



RIVERS STATE SMALL CLAIMS COURT

**PRACTICE DIRECTION
2024**



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PRACTICE DIRECTION 2024



TABLE OF CONTENTS

	Preamble	-	-	-	-	ii
1.	Objective	-	-	-	-	1
2.	Commencement of Action	-	-	-	-	1
3.	Default Judgment	-	-	-	-	2
4.	Marking and Payment of Filing Fees	-	-	-	-	3
5.	Assignment of Small Claims Case File	-	-	-	-	3
6.	Service of the Summons	-	-	-	-	3
7.	Filing of Defence/Admission/Counter-Claim/ Counter-Affidavit to Application for Default Judgment	-	-	-	-	5
8.	Counter-Claim	-	-	-	-	6
9.	Non-Appearance	-	-	-	-	6
10.	Proceedings at the Hearing	-	-	-	-	7
11.	Representation	-	-	-	-	8
12.	Evidence	-	-	-	-	9
13.	Final Address	-	-	-	-	9
14.	Judgment	-	-	-	-	9
15.	Enforcement of Judgment	-	-	-	-	10
16.	Appeals	-	-	-	-	10
17.	General Provisions	-	-	-	-	11
18.	Interpretation	-	-	-	-	12
19.	Forms	-	-	-	-	14-39
20.	Schedule of Fees	-	-	-	-	40
21.	Commencement	-	-	-	-	41
22.	Citation	-	-	-	-	41



In exercise of the powers conferred on me by Section 274 of the Constitution of the Federal Republic of Nigeria, 1999 (as Amended); Section 1 (c) of the Magistrates' Courts Law, No.2 of 2004, and by virtue of all other legislation enabling me in that regard, I, **HON. JUSTICE SIMEON CHIBUZOR AMADI**, Chief Judge of Rivers State, do hereby issue the following Practice Direction.

PREAMBLE:

Whereas, I, the Honourable Chief Judge hereby designate some Magistrates' Courts as Small Claims Courts and some High Courts as Small Claims Appellate Courts.

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



SMALL CLAIMS PRACTICE DIRECTION

ARTICLE 1

OBJECTIVE

The objective of the Small Claims Practice Direction is to provide easy access to an informal, inexpensive and speedy resolution of simple and liquidated debt recovery disputes and/or related matters in the Magistrates' Courts designated as Small Claims Courts and in the High Courts designated as Small Claims Appellate Courts in Rivers State.

ARTICLE 2

COMMENCEMENT OF ACTION

1. An action may be commenced in the Small Claims Court where:
 - (a) The Defendant or any one of the Defendants resides or carries on business in Rivers State at the time of commencing the action.
 - (b) The cause of action arose wholly or partly in Rivers State;
 - (c) The Claim is for a simple liquidated money demand and/or related matters in a sum not exceeding N5,000,000.00 (Five Million Naira), including costs;
 - (d) The Claimant must have served on the Defendant(s), a LETTER OF DEMAND as in Form RSSC 1.
2. The action shall be commenced by the Claimant upon the completion of a Small Claims Complaint Form as in Form RSSC2.
3. The Summons shall be issued as in Form RSSC3 upon the Registrar of the Small Claims Court being satisfied that the requirements of Article 2 (1) and (2) above have been complied with.



ARTICLE 3

DEFAULT JUDGMENT

1. Where a Claimant has reasonable belief that there is no defence to the Claim, he may file an Application for Default Judgment as in Form RSSC 3A together with Forms RSSC 2 and 3.
2. The Application for Default Judgment shall be supported by an Affidavit as in Form RSSC 3B, stating the grounds for his belief that there is no defence to the Claim.
3. A Defendant shall file a Counter-Affidavit as specified in Article 7 (2) to show his intention to defend the Claim.
4. Where it appears to a Magistrate that the Defendant has a defence on the merits and should be permitted to defend the Claim, the Defendant may be granted leave to defend.
5. Where it appears to a Magistrate that the Defendant does not have a defence on the merits, the Magistrate may enter Judgment for the Claimant.
6. Where it appears to the Magistrate that the Defendant has a defence on the merits, to a part of the Claim but does not have a defence on the merits, to the other part (s) of the Claim, the Magistrate may enter Judgment for that part of the Claim to which there is no defence and grant leave to the Defendant to defend the part to which there is a defence.
7. Where there are several Defendants and it appears to the Magistrate that one or more of the Defendants has a defence on the merits, the Magistrate may permit such Defendant(s) to defend and enter Judgment against the other Defendants.



