



# **PRACTICE DIRECTION ON SMALL CLAIMS COURTS 2023**



**HON. JUSTICE EKAETE F. FABIAN-OBOT**  
THE HONOURABLE CHIEF JUDGE OF AKWA IBOM STATE



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In exercise of the powers conferred on me by Section 274 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), Section 26(1)(2) of the Magistrates' Courts Law 2012(As Amended), and by all other powers enabling me on that behalf, I, **HON. JUSTICE EKAETE F. FABIAN-OBOT**, Chief Judge of Akwa Ibom State, hereby issue the following Practice Direction.

## **PREAMBLE**

Whereas the Hon. Chief Judge hereby designates some Magistrates' Courts as Small Claims Courts.

The Practice Direction shall apply and be observed in the Magistrates Courts designated as Small Claims Courts; and by the High Court when sitting over appeals from the Small Claims Courts.

These Practice Directions are made for speedy resolution of simple claims and debt recovery disputes.



## **SMALL CLAIMS PROCEDURE**

### **ARTICLE 1**

#### **OBJECTIVE**

The objective of the small claims' procedure is to provide easy access to an informal, inexpensive and speedy resolution of simple debt recovery disputes in the Magistrates' Courts.

### **ARTICLE 2 COMMENCEMENT OF ACTION**

- 1) An action may be commenced in the Small Claims Court where:
  - (a) The Defendant(s) or one of the Defendants reside(s) or carry(ies) on business in Akwa Ibom State; or
  - (b) The cause of action arose wholly or in part in Akwa Ibom State;
  - (c) The claim is for a liquidated monetary demand in a sum not exceeding ₦5,000,000 (Five Million Naira), excluding interest and costs;
  - (d) The Claimant has served on the Defendant, a LETTER OF DEMAND as in Form SCA 1.
- (2) The action shall be commenced by Claim upon the completion of a Small Claims Complaint Form as in Form SCA 2.
- (3) The Summons shall issue as in Form SCA 3 upon the Registrar or any authorized officer being satisfied that the requirements of 2 (1) above have been met.

### **ARTICLE 3**

#### **SUMMARY JUDGMENT**

- 1) Where a Claimant believes that there is no defence to his claim, he may file with the Summons, an Application for Summary Judgment as in Form SCA 3A.
- 2) The Application for Summary Judgment shall be supported by an Affidavit stating the grounds for his belief (that there is no defence to his claim) as in Form SCA 3B.



- 3) If the Defendant files a Counter-affidavit specified in Article 7 (2) below, the Claimant may file a Further-affidavit to the Defendant's Counter-affidavit within 5 days of service of the Counter-affidavit
- 4) Where it appears to a Magistrate that the Defendant has a good defence and ought to be permitted to defend the claim, he may be granted leave to defend.
- 5) Where it appears to a Magistrate that the Defendant does not have a good defence, the Magistrate may enter judgment for the Claimant.
- 6) Where it appears to a Magistrate that the Defendant has a good defence to part of the claim but does not have a good defence to other parts of the claim, the Magistrate may enter judgment for that part of the claim to which there is no defence and grant leave to defend that part to which there is a defence.
- 7) Where there are several Defendants, and it appears to a Magistrate that one or more of the Defendants have a good defence, the Magistrate may permit such Defendants to defend and enter Judgment against the other Defendants.

## **ARTICLE 4**

### **MARKING AND PAYMENT OF FILING FEES**

When a case satisfies the criteria in Article 2 above, the Assistant Chief Registrar or any person in charge of the Small Claims Registry shall cause the claim to be marked “Qualified for Small Claims” and direct the Claimant to pay appropriate filing fees.

