3) If the party opposed to the party who begins adduces evidence, the party beginning shall be at liberty to reply generally on the whole case.

Examination of Witnesses.

18. The Magistrate after an opening address, if any has been made, shall proceed to hear the plaintiff and such witnesses and the plaintiff may call and examine such other evidence as he may adduce in support of his claim and also to hear the defendant and such witnesses as he may call and examine and such other evidence as he may adduce in his defence and also to hear such other witnesses as the plaintiff may, with leave of the Court, call and examine in reply:

Provided that where the party on whom the burden of proof lies is not the plaintiff, the foregoing provisions of this paragraph shall apply as if the party on whom the burden of proof lies were the plaintiff.

ORDER 18
Oral Address

Count May Order and Address.

1. The Court may order oral address by the parties.

Order Address to be Brief and Concise.

2. An oral address to the Court shall be brief and concise and shall not exceed 20 minutes by each party except as the Magistrate otherwise directs.

ORDER 19
Judgments and Orders

Giving and Entering Judgment.

1.(1) At the conclusion of the hearing of an action the Court shall either at the same or at subsequent sitting deliver judgment or make a final order in the action and every judgment or final order shall be in writing and signed by the Magistrate.

(2) If the parties to a proceeding in the Magistrate's Court have

reached an agreement about a matter in dispute in the proceedings, the Court may, on application by the parties, make an order or judgment on the terms of the agreement.

(3) If an order is made by consent, that fact should be stated on the face of the order.

2. Upon payment of the prescribed fee, a person shall be entitled to obtain an extract of ruling or judgment containing the orders of a Court with or without the record of proceedings.

Orders of Court.

3. Except in cases where disobedience to an order entails attachment or committal for contempt, it shall not be necessary to serve judgments and orders unless the Court otherwise directs.

Service of Judgment and Orders.

4. Every judgment or order requiring any person to do an act other than the payment of money or costs, shall state the time within which the act is to be done and where no time is stated, the provisions of Rule of this Order shall apply.

Judgment to State Time for Doing an Act Ordered.

5. If the plaintiff in an action for the recovery of any chattel or thing establishes his claim, judgment shall be given either for the delivery of the chattel or thing or for payment of the value as proved at the trial, as the Court may think fit, and in either case the Court may award in addition such damages as the justice of the case may require.

Judgment in Action for Recovery of Chattel.

6. Subject to particular Rules, the Court may in all actions make any order which the circumstances of the action justify and which it considers necessary for doing justice, whether such order has been expressly asked for by the person entitled to the benefit of the order or not.

Order to be Made.

7. A person directed to pay money or do any other act is bound to obey the order without any demand for payment or performance. If no time is specified for the doing of any act (not being payment of money), the act shall be done within five (5) days after the order has been made unless the court shall enlarge the time by the same or any subsequent order.

Order to be Obeyed without Demand.

Rule 12 of this Order shall regulate the time for complying with orders for payment of money.

Payment and Suspension of Judgment and Orders.

8. (1) When a judgment is given or an order is made by a Court under which a sum of money of any amount is payable, whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise, the Court may, as it thinks fit, order the money to be paid either:-

- (a) in one sum, immediately or within such period as the Court may fix; or
- (b) by such installments payable at such times as the Court may fix.

(2) Where a judgment has been given or an order made for the payment of any sum by installments or otherwise, and it appears to the Court that the person liable under the judgment or order is unable to pay the sum ordered to be paid at the time or by installments ordered, the Court may, on the application of such person made on notice, order the amount unpaid under the judgment or order to be paid by installments, or, if already payable by installments, by the same or smaller installments, and may from time to time vary such order.

Execution and Power to Stay Execution.

9. (1) The issue of any execution in any proceedings shall be in accordance with the provisions of the Sheriffs and Civil Process Law/Act.

(2) If at any time it appears to the satisfaction of the Magistrate that any party to any proceedings is unable from any cause to pay any sum recovered against him, whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise, or any installments, the Magistrate may in his discretion, stay any execution issued in the proceedings for such time and on such terms as the Magistrate thinks fit, and so from time to time until it appears that the cause of inability has ceased.

Finality of Judgment.

10. Every judgment and order of the Court shall, except as provided by the Law or any other Law, be final and conclusive between the parties; but the Court shall have power to non suit the plaintiff in every case in which satisfactory proof shall not be given entitling either the plaintiff or defendant to judgment.

Where Money is to be Paid to a Party.

11. Where money payable under a judgment or order is directed to be paid by one party to another party or his legal practitioner instead of into Court, a direction to that effect shall be inserted in the judgment or order.