ARTICLE 4

MARKING AND PAYMENT OF FILING FEES

Where a case satisfies the criteria in Article 2 above, the Registrar 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 CASE FILE

1. Upon the marking of the Claim and same having been filed, the Registrar in-charge shall within 24 hours forward the case file to the designated Small Claims Magistrate in the Magisterial District or to the Presiding Magistrate of the Small Claims Court or the Chief Registrar for assignment.
2. The Magistrate of the Small Claims Court shall within 24 hours of receipt of the case file, fix a date for the hearing of the case and direct the Bailiff of the Small Claims Court to serve the Defendant(s) with the Summons.

ARTICLE 6

SERVICE

1. The Summons and other relevant Forms shall be served by the Bailiff of the Small Claims Court within seven (7) days of filing except for service outside jurisdiction which shall be within fourteen (14) days after the leave of court must have been sought and obtained.
2. Service shall be effected between the hours of 6.00 a.m and 6.00 p.m on weekdays and Saturdays.



3. Upon service, the Bailiff of the Small Claims Court shall file an Affidavit of Service as in Form RSSC 6 within 48 hours 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 Bailiff of the Small Claims Court is unable to serve the Summons and other relevant Forms on the Defendant(s) within the time specified in Article 6 (1) above, the Bailiff shall file an Affidavit of Non-Service as in Form RSSC 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(s) by filling Form RSSC 7 attaching the Affidavit of Non-Service.
7. Upon receipt of a duly completed Form RSSC 7, the Magistrate of the Small Claims Court shall make an order for substituted service of the Summons.
8. Substituted service may be effected by posting on a conspicuous area of the Defendant's last known address or by electronic mail PROVIDED that substituted service by means of text message (SMS) shall be used for Hearing Notices only.
 - i. The application for substituted service in Article 6 (6) above shall be accompanied by an Affidavit confirming the identity



of the Defendant/Respondent, postal/physical address, electronic mail address, and existing phone number(s) with which the Defendant(s) will receive service of the Summons.

- ii. A copy of any previous 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, other relevant Forms, Annexures and Claims by electronic mail on the address as 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 DEFAULT JUDGMENT

1. Upon service of the Summons, the Defendant shall file his Defence or Admission or Counter-Claim within five (5) days by completing Form RSSC 5 as appropriate.
2. A Defendant who has been served with an Application for Default Judgment shall within five (5) days file a Counter-Affidavit stating why Judgment should not be entered against him as in Form RSSC 5A. This shall be filed together with Form RSSC 5.
3. The provision of Article 6 on service of Summons shall apply to service of a Counter-Claim.
4. Where a Defendant fails to file a Defence to the Claim, the Defendant may be held to have admitted the Claim.



ARTICLE 8

COUNTER-CLAIM

1. If at the time the action is commenced the Defendant(s) intends to counter-claim against the Claimant in a simple liquidated money demand not exceeding Five Million Naira (₦5,000,000.00) including costs and which Counter-Claim arises out of the same transaction or series of transactions, the Defendant shall file a Counter-Claim as in Form RSSC 5 in answer to the Claimant's Claim.
2. If at the time the action is commenced, the Defendant has a Counter-Claim that exceeds the general jurisdiction of the Small Claims Court, the Defendant may file the Counter-Claim, by filing Form RSSC 5, PROVIDED that any Judgment in the Defendant's favour shall be limited to the general jurisdiction of the Small Claims Court.
3. In the event of (2) above, the Defendant/Counter-Claimant shall be deemed to have abandoned the excess of the Counter-Claim.
4. The Defendant's Counter-Claim shall be limited to the Claim(s) on record.