## **ARTICLE 5**

### **ASSIGNMENT OF SMALL CLAIMS FILE**

- (1) Upon the marking of the Claim, the Assistant Chief Registrar or any other authorized officer shall within 24 hours forward the case file to the Administrative Magistrate for assignment to a Magistrate of the Small Claims Court.
- (2) The Administrative Magistrate shall, within 24 hours of receipt of the case file, assign the file to a Magistrate of the Small Claims Court



## ARTICLE 6

### SERVICE

- (1) The Summons and other relevant Forms shall be served by the Sheriff of the Small Claims Court within 7 days of filing.
- (2) Service shall be affected between the hours of 6 a.m. and 6 p.m. on weekdays and Saturdays.
- (3) Upon service, the Sheriff of the Small Claims Court shall file an Affidavit of Service as in Form SCA 6 within 2 days of service.
- (4) The provision of the Magistrates' Courts (Civil Procedure) Rules regarding mode of service, except as provided herein shall apply to any process of whatever description issued by the Small Claims Court.
- (5) Where the Sheriff of the Small Claims Court is unable to serve the Summons and other relevant Forms on the Defendant within the time specified in (1) above, he shall file an Affidavit of Non-Service as in Form SCA 4 after the expiration of the time allowed for service.
- (6) In the event of (5) above, the Claimant shall apply for an Order of substituted service of the Summons and other relevant Forms on the Defendant by filling Form SCA 7.
- (7) Upon receipt of a duly completed Form SCA7 the Magistrate shall make an order for substituted Service of the Summons.
- (8) Substituted service may be effected by pasting on a conspicuous place at the Defendant's last known place of abode or by electronic mail. If substituted Service is to be effected by services at the electronic mail address of a party, the following provisions shall be applicable;
  - i) The application in terms of Article 6 (6) above must be accompanied by an Affidavit confirming the identity of the



respondent, posting/physical address and the electronic mail address at which the defendant will receive services of the summons.

ii) A copy of any electronic mail correspondence including attachments between the parties may be attached as proof of the validity of the electronic mail address.

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

## **ARTICLE 7**

### **FILING OF DEFENCE/ADMISSION/COUNTER CLAIM/COUNTER AFFIDAVIT TO APPLICATION FOR SUMMARY JUDGMENT**

- (1) Upon service of the Summons, the Defendant shall file his Defence or Admission or Counterclaim within 6 days by completing Form SCA 5 as appropriate.
- (2) A Defendant who has been served with an Application for Summary Judgment shall file (along with Form SCA 5 and within the 6 days stipulated for him to enter a Defence) a Counter-affidavit as in Form SCA 5A stating why summary judgment should not be entered against him.
- (3) The provision of Article 6 on service of Summons shall apply to service of a Counterclaim.
- (4) Where a Defendant fails to file an answer to the Claim, or a Counter-affidavit to the Application for Summary Judgment, such Defendant shall be held to have admitted the Claim.

## **ARTICLE 8**

### **COUNTERCLAIM**

- (1) If at the time the action is commenced the Defendant intends to claim against the Claimant a liquidated money demand not exceeding



₦5,000,000.00 (Five Million Naira) (excluding interest and costs) and which Claim arises out of the same transaction or series of transactions, the Defendant shall fill a Counterclaim form as in Form SCA 5 in answer to the Claim.

- (2) If at the time the action is commenced, the Defendant intends to claim against the Claimant a liquidated money demand exceeding ₦5,000,000.00 (Five Million Naira) but not more than ₦10, 000,000.00 (Ten Million Naira) (excluding interest and costs) the Defendant may file a Counterclaim in the pending Small Claims action by filling Form SCA 5.
- (3) If at the time the action is commenced, the Defendant has a Counterclaim that exceeds the general jurisdiction of the Magistrates' Court, the Defendant may file the Counterclaim, by filling Form SCA 5, PROVIDED that any Judgment in the Defendant's favour shall be limited to the general jurisdiction of the Magistrates' Courts.
- (4) In the event of (3) above, the Defendant/ Counterclaimant shall expressly state that he has abandoned any claim in excess of ₦10,000,000.00 (Ten Million Naira) (excluding interest and costs).
- (5) The Defendant's Counterclaim shall be limited to the Claimant(s) on record.
- (6) The Claimant may file a Reply to the Defendant's Defence and Defence to Counterclaim within 5 days of service of the Defendant Defence and Counterclaim.
- (7) No pleadings after Reply are allowed.