- 12.** (1) Where judgment is given or an order is made for the payment of, otherwise than by installments of a sum of money and costs or for the payment of costs, the money and costs or the costs shall be payable on such day as may be specified in the judgment or order or if no day is specified then at the expiration of five (5) days from the date of the judgment or order. Time for Payment of a Judgment Debt or Costs.
- (2) Notwithstanding the provisions of the last preceding paragraph, the Court may at any time before the expiration of the period allowed for payment, on application made on notice, make an order for payment at an earlier date.
- 13.** A person liable to pay money under a judgment or order, may at any time pay money into court in reduction of the amount payable by him: Payment in Reduction of Amount Under Judgment.
- Provided that where no order has been made for payment by installment, the registrar shall not receive any sum less than the full amount payable, if the person entitled to the benefit of the judgment or order has, at or before the time when such sums becomes payable, given written directions to the registrar not to receive any sum less than the full amount payable, and if in any such case, any less sum is paid into Court and is inadvertently received, the Court shall, if so directed in writing by the person entitled to the benefit of the judgment or order, place the sum so paid to credit the person by whom it was paid, and shall on request, return the amount to him.
- 14.** Where any payment into Court is made under a judgment or order, the Court shall notify the person entitled to the money. Notice of Payment into Court.
- 15.** Before executing any order directing the payment or transfer of any fund in respect of which any duty is payable to the revenue, it shall be the duty of the registrar, before making the payment or transfer, to acquire a certificate from the proper officer of, or the production of the receipt for the payment of the duty chargeable. Where Duty is Payable.
- 16.** (1) Orders in the nature of an injunction and all orders within the competence of the Court which, if they were made in an action in the Court, could in fact be enforced by attachment, committal, seizure or sale, may be enforced by order of the Magistrate by committal. Orders Enforceable by Committal.

(2) The Magistrate may give judgment for one party against another in relation to the whole or any part of a proceeding if the Court is satisfied that the other party has no reasonable justification of successfully defending the whole or any part of the proceeding.

ORDER 20

Fees

Subject to the provisions of the Magistrates' Courts Law, the fees as prescribed in the Schedule to these Rules shall be paid in the Registry at or before the time of issuance or filing of the process or document to which such fees relate or, where a fee is prescribed for the performance of any act, before such act is performed.

ORDER 21

Costs

- Fees. **1.** Subject to the provisions of any law or Rule, the costs of proceedings on the civil side in a Magistrate's Court shall be at the discretion of the Court and the Court shall have power to grant a lumpsum.
- Costs. **2.** (a) In all civil proceedings, it shall be the duty of every legal practitioner to write a letter of demand before commencing action in a Magistrates' Court;
(b) Failure to write the letter or failure to comply with the requirements of letter of demand shall be considered in determining cost to be awarded to the appropriate party.
- Counsel Cost. **3.** Where the actor conduct of any legal practitioner appearing on behalf of the party is in the opinion of the Court directly responsible to the events leading to an award of cost, the legal practitioner shall be personally responsible for the payment of costs.
- Consideration
for Award of
Cost. **4.** (a) In fixing the amount of costs, the principle to be observed is that the party who is in the right is to be indemnified for the expenses to which he has been necessarily put in the proceedings, as well as compensation for his time and effort in coming to Court. The Magistrate may take into account all the circumstances of the case.

(b) When costs are ordered to be paid, the amount of such costs shall, if practicable, be summarily determined by the Magistrate at the time of delivering the judgment or making the order.

5. An order for the payment of costs may be enforced in like manner as any other order of a Magistrate's Court for the payment of money. Enforcement.

6. Where the Court orders cost to be paid, or security to be given for costs by any party, the Court shall order all proceedings by or on behalf of that party in the same suitor proceeding, or connected therewith, to be stayed until the costs are paid or security given accordingly, but such order shall not supersede the use of any other lawful method of enforcing payment. Stay of Proceeding Where Order for Cost is not Complied With.

7. (1) In all proceedings the Court may either of its own motion or on the application of any defendant, if it deems it fit to require any plaintiff or defendant to any suit, either at the commencement or at any time during the progress, to give security for the costs of any particular proceeding to the satisfaction of the Court, by deposit or otherwise. Security for Costs.

(2) The general principle to be applied by the Court when ordering a plaintiff to give security for costs is that no person shall be precluded on the ground of poverty from commencing an action except in special circumstances such as where the plaintiff does not reside, or is only residing temporarily in Kano, or where the plaintiff has already failed to pay costs awarded against him.

(3) A defendant shall not be ordered to furnish security for costs except in special circumstances, for example, where he is pursuing a distinct counter claim or applies for a transfer of the action to the High Court although the action is within the jurisdiction of the Magistrate's Court.

