



**ZAMFARA STATE JUDICIARY
DISTRICT COURTS LAW**

**PRACTICE DIRECTIONS ON
SMALL CLAIMS COURT**

2023

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DISTRICT COURTS LAW**PRACTICE DIRECTIONS ON SMALL CLAIMS 2023.**

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, Cap 60 Laws of Sokoto State 1996, as applicable in Zamfara State, Section 89 of the District Courts Laws Cap 44 Laws of Sokoto State 1996, as applicable in Zamfara State and all other powers enabling me in that behalf, I **HON. JUSTICE KULU ALIYU OFR**, Chief Judge of Zamfara State, hereby issue the following Practice Directions.

Dated this^{9th}..... day of^{NOV}....., 2023

.....^{Aliyu}.....

HON. JUSTICE KULU ALIYU OFR

(Chief Judge, Zamfara State.)

PREAMBLE:

Whereas, I, the Hon. Chief Judge hereby designates some District Courts as Small Claims Courts.

The Practice Directions shall apply and be observed in the District Courts designated as Small Claims Courts and by the High Court, when sitting over appeals from the Small Claims Courts.

Commencement:

This practice direction shall come into effect on theday of2023.

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 and liquidated debt recovery disputes in the District Courts.

ARTICLE 2

COMMENCEMENT OF ACTION

- 1) An action may be commenced in the Small Claims Court where:
 - (a) The Plaintiff or one of the Plaintiffs resides or carries on business in Zamfara State;
 - (b) The Defendant or one of the Defendants resides or carries on business in Zamfara State;
 - (c) The cause of action arose wholly or in part in Zamfara State.
 - (d) The claim is for a liquidated money demand in a sum not exceeding **₦1,000,000 (One Million Naira)**, excluding interest and costs.
 - (e) The Plaintiff has served on the Defendant, a LETTER OF DEMAND or a Demand Notice as in Form ZSCA 1.

- 2) The action shall be commenced by Claim upon the completion of a Small Claims Complaint Form as in Form ZSCA 2.

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

ARTICLE 3

MARKING AND PAYMENT OF FILING FEES

Where a case satisfies the criteria in Article 2 above, the 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 Applicant to pay appropriate filing fees.

ARTICLE 4

ASSIGNMENT OF SMALL CLAIM FILES

- (1) Upon the marking of the Claim, the Chief Registrar or any person in charge of the small claims Registry shall within twenty-four (24) hours direct or forward the case file to the Administrative District Judge for assignment to a District Judge of the Small Claims Court.
- (2) The Administrative District Judge shall within twenty-four (24) hours of receipt of the case file assign the Small Claims file to a District Judge of the Small Claims Court. Such case assignments shall be undertaken on a random basis.

ARTICLE 5

SERVICE OF THE SUMMON

- (1) The Summons shall be served by the Registry of the Small Claims Court within seven (7) days of filing by the Bailiff of the Small Claim Court.
- (2) Upon service, the Bailiff of the Small Claims Court shall file an Affidavit of service as in Form ZSCA 6 within two (2) days of service.
- (3) The provision of the Zamfara State District Courts (Civil Procedure) Rules 2014(herein after referred to as "The District 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 Courts.

- (4) Where the Bailiff of the Small Claims Court is unable to serve the Summons on the Defendant within the time specified in (1) above, he shall file an Affidavit of Non-Service as in Form ZSCA 4 after the expiration of the time allowed for service.
- (5) In the event of (4) above, the Plaintiff shall apply for an Order of substituted service of the Summons on the Defendant by filling and filing Form ZSCA 7.
- (6) Upon receipt of a duly completed Form ZSCA7, the District Judge shall make an order for substituted service of the summons.
- (7) Substituted service may be effected by electronic means. If substituted service is to be effected by services at the electronic mail of a party. The following provisions shall be applicable.
 - i. The application in terms of Article 5 (5) this practice direction must be accompanied by an affidavit confirming the identity of the Respondent postal/physical address and the electronic mail address of which the Defendant will receive service of the summons.
 - ii. A copy of any electronic mail correspondence, including attachments between the parties may be attached as proof of the validity of the electronic mail address.
 - iii. The Sheriff/Bailif of the Small Claims Court shall serve the summons, annexures and pleadings by way of electronic mail on the address as if ordered by the Court, indicating what processes have been served by way of electronic mail and the number of pages that were mailed.

ARTICLE 6

FILING OF DEFENCE/ADMISSION/COUNTERCLAIM

- (1) Upon service of the Summons, the Defendant shall file his Defence/Admission or Counterclaim within Seven days by completing Form ZSCA 5 as appropriate.
- (2) The provision of Article 5 on service of Summons shall apply to service of a Counterclaim.
- (3) Where a Defendant fails to file an Answer to the Claim, such Defendant may be held to have admitted the Claim.

