



**SOKOTO STATE JUDICIARY**

**PROCEEDINGS AT THE SMALL  
CLAIMS COURTS**

**A PRESENTATION ON PRACTICE  
DIRECTIONS ON SMALL CLAIMS**

**2023**

# PRESENTATION OUTLINE

- Objective
- Commencement of Action
- Service of Summons
- Defence/Admission
- Counter-Claim
- Non-appearance
- Proceedings at the Hearing
- Representation
- Evidence
- Judgment
- Enforcement of Judgment
- Garnishee Proceedings
- Appeals

# OBJECTIVE

## (ARTICLE 1)

- 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.
- As much as it is possible within the confines of the Practice Directions and the District Court Rules, the District Judge must enforce strict compliance with timelines and trial dates.

# COMMENCEMENT OF ACTION

## (ARTICLE 2)

- The Plaintiff or one of the Plaintiffs must reside or carries on business in Sokoto.
- The Defendant or one of the Defendants resides or carries on business in Sokoto.
- The cause of action arose wholly or in part in Sokoto State.
- The claim is for a liquidated money demand in a sum not exceeding **#1,000,000.00 (One Million Naira)**, excluding interest and costs.
- **LETTER OF DEMAND** or a Demand Notice must be served on the Defendant as in **Form SCA 1**.

## COMMENCEMENT OF ACTION (CONT.)

- The action shall be commenced by Claim upon the completion of a Small Claims Complaint **Form SCA 2.**
- The summons shall be issued as in **Form SCA 3.**

# SERVICE OF SUMMONS

## (ARTICLE 5)

- The summons shall be served within seven (7) days of filing and affidavit of service (Form SCA 6) shall be filed within two (2) days of service.
- Where the service does not carried out within the time specified aboved, affidavit of non-service (Form SCA 4) shall be filed after the expiration of the time for service. Also the Plaintiff can apply for substituted service by filling and filing Form SCA 7.
- The provision of the District Courts Rules regarding mode of service, except as provided in this direction, shall apply to any process.

## DEFENCE/ADMISSION

### (ARTICLE 6)

- Defendant shall file his Defence/Admission within seven (7) days after serving the summons by completing **Form SCA 5**.
- Where the Defendant fails to file an answer to the claim, such Defendant may be held to have admitted the claim.

# COUNTER-CLAIM

## (ARTICLE 7)

- A counter-claim is a procedure which allows the Defendant to maintain an action against the Plaintiff in the same proceedings. It is thus a cross-action.
- A Defendant can claim against the Plaintiff a liquidated money demand **not exceeding #1,000,000.00 (One Million Naira)** excluding interest and costs if such claim arises out of the same transaction or series of transactions without necessarily instituting a fresh action by filling and filing a counter-claim form as in **Form SCA 5** in answer to the claim.

## COUNTER-CLAIM (CONT.)

- If at the time the action is commenced, the Defendant has a counter-claim that exceeds the general jurisdiction of the District Court; the Defendant may file the counter-claim. However, any judgment in the Defendant's favour shall be limited to the general jurisdiction of the District Court.
- In the event aboved, the Defendant is deemed to have abandoned the excess of the counter-claim.
- The provision of **Article 5 of the Practice Direction** is also applicable to counter-claim.

# NON-APPEARANCE

## (ARTICLE 8)

- Where neither party appear on a date fixed for the claim, the claim may be struck out.
- The court can proceed with the hearing and enter judgment as far as the Plaintiff can prove his claim where Plaintiff appears and the Defendant does not appear despite proof of service.
- But where the Defendant appear and the Plaintiff does not appear, the Defendant shall be entitled to an order striking out the claim, and if he has a counter-claim, the court may enter judgment as far as the Defendant can prove his case.

# PROCEEDINGS AT THE HEARING

## (ARTICLE 9)

- The overall aim of the court is to promote justice in a timely manner, thus, the court ought to encourage and facilitate amicable settlement of the dispute (which is usually faster) among the parties by mediating and exploring settlement options.
- The process of mediation should not exceed seven (7) days from the first appearance.
- In the event parties are unable to settle, court shall proceed to pre-trial conference for the purpose of hearing. In order to foster the objectives of the court, hearing shall be from day to day as far as is practicable and adjournment shall be for short periods.

## PROCEEDINGS AT THE HEARING (CONT.)

- Adjourment can only be granted in unforeseen & exceptional circumstance, and a party may not be granted more than one (1) adjourment during the entire proceedings.
- The entire hearing period shall not be more than thirty (30) days from the first date of hearing, inclusive seven (7) days for settlement.
- The entire period of proceedings from filing till judgment shall not exceed sixty (60) days.

# REPRESENTATION

## (ARTICLE 10)

- Parties (Individuals) may represent themselves in person.
- Partnership and Registered Companies can be represented by a Partner, Company Secretary or any Principal Officer of the Partnership or Company.
- However, in practice, parties are usually represented by lawyers.

# EVIDENCE

## (ARTICLE 11)

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

# JUDGMENT

## (ARTICLE 12)

- Judgment shall be delivered within fourteen (14) days of the completion of hearing.
- The judgment shall include court's determination of issues raised in any interlocutory application(s) filed by any of the parties.
- The entire period of proceedings from filing till judgment shall not exceed sixty (60) working days.
- Judgment shall not be invalidated by reason of the proceedings of the court having exceeded sixty (60) working days.

## JUDGMENT (CONT.)

- Authenticated copies of the judgment shall be made available to the parties not later than seven (7) days from the date of delivery of the judgment.

# ENFORCEMENT OF JUDGMENT

## (ARTICLE 13)

- In the event of non-compliance with the judgment of the court, such judgment shall be enforced in like manner as any order of the District Court for the payment of money.

# GARNISHEE PROCEEDINGS

## (ARTICLE 14)

- A Judgment Creditor shall fill and file motion ex parte as in **Form SCA 9** with an affidavit.
- The affidavit mentioned above shall contain the information mentioned in **Article 14 of the Practice Direction**.

# APPEALS

## (ARTICLE 15)

- Where either party is aggrieved with the judgment, such party shall complete **Form SCA 8** within fourteen (14) days of the delivery of the judgment.
- The registry shall compile the records of appeal within fourteen (14) days of the submission of **Form SCA 8**.
- The records of appeal shall be transmitted to the registry of the High Court where it is then be assigned to a Judge designated to hear appeals from from Small Claims Court.

## APPEALS (CONT.)

- The appeal shall be by oral hearing of the parties and on records of appeal.
- The whole appeal process from the assignment to judgment shall not exceed thirty (30) days.

## CONCLUSION

Conducting and handling proceedings at the Small Claims Court should be geared towards making it progressively easier to resolve simple commercial disputes between parties and enforcing trade contracts with the ultimate effect of enhancing the ease of doing business. The Practice Directions of the Small Claims Court are also geared towards this objective.

**THANK YOU**