8. The provision of these Rules shall be followed when security for costs is to be given by bond or by a deposit of money. Mode of Giving Security.

ORDER 22 Receivers

1.(1) Where before, or at the hearing of any proceedings it appears to the Court expedient that a receiver be appointed, such an appointment may be made by the Magistrate of his own motion or on application. Appointment.

(2) The order shall be in writing.

- Receiver to Give Security. **2.** Every receiver other than an officer of the Court shall, unless otherwise ordered, give such security to the Registrar for the faithful discharge of his duties, and the payment of money, as the Magistrate shall direct.
- Remuneration. **3.** Every Receiver shall, unless otherwise ordered, be allowed proper remuneration.
- Accounts **4.** (1) Every Receiver shall deliver at the Registry of the Court for examination by the Registrar such accounts at such time or times as the Magistrate may direct.
(2) Every such account shall unless otherwise ordered be verified by affidavit.
(3) When any such account has been delivered, the Court shall fix a time for the passing of the account and shall give notice of it to the Receiver and the parties.
- Passing Account. **5.** At the time appointed for the passing of the account, the Receiver and any party may, and if required by the Registrar, attend at the Registry and the Registrar may require the Receiver to produce any voucher necessary for verifying the account and may disallow any item not to be proved to his satisfaction.
- Registrar Certification. **6.** The Registrar shall after examining the account make and sign a certificate stating the result of the examination.
- Review by Magistrate. **7.** The Receiver or any party dissatisfied with the allowance or disallowance by the Registrar of any item in the account may apply to the Magistrate in chambers for a variation or review of the decision as contained in a certificate of account and the Magistrate may make such further order on the application as he thinks fit.
- Payment of Balance into Court. **8.** Any balance certified to be due from the Receiver shall, subject to the next succeeding Rule, be paid into Court within seven (7) days of the date of the Registrar's certificate.
- Payment Direct to Party Entitled. **9.** The Magistrate may at any time order the Receiver to pay over to the party entitled to the beneficial interest or to the guardian of any infant any accruing rent or interest instead of paying them into Court, and may authorize the Receiver to take credit for such payments in his accounts.

10. Where any receiver has failed to deliver or pass any account or to make any payment certified to be due from him, the Magistrate may require the receiver to attend before him to show cause why such default has been made and may make such order as he deems fit, payment of cost inclusive.

Default by Receiver.

ORDER 23
Miscellaneous

1. (1) Where in beginning or purporting to begin any proceeding there *has* by reason of anything done or left undone been a failure to comply with the requirements of these Rules, the failure shall nullify the proceedings.

Effect of Non Compliance.

(2) Where at any stage in the course of or in connection with any proceedings there has by reason of anything done or left undone been a failure to comply with the requirements as to time, place, manner or form, the failure shall be treated as an irregularity and may not nullify such step taken in the proceedings. The Magistrate may give any direction as he deems fit to regularize such steps.

2. All notices required by these Rules shall be in writing unless expressly authorized by the Court to be given orally.

Notice.

3. (1) Where anything is required by these Rules to be done within a specified period or after the happening of a particular event, the period shall be computed from the end of the day on which the event happens, unless the period is expressed to be inclusive of such day.

Computation of Time.

(2) Where anything is required by these Rules to be done within a period not exceeding forty-eight hours or where a period not exceeding forty-eight hours is required by these Rules to elapse between the doing of an act and the happening of a particular event, no Sunday or public holiday shall be included in the computation of that period.

(3) Where the time prescribed for doing any act expires on a Sunday or public holiday and for that reason the act cannot be done on that day, the act shall be in time if done on the next day on which the registry of the Court is open.

Legal Practitioner.

4. (1) Where a legal practitioner signs on behalf of a plaintiff the particulars required for the entry of a claim or signs on behalf of the defendant a memorandum of acceptance of service of a summons, or a defence, counterclaim or admission, the legal practitioner shall be considered the legal practitioner for the plaintiff or the defendant as the case may be until the action is finally concluded or notice of change of legal practitioner is given in accordance with this Rule.

(2) Where a party for whom a legal practitioner has acted desires to change his legal practitioner, he or the new legal practitioner shall give not less than forty-eight hours' notice to the Court and to every other party of the appointment of the new legal practitioner with the new legal practitioner's address for service.

(3) Where a party for whom a legal practitioner has acted desires to act in person, he shall give notice to the Court stating his intention to act in person and giving an address for service.

(4) Where a legal practitioner who is acting for a party desires to withdraw before the action is concluded, he shall write to the Magistrate in chambers for permission to withdraw and shall give reasons for his application and the Court may, if it deems proper, grant such permission.