ARTICLE 9

NON-APPEARANCE

1. When the Claim is called for hearing on the date fixed and neither party appears, the Magistrate of the Small Claims Court shall, unless he sees good reason to 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 of the Small Claims Court shall proceed with the hearing of the Claim and enter Judgment, provided 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 Counter-Claim, shall be entitled to an Order striking out the Claim, but if he has a Counter-Claim, the Magistrate of the Small Claims Court shall proceed to hear the Counter-Claim and enter Judgment accordingly, provided the Defendant can prove his Counter-Claim.
4. A Claim struck out on grounds of non-appearance or want of diligent prosecution shall not be relisted but may be refiled upon payment of prescribed fees and incidental costs.

ARTICLE 10
PROCEEDINGS AT THE HEARING

1. At the first appearance of the parties before the Court, the Magistrate of the Small Claims Court shall promote, encourage and facilitate amicable settlement of the dispute among the parties by providing settlement options to the parties as he deems fit, including the use of the Small Claims Desk at the Rivers State Multi-Door Courthouse. The process of encouraging and facilitating amicable settlement of the dispute among the parties shall not exceed Seven (7) days.
2. Notwithstanding (1) above, the parties are also encouraged to contact one another with a view to settling the matter amicably or to narrow the issues in controversy. The Court must be informed



on the hearing date if the case is settled by agreement before that date, and a Consent Judgment may be entered by the Court accordingly.

3. In the event that parties are unable to settle the dispute amicably, the Magistrate of the Small Claims Court shall hold a preliminary hearing for the purpose of giving directions for hearing of the Claim or Counter-Claim (as the case may be) including a hearing time table, length of trial or hearing, exchange of list of witness(es) and all documents to be relied on by the parties.
4. Hearing shall be conducted by the Court from day to day as far as is practicable and may only be adjourned as a last resort and for the shortest possible time.
5. Proceedings may be conducted through a video link or any other virtual platform as may be directed by the Court (upon application of either of the parties and where the court finds merit therein).
6. Adjournment can only be granted during proceedings 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 thirty (30) days from the first date of hearing, inclusive of the Seven (7) days for amicable settlement.

ARTICLE 11
REPRESENTATION

Parties may represent themselves at the proceedings in the Small Claims Court. Partnerships, Associations, Registered Companies and Incorporated Trustees can be represented by either a Partner,



Executive member of the Association, Company Secretary or any other Principal Officer of the Company or the Firm or a Trustee, or other Principal Officer of the Incorporated Trustees.

ARTICLE 12
EVIDENCE

1. Parties may testify on their own (either orally or by written deposition) and tender all necessary documents and may also call other witnesses to give evidence at the hearing.
2. In the interest of justice the Court may depart from the strict application of the provisions of the Evidence Act.

ARTICLE 13
FINAL ADDRESS

1. At the close of evidence, parties may have opportunity for final address which may be written or oral as the court deems fit.
2. Where the court directs the filing of written address, same shall not exceed three (3) pages and shall be filed and exchanged within three (3) days each; failing which the right to address shall be deemed abandoned by the defaulting party.
3. Where the court directs oral address, each party may address the Court for not more than ten (10) minutes.

ARTICLE 14
JUDGMENT

1. The Magistrate of the Small Claims Court shall deliver Judgment within fourteen (14) days of the completion of hearing.
2. The Judgment shall include the Court's determination of issues raised in any interlocutory application(s) filed by any of the parties.



3. The entire period of proceedings from filing till Judgment shall not exceed sixty (60) working days.
4. The Judgment of the Court shall not be invalid by reason of the entire proceedings of the court having exceeded sixty (60) working days.
5. The Magistrate of the Small Claims Court shall make available authenticated copies of the Judgment to the parties within seven (7) days from the date of the delivery of the Judgment.