## **ARTICLE 9**

### **NON-APPEARANCE**

- (1) When the Claim is called for hearing on the date fixed and neither party appears, the Magistrate shall unless he sees good reason the contrary, strike out the Claim.
- (2) When the Claim is called for hearing and the Claimant appears but the Defendant does not appear provided there is proof of service the Magistrate shall proceed with the hearing of the Claim and the Judgment as far as the Claimant can prove his Claim.
- (3) When the Claim is called for hearing, and the Defendant appears but the Claimant does not appear, the Defendant if he has no Counterclaim,





shall be entitled to an Order striking out the Claim but if he has a Counterclaim, the Magistrate shall proceed to hear the Counterclaim and enter Judgment accordingly, as far as the Defendant can prove his Counterclaim.

- (4) Where a claim has been struck out in (1) or (3) above, it shall not be re-listed.

## **ARTICLE 10**

### **PROCEEDINGS AT THE HEARING**

- (1) At the first appearance of the parties before the Court, the Magistrate shall promote, encourage, and facilitate an amicable settlement of the dispute among the parties by providing settlement options to the parties as the Magistrate deems fit. The process of facilitating an amicable settlement of the dispute among the parties shall not exceed 7 days.
- (2) Notwithstanding (1) above, the parties are encouraged to contact one another to settle the matter amicably. The Court shall be informed at the hearing if the case is settled by agreement before that date, and a Consent Judgment may be entered by the Court accordingly.
- (3) If the parties are unable to settle the dispute amicably, the Magistrate shall proceed to hear any application for Summary Judgment or give directions for hearing the Claim or the Counterclaim.
- (4) The hearing shall be conducted by the Court from day to day as far as is practicable and may only be adjourned as a last resort and for the shortest possible time.
- (5) Proceedings may be conducted through a video link, or any other virtual platform as may be directed by the Court.
- (6) An adjournment can only be granted during proceeding in unforeseen or exceptional circumstances and a party may not be granted more than one adjournment during the entire proceedings.
- (7) The entire hearing period shall not be more than 30 days from the first date of the hearing, inclusive of the seven 7 days for amicable settlement.



## **ARTICLE 11**

### **REPRESENTATION**

- (1) Parties may represent themselves at the proceedings in the Small Claims Court.
- (2) Partnerships, Registered Companies, and Incorporated Trustees can be represented by either a Partner, Company Secretary or any other Principal Officer of the Partnership or Company, or a Trustee, or other Principal Officer of the Incorporated Trustees.

## **ARTICLE 12**

### **EVIDENCE**

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

## **ARTICLE 13**

### **JUDGMENT**

- (1) The Magistrate shall deliver Judgment within 14 days of the completion of the hearing. The Court shall include in its Judgment, Rulings on any interlocutory applications heard in the proceedings.
- (2) The entire period of proceedings from the filing of the Claim to delivery of the Judgment shall not exceed 60 days.
- (3) The Judgment of the Court shall not be invalid because the entire proceedings of the Court exceeded 60 days.
- (4) The Magistrate shall endeavour to issue authenticated copies of the Judgment immediately after its delivery but in any event not exceeding 7 days from the date of the delivery of the Judgment.



## **ARTICLE 14**

### **ENFORCEMENT OF JUDGMENT**

- (1) The Defendant or Defendant to Counterclaim (as the case may be) shall comply with the Judgment and pay the Judgment sum forthwith.
- (2) Upon default of the Defendant or Defendant to Counterclaim to pay the Judgment sum forthwith, the Judgment shall be enforced in the same manner as any Order of the Magistrates' Court for the payment of money.

## **ARTICLE 15**

### **APPEALS**

- (1) The aggrieved party shall file the Notice of Appeal as in Form SCA 8B within 14 days of delivery of the Judgment stating the reasons for the Appeal.
- (2) The Assistant Chief Registrar or any authorized officer of the Small Claims Court Registry shall compile the Records of Appeal within 14 days of the submission of Form SCA 8B.
- (3) The Records of Appeal shall thereafter be forwarded to the Fast Track Registry of the High Court, where it is then assigned to a Judge of the Fast Track Court designated to hear appeals from the Small Claims Court.
- (4) The Judge, so designated, shall cause a Hearing Notice to be issued to the parties and the Appeal shall be heard at the earliest convenience of the Court.
- (5) The Appeal shall be heard on the Records of Appeal and the written briefs of the parties.
- (6) The whole Appellate Process from the assignment of the Appeal to Judgment shall not exceed 30 days.