(5) Any Rule which requires as many copies of documents as there are plaintiffs or defendants to be filed, served, delivered, sent or given, shall be sufficiently complied with, as regards two or more plaintiffs or defendants represented by the same legal practitioner, if one copy of the document is filed, served, delivered, sent or given in respect of the plaintiffs or defendants so represented.

Officer not to Sign Ledger on Behalf of Party or become Surety in any Civil proceedings.

5. No officer of a Magistrate's Court shall:-

- (a) sign any document or any other book of the Court, or receive money on behalf of any party to proceedings in the Court; or
- (b) become a surety in any proceedings where security is required.

- 6.** Any obligation imposed by these Rules on the Court to do any act at the instance of any party to proceedings in the Court shall be subject to the provisions of Order 19 requiring the payment of a Court fee on the proceedings, and accordingly the Magistrate may, notwithstanding anything in these Rules, postpone the doing of the act until any obligation to pay fees has been discharged. Payment of Court Fees.
- 7.** The expense of advertisement in any proceedings in the Court shall be in the first instance by such party as the Court may direct, and shall be paid to the Registry before the advertisement is inserted. Expenses of Advertisements.
- 8.** Whereby or under any Law or Rule any person is required to give security in relation to proceedings in the Court, then subject to any express provision in any Law or Rule the:- Security.
- a) security shall be given by a deposit of money or by a bond;
 - b) amount of the security and the number of sureties (if any) shall be fixed by the Magistrate; and
 - c) the person giving the security shall give it at his own expense.
- 9.** Where security is given by a deposit of money, the following provisions shall apply: Deposit.
- (1) The person giving security shall deposit the money in the registry of the Court and shall file a memorandum signed by him or his legal practitioner and approved by the Court stating the conditions on which the deposit is made.
 - (2) Upon the deposit being made, the Registry shall issue to the person making the deposit a receipt and shall deposit a copy in the Court's file.
 - (3) The Magistrate may order the money to be paid out at such time and to such person as he thinks fit.
- 10.** Where security is given by a bond, the following provisions shall apply: Bond.
- (1) The bond shall be given by the person giving the security and by the sureties (if any required).

(2) Where the bond is to be given by the person giving security and sureties:-

- (a) each surety shall make an affidavit and file it in the Court;
- (b) the Court shall give notice to the parties and shall state in the notice that any objection which he may have to make to the sureties or any of them must be made on the day stated in the notice;
- (c) the bond shall be executed before a Commissioner for Oaths and filed in Court upon payment of the prescribed fees; and
- (d) no officer of the Court shall become surety to a bond.

(3) The bond shall be deposited with the Court until the proceedings are finally disposed of.

- Duplications. **11.** In the event of any warrant, order or other document issued by the Court being destroyed or lost, a duplicate may be issued from time to time, upon payment of the prescribed fees and upon proof by affidavit or otherwise to the satisfaction of the Magistrate, of the loss or destruction of the document.
- Filing. **12.** No document shall be filed unless it bears the reference number and names of the parties unless the prescribed fee has been paid.
- Interpreters. **13.** Persons appointed as Interpreters to the Court shall be sworn on first appointment and need not be sworn at each trial thereafter.
- Custody of Records. **14.** All books and records kept for the purposes of the Law shall remain in the custody of the Court, but may be removed by leave of the Magistrate.

ORDER 24 Custody of Money

- Court Registrar to take Charge of Fees and Other Payment. **1.** All fees payable in respect of civil proceedings under the Law, and all penalties, forfeitures and fines imposed under the Law or any other law, if not by the relevant Law directed to be otherwise applied, shall be paid to the Registry and accounted for by the Court Registrar to the Chief Registrar of the High Court.

- 2.** The Court Registrar from time to time as often as he shall be required so to do by the Chief Registrar shall account in full to the said Chief Registrar for all moneys which have been received by him under these Rules and shall produce for examination all books and papers which the said Chief Registrar shall consider necessary for the elucidation of such accounts and the proper checking of same.

Court Registrar to Account to Accountant General.
- 3.** All accounts kept by the Court Registrar shall be audited at such time and in such manner as the Chief Registrar may require.

Audit to Accounts.
- 4.** All monies coming into the Registry of every Court in the course of business of the Court including deposits and payments into that Court shall be entered into a book to be kept for that purpose, to be called the Cash Book, which shall record the number of the actions in respect of which each sum paid, and (in the case of civil actions) the suit number of the action. Every entry in the Cash Book shall show whether the payment is made by plaintiff or defendant, and whether for Court fees, fine, penalty, forfeiture, award, or costs as the case may be.