ARTICLE 15

ENFORCEMENT OF Judgment

1. The Defendant(s) to the Claim or Counter-Claim (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 by the Defendant(s) to the Claim or Counter-Claim to pay the Judgment sum as specified in (1) above, the Judgment shall be enforced in like manner as any other Judgment or Order of the Magistrate's Court for the payment of the Judgment sum.

ARTICLE 16

APPEALS

1. Where either party is aggrieved with the Judgment, such party shall fill and submit the Notice of Appeal as in Form RSSC 8 within fourteen (14) days of the delivery of the Judgment stating the reason(s) for the Appeal (grounds of Appeal).
2. The Registrar in charge of the Small Claims Court Registry shall compile the Records of Appeal within fourteen (14) days of the submission of Form RSSC 8.
3. The Records of Appeal shall thereafter be forwarded to the



Appeals Section of the Small Claims Court Registry. It shall then be assigned by the most senior Judge of the Small Claims Appellate Court designated to hear Appeals from the Small Claims Court.

4. The Judge so designated shall cause 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 determined based on the Records of Appeal and such oral clarification from the parties as the Judge may deem fit for the just determination of the Appeal.
6. The Appeal proceedings, from the assignment of the Appeal to Judgment shall not exceed thirty (30) working days.
7. The Judgment of the Appellate Court shall not be invalid by reason of the entire proceedings of the court having exceeded thirty (30) working days.

ARTICLE 17

GENERAL PROVISIONS

1. Every Judge or Magistrate of the Small Claims Court shall take charge and control of all cases assigned to him.
2. The Judge or Magistrate 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 the Magistrates' Courts (Civil Procedure) 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 Magistrate of the Small Claims Court must submit to the Chief Registrar or any Officer designated by the Judicial Committee on the Small Claims Court, 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.

-ARTICLE 18

INTERPRETATION

Words used in this Practice Direction have the same meaning as in the Magistrates' Courts (Civil Procedure) Rules except as is herein specifically defined:-

“Admission” means voluntary acknowledgement of the Claimant's Claim.

“Address for Service” means the address where any court documents can be sent to (delivered), for the attention of the person giving the address or the person so named.

“Appeal” means applying to the Small Claims Appellate High Court to reverse the decision of the Small Claims Court.

“Claim” means the money/debt which the Defendant owes the Claimant for which he has approached the Small Claims Court.

“Claimant” means the person who files a Complaint and Summons in the Small Claims Court.

“Counter-Claimant” means a Defendant who sets up another Claim against the original Claimant.



“Default Judgment” means summary judgment entered in favour of the Claimant against Defendant who is in want of defence on the merits. It is based on Affidavit evidence and usually without full trial.

“Defence” means an answer challenging the Claim/Counter-Claim filed against the Defendant in the Court.

“Defendant” means the person against whom a Claim (Complaint)/Counter-Claim has been filed in the Court.

“Electronic Mail” means a computer based method of exchanging message from one person to another through the verified and verifiable e-mail, X, Instagram, WhatsApp, Telegram address/account/handle or any other related electronic message platform as may be appropriate.

“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 further investigation.

“Magistrate” means a Magistrate of any cadre sitting in the Small Claims Court.

“Person” means an individual or organization (legal entity).

“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.

“Small Claims Appellate Court” means the designated High Courts which take appeals from the Small Claims Courts.

“Substituted service” means the service of a court summons or process otherwise than by personal service (as by posting on the Defendant(s) last known address or business place, by mail or electronic means or publication or by leaving it at a Defendant’s place of business or residence or with an agent of the Defendant(s)

“Summons” means an order to appear before the Magistrate of the Small Claims Court.



FORM RSSC 1
IN THE SMALL CLAIMS COURT OF RIVERS STATE OF NIGERIA
IN THE MAGISTERIAL DISTRICT
HOLDEN AT.....