## **ARTICLE 16**

### **GENERAL PROVISION**

- (1) Every Magistrate presiding in a Small Claims Court shall take judicial control and management of all cases assigned to the Magistrate by the Chief Magistrate (Admin.).
- (2) The Magistrate shall fill the Small Claims Court Cases Assessment Form attached to the case file.



- (3) The Magistrate shall record on the Small Claims Court Assessment Form the day when the proceedings commenced and was concluded.
- (4) Where 60 days have expired from the date of filing of a claim and no Judgment has been delivered, the Magistrate shall report to the Chief Magistrate (Admin.) stating the reason(s) for the delay in not concluding the matter within 60 days.
- (5) The Chief Magistrate (Admin.) upon receiving the report from the Magistrate shall reassign the case file to the same Magistrate for adjudication as a general civil matter.
- (6) The Magistrate shall include such a case file in the monthly returns as a matter converted to the general civil cause list.
- (7) The monthly returns shall be collated and submitted to the Collation Unit of the Small Claims Court Secretariat (not later than the seventh day of the subsequent month) for online publication on the Akwa Ibom State Judiciary website.
- (8) There shall be compiled a quarterly report of returns by the Small Claims Court Magistrates which shall be submitted to the Judicial Service Commission for performance evaluation purposes.

## ARTICLE 17

### WHERE NO PROVISION EXIST

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

### INTERPRETATION

In this Practice Direction, unless the context otherwise requires:

**"Admission"** means a concession or voluntary acknowledgement of the Claimant's claim.

**"Address for service"** means the address of a place where any document may be left for, or sent by post to, the party giving the address.



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

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

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

"**Court**" means the Small Claims Court.

"**Defendant**" means an individual, company, or institution sued in the Small Claims Court.

"**Defendant to counterclaim**" means the original Claimant who has been sued by a Defendant.

"**ELECTRONIC MAIL**" means email, WhatsApp, Telegram address/account, text messages, or any other related electronic message platform as may be appropriate.

"**Fast Track Registry**" means the Fast Track Registry of the High Court of Akwa Ibom State.

"**High Court**" means the High Court of Akwa Ibom State.

"**Judicial Service Commission**" means the Akwa Ibom State Judicial Service Commission.

"**Judge**" means a Judge of the High Court of Akwa Ibom State

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

"**Magistrates' Court**" means a court established by the Magistrates Courts Law 2012(as amended) Volume 4, Laws of Akwa Ibom State 2023.

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

"**Registry**" means the Small Claims Court Registry.

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



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

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

"**Summons**" means an order to appear before the Magistrate of the Small Claims Court.

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

## **CITATION**

This Practice Direction may be cited as the "Akwa Ibom State Practice Direction on Small Claims Court 2023".

## **COMMENCEMENT**

This Practice Direction shall come into effect on 25th September, 2023



**FORM SCA 1**

**SMALL CLAIMS COURT**

**LETTER OF DEMAND**

FROM:

.....

WORK ADDRESS:.....

RESIDENTIAL ADDRESS:.....

TELEPHONE NO(S) AND E-MAIL.....

TO:

.....

WORK ADDRESS: .....

RESIDENTIAL ADDRESS:.....

TELEPHONE NO(S) AND E-MAIL.....

**SIR/MADAM**

**DEMAND**

I hereby claim from you:

.....

.....

.....

**PLEASE STATE PARTICULARS**

.....

.....

.....

.....

.....

Unless you comply with this demand within 14 days after receipt of this letter, a summons will be issued against you in the Small Claims Court.

.....  
**Claimant's Signature**



**FORM SCA 2**

**IN THE SMALL CLAIMS COURT OF AKWA IBOM STATE**

**COMPLAINT FORM (TO ACCOMPANY FORM SCA 3)**

- NB
1. Please fill out the form legibly
  2. Attach copies of the documents (contracts, receipts, expert's report if applicable) etc upon which the claim is based.
  3. Submit this form to the Registry of Small Claims

**A. PARTICULARS OF CLAIMANT(S)**

FULL NAME:.....

WORK ADDRESS:.....

.....

RESIDENTIAL ADDRESS: .....