Court Registrar to Enter All Monies in Cash Book.
- 5.** All monies coming into the registry of every Court in the course of the business of the Court shall be retained, deposited and paid out in accordance with the provisions of the Government financial instructions or regulations for the time being in force.

Court Registrar to Comply With Financial Instructions.

**CIVIL FORM 1
PLAINT
Order 1, Rule 4**

IN THE.....MAGISTRATES COURT
Claim No.....Between.....Plaintiff
And.....Defendant
The Plaintiff's claim.....
N : K
Debt or Damages (particulars are attached).....
Court Fee.....
Other Disbursements
Costs
Total N
You are hereby summoned to appeal.....
Magistrates Court.....
(Address of Court) on theday
of..... 20... at.....o'clock |
the.....noon when the claim will be heard.
To the Defendant.
DATED this.....day of.....20.....
.....
Registrar

NOTE - Form 4A is attached. You are advised to read it carefully and to complete it and return it to the registrar of the Court if you have a counter-claim or a defence or wish to admit the claim ad thus save costs. Your attention is also called to Order 2 Rules 1, 5 and 6 of the Magistrates' Court Rules.

CIVIL FORM 3
UNDERTAKING BY GUARDIAN TO BE RESPONSIBLE FOR
DEFENDANT'S COSTS
Order 1, Rule 3

IN THE MAGISTRATES COURT

No of Plaintiff.....

I, the undersigned.....

of.....

Being the guardian of.....

who is an infant/a person of unsound mind, and who is desirous of commencing an action in this Court, against.....

ofundertake to be responsible for the costs of the said.....

.....in those proceedings, in the manner following;

if the said

.....fails

to pay the

said.....

When and in such manner as the Court shall order, all such proceedings as the Court shall direct him to pay to the said

.....
I will immediately pay the same to the registrar of the Court.

DATED this.....day

of.....20.....

(signed).....

Signed by the above-named in my presence

.....
Legal Practitioner

(Address).....

.....

Commissioner for Oaths

SUMMARY SUMMONS
Order 3, Rule 1

IN THE.....MAGISTRATES' COURT OF
KANO TO THE DEFENDANT

The Plaintiff claims - N : K
Debt (particulars attached.....
Court Fees.....
Other Disbursements.....
Costs.....

Total **N**

.....
Judgment may be obtained against you and enforced without
further notice unless within ten days of the service of this summons
inclusive of the day of service you:

Pay the total amount of the claim and costs into Court

Or

Send to the Court an Admission, Defence or Counter-claim for
which the attached for should be used.

DATED this.....day of..... 20

.....
Registrar

INSTRUCTIONS

(1) If you admit the claim or any part of it, pay the amount
admitted and costs into Court within ten days after service
of this summons, inclusive of the day of service. If you require
longer time for payment complete the form of ADMISSION
attached.

- (2) If you dispute the claim or any part of it, complete the form of DEFENCE attached.
- (3) If you have a claim against the plaintiff, complete the form of COUNTERCLAIM attached.
- (4) After completing and signing the form, deliver it to the registrar of the Court not later than ten days after service of this summons inclusive of the day of service. Unless you make an admission and proposal for payment which is accepted, you will receive notice from the Court of a day on which you will have an opportunity of being heard on your proposal for payments, defence or counterclaim.
- (5) Delay in payment or in returning the form may add to the costs.
- (6) You can obtain help In completing the form at any Magistrates' Court office.
- (7) Payment otherwise than in cash to the registrar of the Court is made at the payer's risk.

**FORM OF ADMISSION, DEFENCE AND COUNTERCLAIM
TO ACCOMPANY FORM 4
Order 3, Rule 3**

IN THE.....MAGISTRATE'S COURT OF KANO
No of Claim.....V.....
I admit the plaintiff's claim (or N part of the plaintiff's claim),
and I ask permission to pay the sum with the costs on that amount, on
the.....day of.....20.....
[Admission]

(or by installments of N..... per).....) because
(I).....
.....
.....
[(1) State why you cannot pay at once]

or I have a special defence (such as limitation of action, infancy,
discharge under
(Defence)

any written law, res judicata) or I dispute the plaintiff's claim (or
N.....part of the plaintiff's) claim because (2)
.....
.....
.....

[(2)] State shortly the facts you wish to put before the Court.]
or I have a counterclaim or set-off against the plaintiff for N
For.....
(Counter-claim)

To signed here.....
.....
Defendant

Defendant's address for service in Kano.....
.....

...
DATED this.....day of..... 20.....
NOTE - Where the defendant admits the whole or part of the claim, his
signature should be witnessed by a legal practitioner, or by the
Registrar or other officer of the Court.