LETTER OF DEMAND

FROM:

NAME _____
WORK ADDRESS _____
RESIDENTIAL ADDRESS _____
PHONE NUMBER _____
E-MAIL ADDRESS _____

TO:

NAME _____
WORK ADDRESS _____
RESIDENTIAL ADDRESS _____
PHONE NUMBER _____
E-MAIL ADDRESS _____

SIR/MADAM,

DEMAND:

I(We) hereby claim from you:

(PLEASE STATE BRIEF PARTICULARS)

Unless you comply with this DEMAND within seven (7) days after receipt of this letter, Summons will be issued against you in the Small Claims Court.

DATED THIS ----- DAY OF -----20-----

CLAIMANT'S SIGNATURE



FORM RSSC 2

IN THE SMALL CLAIMS COURT OF RIVERS STATE OF NIGERIA
IN THE MAGISTERIAL DISTRICT
HOLDEN AT.....

COMPLAINT FORM

(TO ACCOMPANY FORM RSSC 3)

NB:

1. Please fill the Form legibly.
2. Please ensure to attach copies of all the documents (contracts, receipts, experts' report etc) which form the basis of your claim.
3. Submit this Form at the Registry of the Small Claims Court.

A. PARTICULARS OF CLAIMANT(S)

FULL NAME _____

WORK ADDRESS _____

RESIDENTIAL ADDRESS _____

PHONE NUMBER _____

E-MAIL ADDRESS _____

Please attach a list of other claimants (if any) with the required particulars.

B. PARTICULARS OF DEFENDANT(S)

FULL NAME _____

WORK ADDRESS _____

RESIDENTIAL ADDRESS _____

PHONE NUMBER _____

E-MAIL ADDRESS _____

Please attach a list of other Defendants (if any) with the required particulars.



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

CLAIMANT'S SIGNATURE/THUMBPRINT

DATE

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

JURAT (where applicable)

The foregoing having been read and interpreted by me, _____ to the deponent in _____ language, he/she being illiterate/blind and he/she having perfectly understood same before affixing his/her thumb print impression.

BEFORE ME

COMMISSIONER FOR OATHS



FORM RSSC 3

IN THE SMALL CLAIMS COURT OF RIVERS STATE OF NIGERIA
IN THE MAGISTERIAL DISTRICT
HOLDEN AT.....

SUMMONS

(TO BE SERVED WITHIN SEVEN DAYS OF FILING)

CLAIM NO.....

BETWEEN:

_____ CLAIMANT (S)

AND

_____ DEFENDANT (S)

The Claimant Claims: _____

Court Fees _____

Costs _____

TOTAL: ₦ _____

(Debit/Amount claimed-Particulars should be indicated and copies of receipts or documents attached)

TO:

1. You are hereby summoned to appear before this Court on the day of20..... at.....to admit or deny your liability for the above claims.
2. If you deny liability or have a Counter-Claim, you are advised to complete and return FORM RSSC 5 to the registry of the Small Claims Court within seven (7) days after the service of this Summons inclusive of the day of service. If you require a longer time for payment, complete the form of ADMISSION as in Form RSSC 5.



3. Please Note:

- i. 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.
- ii. Money payable in terms of a Judgment or Order of Court may be paid directly to the Judgment Creditor.
- iii. If you admit the Claim or part of it and want to pay the money to the Claimant in full or in instalments, you can approach the Claimant and reach an agreement which should be brought to the court's attention.

4. Any person against whom a Judgment or Order to pay money has been made but who fails to pay such money, the Judgment or Order will be enforced against the person's moveable properties and then the immovable properties if the moveable properties are not enough to satisfy the Judgment sum. Apart from the Judgment sum, the Judgment Debtor shall pay the cost of enforcing the Judgment.

The Judgment Debtor must 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 RSSC 3A

IN THE SMALL CLAIMS COURT OF RIVERS STATE OF NIGERIA
IN THE MAGISTERIAL DISTRICT
HOLDEN AT.....

DEFAULT JUDGMENT

(TO ACCOMPANY FORM RSSC 2 & 3)

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

CLAIM NO.