TELEPHONE NO. (S) & E-MAIL ADDRESS: .....

Attach a list of other Claimant(s) (if more than one) with the required particulars

**B. PARTICULARS OF DEFENDANT(S)**

FULL NAME:.....

WORK ADDRESS:.....

.....

RESIDENTIAL ADDRESS: .....

TELEPHONE NO.(S) & E-MAIL ADDRESS: .....

**C. PARTICULARS OF CLAIM(S)**

TOTAL SUM CLAIMED: .....

INTEREST: .....

COSTS: .....

OTHERS: .....

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

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







**FORM SCA 3**

**IN THE SMALL CLAIMS COURT OF AKWA IBOM STATE**

**SUMMONS**

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

CLAIM NO:.....

BETWEEN:

.....CLAIMANT

AND

..... DEFENDANT

The Claimant claims  
Debt (particulars are attached)

.....

Court Fees:.....

Costs:.....

Total N.....

To

.....

.....

1. You are hereby summoned to appear personally before this Court on the.....day of ..... 20.....at.....to admit or deny your liability for the above-mentioned claim.
2. If you admit or deny liability, or have a counterclaim you are advised to complete and return Form SCA 5 to the Registry of the Small Claims Court within 7 days after the service of this Summons, including the day of service. If require a longer time for payment, you should still complete the form of ADMISSION as in Form SCA 5.
3. (a) Take Notice that if you fail to appear in Court on the hearing date after a Summons has been served on you, judgment may be obtained against you by the Claimant.  
(b) Money payable in terms of a judgment or Order of Court may be paid directly to the Judgment Creditor.  
(c) The Judgment Debtor shall notify the Judgment Creditor fully and correctly within 7 days after he has changed his place of work, employment, or residence.

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

**REGISTRAR OF COURT**



**FORM SCA 3A**

**IN THE SMALL CLAIMS COURT OF AKWA IBOM STATE**

**SUMMARY JUDGMENT**

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

CLAIM NO:.....

BETWEEN:

..... CLAIMANT

AND

.....DEFENDANT

**APPLICATION FOR SUMMARY JUDGMENT**

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

1. Entering in the sum of Summary Judgment against the Defendant State the exact amount claimed without more plus interest and costs.
2. And for such order(s) the Court may deem fit to make.

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

-----  
**CLAIMANT'S SIGNATURE**

ADDRESS:.....

.....

TELEPHONE NO:.....

E-MAIL:.....

**FOR SERVICE ON**

DEFENDANT'S NAME: .....

ADDRESS:.....

.....

TELEPHONE NO:.....

E-MAIL:.....



**FORM SCA 3B**

**IN THE SMALL CLAIMS COURT OF AKWA IBOM STATE  
HOLDEN AT.....**

**CLAIM NO:.....**

**BETWEEN**

..... CLAIMANT

**AND**

..... DEFENDANT

**AFFIDAVIT IN SUPPORT  
OF APPLICATION FOR SUMMARY JUDGMENT**

I, (.....) of (.....)

Akwa Ibom State do hereby make an oath and state as follows:

1. I am the Claimant in this case.
2. The Defendant is indebted to me in the sum of (N.....) and I verily believe that the Defendant has no defence whatsoever to my claim.  
(State the exact amount claimed without more).
3. Notwithstanding the issuance of a Letter of Demand Defendant failed to liquidate his indebtedness.
4. I have also issued a Complaint Form and caused a Summons to be issued against the Defendant.
5. Notwithstanding the service of the foregoing on the Defendant, he has failed to liquidate his indebtedness to me.
6. The indebtedness arose on account of.....

Explain the details of the transaction and why summary judgment should be entered against the Defendant Expense at efforts to recover the indebtedness Attach all necessary documents(Use extra sheets if necessary).

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



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

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

-----  
**DEPONENT**

SWORN TO AT THE SMALL CLAIMS COURT OF AKWA IBOM STATE,  
REGISTRY

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

**BEFORE ME**

**COMMISSIONER FOR OATHS**

**FORM OF JURAT** (if applicable)

Where the Commissioner has read the Affidavit to the Deponent.

SWORN at .....in ..... this day of.....  
at before me.