ARTICLE 7

COUNTER CLAIM

- (1) If at the time the action is commenced the Defendant intends to claim against the Plaintiff, a liquidated money demand not exceeding One Million Naira (1,000,000.00) excluding interest and costs and which claim arises out of the same transaction or series of transactions, the Defendant shall complete and file a counterclaim form as in Form ZSCA 5 in answer to the Claim.
- (2) If at the time the action is commenced, the Defendant has a counterclaim that exceeds the general jurisdiction of the District Court; the Defendant may file the counterclaim, by completing Form ZSCA 5, PROVIDED that any Judgment in the Defendant's favour, shall be limited to the general jurisdiction of the District Courts.

- (3) In the event of sub 2 of this article, the Defendant/Counter Plaintiff shall be deemed to have abandoned the excess of the counterclaim.
- (4) The Defendant(s) counterclaim shall be limited to the Plaintiff(s) on record.
- (5) The Plaintiff may file a reply to the Defendant(s) Defence and Counterclaim within five days of service of the Defendant(s) Defence and Counterclaim.
- (6) No pleadings after reply are allowed.

ARTICLE 8

NON-APPEARANCE

- (1) When the claim is called for hearing on the date fixed and neither party appears, the District Judge shall unless he sees good reason to the contrary, strike out the claim.
- (2) Where the claim is called for hearing and the Plaintiff appears but the Defendant does not appear, provided there is proof of service, the District Judge shall proceed with the hearing of the claim and enter Judgment as far as the Plaintiff can prove his claim.
- (3) Where the claim is called for hearing and the Defendant appears but the Plaintiff 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 District Judge shall proceed to hear the counterclaim and enter Judgment accordingly, as far as the Defendant can prove his counterclaim.

ARTICLE 9

PROCEEDINGS AT THE HEARING

- (1) At the first appearance of the parties before the Court, the District Judge shall promote, encourage and facilitate amicable settlement of the dispute among the parties by mediating and providing settlement options to the

- parties as he deems fit. The process of mediating and facilitating amicable settlement of the dispute among the parties shall not exceed seven days.
- (2) Notwithstanding 9(1) of this article, the parties are also encouraged to contact one another with a view to settling the matter amicably or to narrow the issues. However, the court must be informed on the hearing date if the case is settled by agreement before that date and a consent judgment may be entered by the Court accordingly.
 - (3) In the event the parties are unable to settle the dispute amicably, the District Judge shall hold a pre-trial conference for the purpose of giving directions for hearing of the claim or counterclaim (as the case may be) including a hearing time table, length of trial or hearing, exchange of witness (es) list, formulation and settlement of issues, as appears to the District Judge to secure the just, expeditious and speedy disposal of the claim or counterclaim.
 - (4) Hearing shall be conducted by the court from day to day as far as is practicable and may only be adjourned as a last resort and for the shortest possible time.
 - (5) Adjournment can only be granted during proceedings in unforeseen and exceptional circumstances and a party may not be granted more than one adjournment during the entire proceedings.
 - (6) The entire hearing period shall not be more than 30 days from the first date of hearing, inclusive of the seven days for amicable settlement.
 - (7) During the hearing; the District Judge may ask any question to the witness or order the witness to produce any document in the possession of the witness in order to clear up any ambiguity which may have been left obscured in evidence given by such a witness.

ARTICLE 10

REPRESENTATION

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

ARTICLE 11

EVIDENCE

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

ARTICLE 12

JUDGMENT

- (1) The District Judge shall endeavor to deliver judgment within 14 days of the completion of hearing. The judgment shall include the Court's determination of issues raised in any interlocutory application(s) filed by any of the parties.
- (2) The entire period of proceedings from filing till judgment shall not exceed 60 working days.
- (3) The judgment of the Court shall not be invalidated by reason of the entire proceedings of the court having exceeded 60 working days.
- (4) The District Judge shall endeavor to issue authenticated copies of the judgment immediately after its delivery but in any event not exceeding seven days from the date of the delivery of the judgment.

ARTICLE 13**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 or as may be ordered by the court.
- (2) Upon default of the Defendant or Defendant to counterclaim to pay the Judgment sum within the time specified, the Judgment shall be enforced in like manner as any order of the District Court for the payment of money.