CIVIL FORM 5
FORM FOR JUDGEMENT IN SUMMARY ACTION
Order 3, Rule 5
(Form A)

I REQUEST that judgment in default be entered against the defendant (name the defendant, or if there are more defendants and it is desired to enter judgment against some or one only, name them or him), payable immediately or on the.....day of.....or by installments of N.....forever..... the first installment to be paid on the.....day of.....,20.....

N : K

Amount of claim as stated in summons.....

Amount (if any) since received by plaintiff.....

Balance of claim for which judgment is to be entered

N : K

Court fees entered on summons.....

Costs entered on

Costs (if any) on entering judgment.....

Total N _____

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

.....
Plaintiff or Plaintiff's legal practitioner

To the Registrar of the Court

CIVIL FORM 6
ORDER FOR SUBSTITUTED SERVICE
Order 5, Rule 2

UPON READING the affidavit of.....
Of.....sworn upon the..... day of.....
20.....IT IS ORDERED that
a.....issued in this action together with a copy of this
Order be served on the person of or above the apparent age of eighteen
years at.....being the usual(or last
known) place of residence (or business)
of.....
.
(name of plaintiff, defendant, witness or party)
(or that a.....issued in this
action together with a copy of this order, be sent by registered post
addressed to.....(name of plaintiff, defendant, witness or
party)at.....being the usual (or last
known) place of residence(or business) of the said.....
(or that notice of the.....
be published in
the.....Gazette).
(or that notice of the.....be
published in the..... newspaper
in (number) separate issues).
(or that a copy of the.....in this action
(or matter)shall be affixed to the premises at.....
Being the usual (or last known) place of residence) or business)
of.....
...
(the plaintiff, defendant, witness or party) (or as may otherwise be
ordered by the court).
ORDER thisday of20.....

.....
Magistrate

CIVIL FORM 8
AFFIDAVIT OF SERVICE
Order 5, Rule 7

I,.....of.....Make
oath and say as follows -

1 That I am over eighteen years of age and

- a) am a bailiff of the Court (under warrant No.....); or
- b) have been designated by the Sheriff to serve thea true copy of which is annexed and marked "A"

2 That I did on the.....day
of.....,20.....serve the.....
.....

a true copy of which is annexed and marked "A", on the defendant -

- a) by delivering the same to the said defendant personally at
or
- b) by delivering the same at.....to.
.....who stated that he was a partner in the
defendant firm or who stated that he carried on business in the name of
the defendant firm.
or
- c) by delivering the same at.....to a
person who did not give his name but stated that he was a partner in (or
carried on business in the name of the defendant firm).
or
- d) by delivering the same at..... being the
principal place of business of the defendant firm in Kano to

or
- e) by delivering the same at.....to
..... a legal practitioner, who represented that he
was authorized to accept service on behalf of the defendant and who at
the time of such delivery endorsed upon the copy of the summons
retained by me, a memorandum that he accepted service of it on behalf
of such defendant.

Endorse the copy of the summons or other process thus -

"This paper marked "A" is a true copy of the summons or other process
referred to in the annexed affidavit".

This affidavit must be filed within two days after the day of service.

CIVIL FORM 9
ORDER TO ADJOURN PROCEEDINGS
Order 9, Rule 4

TAKE NOTICE that the hearing of this action (or matter) (or

Judgment summons) has been adjourned until

the..... day of20

at the hour ofin the noon.

DATED this..... day of20

Registrar

CIVIL FORM 10
NOTICE OF DAY FIXED FOR HEARING AFTER GENERAL
ADJOURNMENT
Order 9, Rule 4

TAKE NOTICE that the hearing of this action will take place on
the..... day of20

at the hour of

in the noon.

DATED this..... day of,20.....

Registrar

**NOTICE AS TO CONSEQUENCES OF DISOBEDIENCE TO ORDER
OF COURT**

ToC.D
.....

Of
.

TAKE NOTICE, that unless you obey the directions contained in this order you will be guilty of contempt and will be liable to be committed to prison.

DATED this day of20

Registrar

CIVIL FORM 12

**NOTICE OF DISCONTINUANCE OF PROCEEDINGS
OR WITHDRAWAL OF PART OF CLAIM
Order 11, Rule 1**

TAKE NOTICE that I shall not proceed further in this action or matter and that I hereby withdraw from the action (add, if so, as against the defendant.)
(or take notice that I now withdraw so much of my claim in this action or matter as relates to (specify the claim which is withdrawn, and add, if so) as against the defendant.)

DATED thisday of.,20

Plaintiff

CIVIL FORM 13
JUDGMENT FOR COSTS AGAINST PLAINTIFF ON
DISCONTINUANCE OR WITHDRAWAL OF PART OF CLAIM, OR
FAILURE TO GIVE SECURITY

Order 11, Rule 2

The Plaintiff having by notice in writing dated day
Of,20..... wholly discontinued
.....this

action (or matter)

(or withdrawn so much of his claim in this action (or matter) as relates to
.....)