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

.....  
**Commissioner for Oaths**



**FORM SCA 4**

**IN THE SMALL CLAIMS COURT OF AKWA IBOM STATE**

**AFFIDAVIT OF NON-SERVICE**

**CLAIM NO** .....

BETWEEN:

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

AND

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

I,.....

..... Make Oath and say, that on the

..... day of ..... 20 ..... At .....O'clock I attempted to

serve upon.....

Summons for small claims.....

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

Because.....

.....

-----  
**Sheriff Corp**

SWORN TO AT THE SMALL CLAIMS COURT OF AKWA IBOM STATE, REGISTRY

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

**BEFORE ME**

**COMMISSIONER FOR OATHS**



**FORM SCA 5**

**IN THE SMALL CLAIMS COURT OF AKWA STATE  
FORM OF ADMISSION, DEFENCE AND COUNTERCLAIM TO ACCOMPANY  
FORM SCA 3**

(TO BE SERVED ON THE CLAIMANT WITHIN 7 (SEVEN) DAYS OF SERVICE OF  
FORM SCA 3)

Claim No. ....

**BETWEEN**

.....CLAIMANT(S)

AND

.....DEFENDANT(S)

**a) ADMISSION**

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

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

(State why you cannot pay at once).

**b) DEFENCE**

I have a defence:.....

.....

..... or I dispute part of the  
Claimant's claim).....

.....because.....

.....

(State briefly the facts you wish to put before the courts).

**C) COUNTERCLAIM OR SET OFF.**

I have a counter-claim or set-off against the Claimant for ₦.....

.....



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

..... (State the particulars of the Counterclaim or Set off).

I hereby abandon any claim in excess of N5,000,000 ( five million Naira) ( excluding Interest and cost).

.....  
**DEFENDANT COUNTER CLAIMANT’S**

.....  
**DATE**

**FORM OF JURAT** (If applicable)

Where the Commissioner has read the Affidavit to the Deponent.

SWORN at .....on.....this.....day.....  
of.....20..... before me.

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

-----  
**Commissioner for Oaths**





**FORM SCA 5A**

**IN THE SMALL CLAIMS COURT OF AKWA IBOM STATE  
HOLDEN AT.....**

**CLAIM NO.....**

**BETWEEN**

..... **CLAIMANT**

**AND**

..... **DEFENDANT**

**DEFENDANT'S COUNTER-AFFIDAVIT**

**TO APPLICATION FOR SUMMARY JUDGMENT**

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

I, (.....) of (.....) Akwa Ibom  
State,

hereby make oath and state as follows:

(State the Defendant's name and address)

1. I am the (.....) Defendant in this case.  
(If there are multiple Defendants state the position of the Defendant).
2. I have a good defence against the Claimant's claim I have expressed my defence in  
Form SCA 5 (State if there is a Counterclaim].
3. The Claimant not entitled to Summary Judgment against me.  
(.....) [State name of the Defendant].
4. I dispute the allegations in paragraphs (.....)  
of the Claimant's affidavit because the Defendant SHALL state paragraphs in the  
affidavit that he is opposing).

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

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



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

5.1 know that Defendant is not indebted to the Claimant in the sum of (₦.....)  
or any sum whatsoever (State the amount being claimed).

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

-----  
**DEPONENT**

SWORN TO AT THE SMALL CLAIMS COURT OF AKWA IBOM STATE REGISTRY

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

**BEFORE ME**

**COMMISSIONER FOR OATHS**

**FORM OF JURAT** (If applicable)

Where the Commissioner has read the Affidavit to the Deponent.

SWORN at .....in.....this.....day  
of .....before me.

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

-----  
**Commissioner for Oaths**



**FORM SCA 6**

**IN THE SMALL CLAIMS COURT OF AKWA IBOM STATE  
AFFIDAVIT OF SERVICE  
(PROOF OF SERVICE TO BE FILED WITHIN TWO (2) DAYS OF SERVICE)**

CLAIM NO .....

**BETWEEN:** .....**CLAIMANT(S)/APPLICANT(S)**

**AND**

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

I, .....

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

At ..... O'clock I served upon.....

Summons for small claim.....

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

Upon..... on the complaint of' .....

.....

By delivering the same personally to .....