BETWEEN:

.....CLAIMANT(S)

AND

.....DEFENDANT(S)

APPLICATION FOR DEFAULT JUDGMENT

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

1. Entering Judgment against the Defendant(s) in the sum of ₦..... (amount in figures) (.....(amount in words)) plus interest and costs.

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

Dated this day of 20.....

CLAIMANT'S SIGNATURE/ THUMBPRINT



ADDRESS: _____

TELEPHONE NUMBER: _____

WHATSAPP NUMBER: _____

E-MAIL: _____

FOR SERVICE ON

Defendant's Name: _____

Address: _____

TELEPHONE NUMBER: _____

WHATSAPP NUMBER: _____

E-MAIL: _____



FORM RSSC 3B

IN THE SMALL CLAIMS COURT OF RIVERS STATE OF NIGERIA
IN THE MAGISTERIAL DISTRICT
HOLDEN AT.....

CLAIM NO

BETWEEN:

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

AND

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

AFFIDAVIT IN SUPPORT OF APPLICATION FOR DEFAULT JUDGMENT

I, (State name and address of the Claimant) of
..... Rivers 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.....)(State the exact amount claimed without more).....) and I verily believe that the Defendant has no defence whatsoever to my claim.
3. Notwithstanding the issuance of a Letter of Demand, Defendant failed to liquidate his indebtedness to me.
4. I have also issued a Complaint Form and caused a Summons to be issued against the Defendant.
5. Notwithstanding the service of the foregoing on the Defendant, he has failed to liquidate his indebtedness to me.



6. The indebtedness arose on account of:

.....
.....
(Explain the details of the transaction and why judgment should be entered against the Defendant. Explain all efforts made 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 in accordance with the Oaths Law of Rivers State.

Sworn to at the Rivers State Small Claims Court 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 atinthisday of.....20..... before me, I have first truly, distinctively and audibly read over the contents of the affidavit to the deponent who is blind (or illiterate) and explained the nature and contents of the exhibit(s) therein referred to in language when he appeared perfectly to understand same and made his mark (signature) thereto in my presence.

BEFORE ME

Commissioner for Oaths



FORM RSSC 4

IN THE SMALL CLAIMS COURT OF RIVERS STATE OF NIGERIA
IN THE MAGISTERIAL DISTRICT
HOLDEN AT.....

AFFIDAVIT OF NON-SERVICE

CLAIM NO.....

BETWEEN:

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

AND

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

I,.....make Oath
and state that on the.....day of.....20..... at..... O'clock, I
attempted to serve upon a
Summons/other Forms/Processes for Small Claims.....
True copy whereof is annexed, issued out of this Court at
..... I have been unable to serve the Summons/other
Forms/Processes for Small Claims on the
because.....
.....

Bailiff

Sworn to at the Rivers State Small Claims Court Registry _____ this
___ Day of ___ 20___

BEFORE ME

COMMISSIONER FOR OATHS



FORM RSSC 5

IN THE SMALL CLAIMS COURT OF RIVERS STATE OF NIGERIA
IN THE MAGISTERIAL DISTRICT
HOLDEN AT.....

FORM OF ADMISSION, DEFENCE AND COUNTER-CLAIM
(TO ACCOMPANY FORM RSSC 3)

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

CLAIM NO.

BETWEEN:

..... CLAIMANT(S)

AND

..... DEFENDANT(S)

(A). ADMISSION

I (We) admit the Claimant's Claim (or) part of
the Claimant's Claim and I(We) ask for permission to pay the sum with
costs on that amount on the day of 20
..... (or by installments of N..... per
.....) b e c a u s e ,
.....
.....

(State why you cannot pay at once)

(B). DEFENCE

I(We) have a defence or I(We) dispute part of the Claimant's claim
because
.....

(State briefly the facts you wish to put before the court)
Attach all evidence that supports your claim including:

- Written agreements, letters, photos or other documents.
- Bills, receipts, invoices, cheques, etc.



(c). COUNTER-CLAIM OR SET-OFF

I(We) have a counter-claim or Set-off against the Claimant(s) for

N.....
.....