(or the Plaintiff having failed to comply with an order requiring him to
deposit the sum of Nas security for the defendant's
cost of this action).

IT IS ADJUDGED that the defendant do recover against the plaintiff the
sum of N for costs.

AND IT IS ORDERED that the plaintiff do pay the sum of N
to the Registrar immediately.

DATED this..... day of ,20 .

Magistrate

CIVIL FORM 14
ORDER TO BRING UP PRISONER TO GIVE EVIDENCE
Section 58 and Order 14, Rule 9

To: (Officer who has custody of prisoner).

WHEREAS the has made an application to me, for an order under Section 58 of the Magistrates' Courts Law to bring up before this court who it is said is detained as a prisoner in your custody, to be examined on behalf of the said in the above action. YOU ARE THEREFORE, by this order issued pursuant to the said Section of the Law, required upon tender made to you of a reasonable sum for the transportation and maintenance of the officers and of the said in going to, remaining at and returning from this court, to bring the said before this Court At on the day of 20 at the hour of in the noon, then and there to be examined as a witness on behalf of the said and immediately after the said

..... shall have given his testimony before the court, you are required to safely conduct him to the place from which he shall have been brought under this order.

DATED this..... day of, 20

Magistrate

CIVIL FORM 15
NOTICE TO DEFENDANT OF ACCEPTANCE BY
PLAINTIFF OF PAYMENT INTO COURT
Order 13, Rule 9

TAKE NOTICE that the plaintiff (or judgment creditor) has accepted the
sum of N paid into court in satisfaction of his
claim in the above action (or on respect of his cause of action
for)

DATED this day of, 20

Registrar

CIVIL FORM 16
JUDGMENT FOR PLAINTIFF FOR COSTS WHERE WHOLE CLAIM
PAID OR AMOUNT PAID INTO COURT ACCEPTED IN
SATISFACTION
Order 13, Rules 8 and 9

THE DEFENDANT having paid into court the whole amount of the
plaintiffs claim (or the sum of N paid

into court by the defendant having been accepted by the plaintiff in
satisfaction of his claim) and the plaintiff's costs being N

.....

.....

or having been taxed and allowed at the sum of N

IT IS ADJUDGED that the plaintiff do recover against the sum of N

.....

.....

for his costs (including the costs of entering judgment)

And it is ordered that the defendant pay the same to the Registrar
immediately

DATED this..... day of,20 "

Magistrate

CIVIL FORM 17
NOTICE TO A DEFENDANT SUED JOINTLY OR IN THE
ALTERNATIVE
(NOTICE OF PAYMENT INTO COURT BY A CO-DEFENDANT)
Order 13, Rule 7

TAKE NOTICE that the defendant.. has paid
into the court the sum of N " .. " (on account of
the plaintiffs claim)
(or in satisfaction of the plaintiffs claim) or in satisfaction of the plaintiff's
cause of action for " " (add, if so, with a
denial of liability or with a defense of tender before action).
DATED this day of,20

Magistrate

CIVIL FORM 18
SUMMONS TO GIVE ORAL EVIDENCE

Order 14, Rule 5

YOU ARE summoned to attend at..on.....
the..... day of,20

at the hour of in the noon, and so from day to day, until the
above action is tried, to give evidence in the above action or matter.

IN DEFAULT of your attendance, you will be liable to forfeit N

.....

.

if there was paid or tendered to you at the time of the service of this
summons your reasonable expenses of traveling to and from the court,
together with a sum as compensation for loss of time according to the
prescribed scale.

DATED this... .. day of.,20

Magistrate

To

.....

This summons was issued on the application of the (plaintiff or
defendant). Sum to be paid or tendered to the witness - N

CIVIL FORM 19
SUMMONS TO WITNESS TO PRODUCE DOCUMENTS
Order 14, Rule 5

You are summoned to attend
at.....

on theday of20in the at the hour of
noon, and so on from day to day, until the above action or matter is tried
to give evidence in the above action or matter and also to bring with you
and produce the several documents specified below.

(Here, insert list of documents required to be produced)

IN DEFAULT of your attendance or of production by you of all or any of
the specified documents, you will be liable to forfeit N

.....
if there was paid or tendered to you at the time of service of this
summons your reasonable expenses of traveling to and from the court
together with a sum as compensation for loss of time according to the
prescribed scale, (where the witness is merely required to produce
documents the words" to give evidence in the above action or matter
and also" should be omitted.)