.....

.....

Before the day I served the summons .....

I did not know .....

Personally, but after he was pointed out to me by .....

Asked him if he was .....and he said, he was.....

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**Sheriff Corp**

SWORN TO AT THE SMALL CLAIMS COURT OF AKWA IBOM STATE REGISTRY.

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

**BEFORE ME**

**COMMISSIONER FOR OATH**



**FORM SCA 7**

**IN THE SMALL CLAIMS COURT OF AKWA IBOM STATE  
HOLDEN AT .....**

**CLAIM NO .....**

**BETWEEN:**

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

**AND**

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

**MOTION EX-PARTE**

**BROUGHT PURSUANT TO ORDER 5 RULE 4 OF THE MAGISTRATE COURT  
(CIVIL PROCEDURE) RULES, 2012(As amended) AND UNDER THE INHERENT  
JURISDICTION OF THE COURT**

TAKE NOTICE that the Honourable Court will be moved on the ..... day of .....  
20 ....., at 9'0 Clock in the forenoon or soon thereafter as the Claimant/Applicant may be  
heard praying the court for the following:

An Order of the Court granting leave to the Claimant/Applicant to serve the Summons on the  
Defendant by substituted means, to wit:

- 1) pasting same at .....  
being the last known address of the Defendant or by any other means of service, as is  
hereby stated.
- 2) AND FOR SUCH ORDER OR ORDERS as this Honourable Court may deem fit to  
make in the circumstances in this claim.

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

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**Claimant's signature**



**FORM SCA 8A**

**IN THE SMALL CLAIMS COURT OF AKWA IBOM STATE  
HOLDEN AT**

**CLAIM NO.....**

**BETWEEN:**

..... **APPELLANT**

**AND**

..... **RESPONDENT**

**MOTION ON NOTICE  
BROUGHT UNDER SECTION 52 AND 53 OF THE MAGISTRATES COURTS  
(CIVIL PROCEDURE) LAWS, 2012(AS AMENDED) AND UNDER THE INHERENT  
JURISDICTION OF THE COURT**

TAKE NOTICE that the Honourable Court will be moved on O Clock in the forenoon or soon thereafter as the Court for the following day of 20 at 9 Applicant may be heard praying for the following:

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

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

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

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**APPELLANT'S SIGNATURE**

ADDRESS: .....

.....

.....

TELEPHONE NO: .....

E-MAIL:.....

**FOR SERVICE ON**

RESPONDENT'S NAME: .....

ADDRESS: .....

TELEPHONE NO: .....

E-MAIL: .....



**FORM SCA 8B**

**IN THE HIGH COURT AKWA IBOM STATE  
COMMERCIAL DIVISION (FAST TRACK COURT)  
HOLDEN AT .....**

APPEAL NO. ....

**BETWEEN:**

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

AND

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

**NOTICE OF APPEAL**

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

TAKE NOTICE that the ..... /Appellant(s) being dissatisfied with the decision of the Magistrate Court (Small Claims Court) .....  
Magisterial District as contained in the Judgment delivered on the ..... by ..... do hereby appeal to the High Court of Akwa Ibom State, upon the grounds set out in paragraph 2 and will at the hearing of the Appeal seek the reliefs set out in paragraph 3.

AND the Appellant further states that the names and addresses of the persons who would be directly affected by the appeal are those set out in paragraph 4 of this Notice.

**1. PART OF THE DECISION OF THE LOWER COURT COMPLAINED OF:**

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

**2. GROUNDS OF APPEAL**

1. The Learned Magistrate erred in law when His Worship held that

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

**PARTICULARS OF ERROR**

(a).....

.....

(b).....

.....



**3. RELIEFS BEING SOUGHT FROM THE HIGH COURT OF AKWA IBOM STATE**

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

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

**4. PERSON(S) DIRECTLY AFFECTED BY THE APPEAL**

NAMES: .....  
ADDRESS .....  
.....  
.....  
TELEPHONE NO.....  
EMAIL.....

NAMES: .....  
ADDRESS .....  
.....  
.....  
TELEPHONE NO.....  
EMAIL.....