ARTICLE 14**GARNISHEE PROCEEDINGS**

- (1) A Judgment Creditor who is entitled to the benefit of a judgment for recovery or payment of money shall fill and file motion ex parte as in FORM ZSCA 9 with accompanying affidavit containing the following information:
 - (a) The name and address of the Judgment Debtor.
 - (b) Details of the judgment or order sought to be enforced.
 - (c) The amount of money remaining due under the judgment or order.
 - (d) If the judgment debt is payable by instalments, the amount of any instalments which have fallen due and remain unpaid.
 - (e) The name and address of the third party.
 - (f) If the third party is a bank or building society
 - (i) Its name and the address of the branch at which the Judgment Debtor's account is believed to be held; and
 - (ii) The account number; or, if the Judgment Creditor does not know all or part of this information, confirmation that to the best of the Judgment Creditor's knowledge or belief, the third party:
 - (i) Is within the jurisdiction; and

- (ii) Owes money to or holds money to the credit of the judgment debtor.
- (g) If the Judgment Creditor knows or believes that any person other than the Judgment Debtor has any claim to the money owed by the third party:
 - (i) His name and (if known) his address; and
 - (ii) Such information as is known to the Judgment Creditor about his claim.
- (h) Details of any other applications for third-party debt orders issued by the Judgment Creditor in respect of the same judgment debt. Where the Judgment Creditor satisfied the provision of Article 9 sub 1, of this practice direction the District Judge may issue a Garnishee Order nisi and direct the Garnishee(s) to show cause regard been had to provision of Section 83 (2) of the Sherif & Civil Process Act.

ARTICLE 15

APPEALS

- (1) Where either party is aggrieved with the Judgment, such party shall complete the Appeal form, as in Form ZSCA 8 within 14 days of the delivery of the Judgment stating the reasons for the Appeal.
- (2) The Registrar of the Small Claims Registry shall compile the records of appeal within 14 days of the submission of Form ZSCA 8.
- (3) The Records of Appeal shall thereafter be forwarded to the Fast Track Registry of the High Court, where it is then assigned to a Judge of the Fast Track Court designated to hear appeals from the Small Claims Court.
- (4) The Judge so designated shall cause Hearing Notices to issue to the parties and the appeal shall be heard at the earliest convenience of the Court.

- (5) The Appeal shall be by oral hearing of the parties and on the records of the appeal.
- (6) The whole Appeal Process from the assignment to Judgment shall not exceed 30 days.

ARTICLE 16

GENERAL PROVISIONS

- (1) Every District Judge presiding in a Small Claims Court must take judicial control and management of all cases assigned to him by the Chief Registrar/Administrative District Judge.
- (2) The District Judge shall record the proceedings and must note in the Small Claims Record Book the duration of each sitting. The Record Book shall provide detailed information on the progress of each case from filing to Judgment.
- (3) Where no provision is made in this Practice Direction, the provisions of District Court Rules shall apply to the proceedings at the Small Claims Court while the High Court (Civil Procedure) Rules or any other written laws for the time being in force, shall so far as they can be conveniently applied, be adopted at the Small Claims Appellate Court.
- (4) Each District Court of the Small Claims Court must submit to the Chief Registrar or any Officer designated by Judicial Committee on the Small Claim Courts, monthly returns including any information, assessment material, statistics and records showing compliance with the timelines for the Small Claims proceedings, and any other reports that may be required from time to time to assess the functioning and efficiency of the Small Claims Courts.

FORM ZSCA I

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)

.....
.....

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

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

.....
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.....

.....
**PLAINTIFF'S SIGNATURE/
THUMBPRINT**

.....
DATE

Sworn to at the Small Claims Court Registry.....this.....Day of.....20.....

The foregoing having been read and interpreted by me to the Deponent in..... Language he being Illiterate/Blind and he having appeared perfectly to have understood before affixing his thumb print impression.

JURAT (If applicable)

Commissioner for Oaths.

FORM ZSCA 3

IN THE DISTRICT COURT OF ZAMFARA STATE (SMALL CLAIMS)

SUMMONS (TO BE SERVED WITHIN SEVEN DAYS OF FILING)

CLAIM NO.....

BETWEEN:

.....

PLAINTIFF(S)

AND

.....

DEFENDANT(S)

The Plaintiff Claims:

Debt (particulars are attached).....

Court Fees.....

Costs.....

Total: ₦ _____

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 deny liability or have a counterclaim you are advised to complete and return Form SCA 4 to the registry of the Small Claims Court within Seven days after the service of this summons inclusive of the day of service. If you require longer time for payment, complete the form of ADMISSION as in Form ZSCA 4.
3. (a) Take notice that if you fail to appear in Court on the hearing date after a summon has been served on you, Judgment may be obtained against you by the PLAINTIFF.

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

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

4. Enforcement

If any person against whom a Judgment for the payment of money has been given or an Order for the payment of money in instalments has been made fails to satisfy the Judgment or Order.