DATED this..... day of,20

Magistrate

To
of.....

This summons was issued on the application of the (plaintiff or
defendant). Sum to be paid or tendered to the witness - N

CIVIL FORM 20

JUDGMENT FOR PLAINTIFF (PAYMENT BY INSTALMENTS)

Order 19, Rule 8

IT IS ADJUDGED that the plaintiff do recover against the defendant the sum

of..... N
for the debt (or damages), and costs..... N
amounting together to the sum of..... N
And the defendant having [aid the sum of..... N

Into court (or to the plaintiff)

IT IS ORDERED that the defendant do pay the sum of
N to the Registrar by installment of N
for every ; the first installments
to be paid on the day of 20

IN CASE DEFAULT is made in payment of any installment according to this order, execution or successive executions may issue for the whole of the said sum and costs then remaining unpaid, or for such portion unpaid, as the court shall order.

DATED this..... day of
,20.....

Magistrate

CIVIL FORM 21
BOND BY PERSON GIVING SECURITY
Order 23, Rule 10(1)

We
of.....
and.....
.
of.....
and.....
of.....
are jointly and severally held and firmly bound to in
the sum of N naira to be paid to the said

Or his attorney, executors, administrators or assigns; we bind each and everyone of us and each of our heirs, executors and administrators jointly and severally, by this bond.

Sealed with our seals and dated this day of 20

.....
Whereas (1)

[(1) Here recite the circumstances in which the bond is required]

NOW THE CONDITION of this obligation is such that if the above-bound do (2) then this obligation shall be void and of no effect, otherwise the same shall remain in full force and virtue.

[(2) Here state the obligation undertaken.]

SEAL.

SEAL.

SEAL.

Signed, sealed and delivered by the above-bound in the presence of

Magistrate or Commissioner for Oaths

In default of your appearing at the day of hearing you will be deemed to admit-

- 1) the plaintiffs claim against the defendant; and
- 2) the defendant's claim against you; and
- 3) your liability to (contribute to the extend claimed) or (indemnify the defendant); or
- 4) the defendant's right to the relief or remedy claimed in paragraph (c) above; and
- 5) the validity of any judgment in the action;

And you will be bound by the judgment in the action which may be enforced by execution against your goods.

DATED this day of 20

Magistrate

To (the Third party)

CIVIL FORM 22
THIRD PARTY NOTICE
Order 7, Rule 1 (4)

IN THE MAGISTRATES' COURT OF KANO

.....

No of claim

BetweenA.B plaintiff

And

C.D defendant

And Third party.

TAKE NOTICE that this action has been brought by the plaintiff against the defendant or. and that the Defendant claims against you that -

(a) he is entitled to contribution from you to the extent of

or (b) he is entitled to be indemnified by you against liability in respect

of.....

or (c) he is entitled to the following relief or remedy relating to or connected with the original subject matter of the action, namely

or (d) the following question or issue relating to or connected with the subject matter of the action should properly be determined as between the plaintiff and the defendant and the third party, namely

The grounds of the defendant's claim are -

AND TAKE NOTICE that if you dispute the plaintiffs claim against the defendant of the defendant's claim against you, you must take all necessary steps for your defence, and appear on the day fixed for the hearing of the action when the plaintiffs claim against the defendant and the defendant's claim against you will be heard and determined.

In default of your appearing at the day of hearing you will be deemed to admit-

- 1) the plaintiffs claim against the defendant; and
- 2) the defendant's claim against you; and
- 3) your liability to (contribute to the extend claimed) or (indemnify the defendant); or
- 4) the defendant's right to the relief or remedy claimed in paragraph (c) above; and
- 5) the validity of any judgment in the action;

And you will be bound by the judgment in the action which may be enforced by execution against your goods.

DATED this day of 20.....

Magistrate

To (the Third party)

CIVIL FORM 23
AFFIDAVIT ON APPLICATION ON BEHALF OF INFANT OR PERSON OF
UNSOOUND MIND FOR APPOINTMENT OF GUARDIAN AT LAW
Order 4, Rule 10

I,
.....
.
of.
.
make oath and say as follows -
1. The defendant was served with the ,
.
in this action (or matter) on the Day of 20
2. The defendant is an infant (or
person of unsound mind not adjudged a lunatic)
3 is a fit and proper person to act as guardian at law of the
said defendant and has no Interest in the matters in question in this
action (or matter) adverse to that of the said
defendant, and the consent of the said to
act as such guardian is annexed. Deponent
Sworn at. this day of 20 .. "

Commissioner for Oaths

This printed impression has been compared by me with the Bill which
has been passed by the Kano State House of Assembly and found by
me to be a true and correctly printed copy of the said Bill.