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

.....  
**APPELLANT'S SIGNATURE**

**ADDRESS FOR SERVICE:**

NAMES: .....  
ADDRESS .....  
.....  
.....  
TELEPHONE NO.....  
EMAIL.....



**FORM SCA 9A**

**IN THE SMALL CLAIMS COURT OF AKWA IBOM STATE**

**HOLDEN AT.....**

**CLAIM NO.....**

**BETWEEN:**

.....**JUDGMENT CREDITOR**

**AND**

.....**JUDGMENT DEBTOR**

**AND**

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

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

**MOTION EX-PARTE**

**SECTIONS 79 AND 84 OF THE SHERIFFS AND CIVIL PROCESS LAW AND ORDER IV RULES 1 (2). ORDER 8 RULES 3 (1) & (2), 4, 5, AND 8 OF THE JUDGMENT (ENFORCEMENT) RULES AND UNDER THE INHERENT JURISDICTION OF THIS COURT.**

**TAKE NOTICE** that this Honourable Court shall be moved on the..... day of .....20..... 9 O'clock in the forenoon or so soon thereafter as the Judgment Creditor be heard praying the Court of for the following:

1. AN ORDER attaching the funds standing to the credit of the Judgment Creditor in the custody the Garnishee) to the outstanding Judgment sum of (N..... (State the Judgment Debt).
2. AN ORDER directing the Garnishees to appear before this Court within 14 days of service of the Order to show cause why an order should not be made for payment to the judgment Creditor of the Judgment Debt accruing to the Judgment Debtor or so much thereof as will satisfy the Judgment Debt.
3. AN ORDER directing the Garnishees to respectively disclose forthwith funds standing to the credit of the Judgment Debtor with the Garnishee(s) as at the date of the service





of the Order of Court and that such disclosures be made on oath and verified by an affidavit sworn and filed before the Court within 8 days of the service of the Order of this Court.

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

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

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**Judgment Creditor's Signature**



**FORM SCA 9B**

**IN THE SMALL CLAIMS COURT OF AKWA IBOM STATE  
HOLDEN AT.....**

**CLAIM NO.....**

**BETWEEN:**

.....**JUDGMENT CREDITOR**

**AND**

.....**JUDGMENT DEBTOR**

**AND**

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

**AFFIDAVIT IN SUPPORT**

I ..... of.....

of [State the name and address of the Judgment Creditor) Akwa Ibom State do hereby make an oath and state as follows:

1. I am the Judgment Creditor in this case.
2. The Judgment Debtor is..... of .....  
(State name and address of the Judgment Debtor). On.....  
Judgment was entered (in the Small Claims Court) [State the date Judgment was delivered against the.....  
Judgment Debtor in the sum of (₦).....

.....  
(State Judgment sum Judgment Debt is payable by instalments the amount of any instalments which have fallen due and remain unpaid).

3. I know that the..... of .....(State name and address of the Garnishee) has to its credit money belonging to the Judgment Debtor by way of .....

.....  
.....



(State particulars of funds held with the Garnishee(s), if the Garnishee(s) is a bank state-

- (i) the branch at which the Judgment Debtor's account is believed to be held and
  - (ii) the account number).
4. To the best of my knowledge or belief the said Garnishee(s).
    - a. is within the Jurisdiction of this Court, and
    - b. owes money to or holds money to the credit of the Judgment Debtor.
  5. To the best of my knowledge or belief no other person other than ..... has any claim to the money owed by the Garnishee. (State name of Judgment Debtor).
  6. I have not obtained or instituted another Garnishee application against the Judgment Debtor in respect of the same Judgment Debt.
  7. I depose to this Affidavit conscientiously, believing all the depositions contained here to be true and correct by the Oaths Law of Akwa Ibom State.

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**DEPONENT**

**SWORN TO AT THE SMALL CLAIMS COURT OF AKWA IBOM STATE REGISTRY,  
THIS.....DAY OF..... 20.....**

**BEFORE ME**

**COMMISSIONER FOR OATHS**



**ISSUED THIS 25TH DAY OF SEPTEMBER 2023**

**UNDER THE HANDS AND SEAL OF**

-----  
**HON. JUSTICE EKAETE F. FABIAN-OBOT**  
**HON. CHIEF JUDGE OF AKWA IBOM STATE**