- (a) Such judgment or order may be enforced against movables and if the movables are found to be insufficient then against the immovable of the party against whom the Judgment or Order has been issued.
- (b) Execution shall be taken against the whole Judgment debt and costs which have not been paid in default of an instalment being paid.
- (c) The Judgment Debtor is liable to notify the Judgment Creditor fully and correctly; within 7 days after he has changed his place of work, employment or residence, of his new place of work, employment or residence.

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

Registrar

FORM ZSCA 4

IN THE DISTRICT COURT OF ZAMFARA STATE (SMALL CLAIMS) AFFIDAVIT OF NON-SERVICE

CLAIM NO.....

BETWEEN:

.....

PLAINTIFF(S)/APPLICANT(S)

AND

.....

DEFENDANT(S)/RESPONDENT(S)

I,.....

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

At.....O'clock I attempted to serve upon..... Summons for small claims.....

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

I have been unable to serve the Summons.....

Because.....

.....

.....

Bailiff

SWORN TO AT THE DISTRICT COURT OF ZAMFARA STATE, (SMALL CLAIMS) REGISTRY

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

SCA 5

IN THE DISTRICT COURT OF ZAMFARA STATE (SMALL CLAIMS)

FORM OF ADMISSION, DEFENCE AND COUNTERCLAIM TO ACCOMPANY FORM ZSCA 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 N.....per.....) because,

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

(State why you cannot pay at once)

b) DEFENCE

I have a defence

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

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

c) COUNTERCLAIM OR SET OFF.

I have a counter-claim or set-of against the Claimant for N.....
.....
.....
.....
.....

(State the particulars of the Counterclaim or Set of)

..... CLAIMANT'S SIGNATURE/ DATE

THUMB PRINT

JURAT (If applicable)

The foregoing having been read and interpreted by me to the Deponent in.....Language he being illiterate/Blind and he having appeared perfectly to have understood before affixing his thumb print impression.

Commissioner for Oaths

Defendant's address for service in Zamfara Dated this.....day of.....20.....

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

FORM SCA 6

IN THE DISTRICT COURT OF ZAMFARA STATE (SMALL CLAIMS)

AFFIDAVIT OF SERVICE
(PROOF OF SERVICE TO BE FILED WITHIN TWO (2) DAYS OF SERVICE)

CLAIM NO.....

BETWEEN:

..... PLAINTIFF(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 claims
.....True copy whereof annexed issued out of this court at
..... upon
.....on the complaint of By delivering
the same personally to before the day I
served the summons I
did not know personally, but after he was
pointed out to me By asked him if he was
..... and he said, he was.

.....
Bailiff

SWORN TO AT THE SMALL CLAIMS COURT REGISTRY.
THISDAY.....20.....
FORM SCA 7

IN THE DISTRICT COURT OF ZAMFARA STATE (SMALL CLAIMS)

IN THE ZAMFARA MAGISTERIAL DISTRICT

HOLDEN AT.....

CLAIM NO.....

BETWEEN:

.....

PLAINTIFF(S)/APPLICANT(S)

AND

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

MOTION EX-PARTE

BROUGHT PURSUANT TO ORDER 4 RULE 4 OF THE DISTRICT COURT (CIVIL PROCEDURE) RULES, AND UNDER THE INHERENT JURISDICTION OF THE COURT

TAKE NOTICE that the Honourable Court will be moved on the.....day of.....2....., at 9'0 Clock in the forenoon or soon thereafter as the Plaintiff/Applicant may be heard praying the court for the following:

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

.....

being the last known address of the Defendant or by any other means of service, as is hereby stated.....

.....

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

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

.....

Plaintiff's signature

FORM ZSCA 8

IN THE HIGH COURT ZAMFARA STATE IN THE JUDICIAL DIVISION (FAST TRACK COURT)

HOLDEN AT.....

APPEAL NO.....

BETWEEN:

.....

APPELLANT(S)

AND

.....

RESPONDENT(S)

NOTICE OF APPEAL

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

TAKE NOTICE that the...../Appellant(s) being dissatisfied with the decision of the District Court (Small Claims Court) Magisterial District as contained in the Judgment delivered on the bydo hereby appeal to the High Court of Zamfara 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 of in paragraph 4 of this Notice.

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

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

2. GROUNDS OF APPEAL

(1) The learned DISTRICT erred in law when His Honour held that

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

PARTICULARS OF ERROR

(a)
.....

.....
(B)
.....
.....

3. RELIEFS SOUGHT FROM THE HIGH COURT OF ZAMFARA STATE

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

4. PERSON(S) DIRECTLY AFFECTED BY THE APPEAL

NAMES	ADDRESS
.....
.....
.....
.....

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

.....
APPELLANT'S SIGNATURE

ADDRESS FOR SERVICE:
.....

.....
.....