.....
(State the particulars of the Counter-Claim or Set-off)

Attach all evidence that supports your claim including:

- Written agreements, letters, photos or other documents.
- Bills, receipts, invoices, cheques, etc.

_____/_____
DEFENDANT(S)/COUNTER-CLAIMANT(S)SIGNATURE/THUMBPRINT / DATE

JURAT (If applicable)

The foregoing having been read and interpreted by me _____ to the deponent in _____ language, he/she being illiterate/blind and he/her appeared to have perfectly understood same before affixing his/her thumb print impression.

Sworn to at the Small Claims Court Registry _____ this ___ Day of _____ 20____

BEFORE ME

COMMISSIONER FOR OATHS

Defendant(s)/ Counter-Claimant(s) address for service

Dated this day of 20

NB: IF YOU FAIL TO FILE A DEFENCE TO THE CLAIM, YOU MAY BE HELD TO HAVE ADMITTED THE CLAIM



FORM RSSC 5A

IN THE SMALL CLAIMS COURT OF RIVERS STATE OF NIGERIA
IN THE MAGISTERIAL DISTRICT
HOLDEN AT.....

**DEFENDANT(S) COUNTER-AFFIDAVIT TO APPLICATION FOR
DEFAULT JUDGMENT**

(TO BE SERVED ON THE CLAIMANT WITHIN 7 DAYS OF SERVICE OF
FORMS RSSC 3(A) and (B))

I, (State the name and address of the Defendant)..... of
..... Rivers State do hereby make an Oath and state
as follows:

1. I am the (If there are multiple Defendants, state the position of the Defendant, whether 1st, 2nd, 3rd, etc).....
..... Defendant in this case.

2. The Claimant is not entitled to judgment against me
..... (State the name and address of the Defendant)
.....

3. I dispute the allegations in paragraphs (The Defendant SHALL state
paragraphs that he is opposing)..... of the Claimants affidavit
because:

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

[Explain the details of why judgment should not be entered against
the Defendant. Attach all necessary documents. Use extra sheets if
necessary].

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



4. I know the Defendant is not indebted to the Claimant in the sum of (₦) or any sum whatsoever.

5. I depose to this Affidavit conscientiously, believing all the depositions contained here to be true and correct in accordance with the Oaths Law of Rivers State.

Sworn to at the Rivers State Small Claims Court Registry _____ this
___ Day of _____ 20__

BEFORE ME

COMMISSIONER FOR OATHS

JURAT (If applicable)

The foregoing having been read audibly and interpreted by me _____ to the deponent in _____ language, he/she being illiterate/blind and he/her appeared to have perfectly understood same before affixing his/her thumb print impression.

Sworn to at the Small Claims Court Registry _____ this ___ Day
of _____ 20__

BEFORE ME

COMMISSIONER FOR OATHS



FORM RSSC 6
IN THE SMALL CLAIMS COURT OF RIVERS STATE OF NIGERIA
IN THE MAGISTERIAL DISTRICT
HOLDEN AT.....

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 a Summons/ other Court Forms/Processes for Small Claims..... True copy whereof is 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/other Forms/Processes of Small Claims Court, I did not know personally, but after he was pointed out to me by, I asked him if he was and he said, he was.

Bailiff

Sworn to at the Rivers State Small Claims Court Registry _____ this
___ day of ___ 20__

BEFORE ME

COMMISSIONER FOR OATHS



FORM RSSC 7
IN THE SMALL CLAIMS COURT OF RIVERS STATE OF NIGERIA
IN THE MAGISTERIAL DISTRICT
HOLDEN AT.....

CLAIM NO.....

BETWEEN:

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

AND

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

FORM FOR SUBSTITUTED SERVICE

BROUGHT PURSUANT TO ORDER 7 RULE 4 OF THE MAGISTRATES' COURT (CIVIL PROCEDURE) RULES, 2007, ARTICLE 6 (1) and (4) SMALL CLAIMS PRACTICE DIRECTION AND UNDER THE INHERENT JURISDICTION OF THE COURT.

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

An Order of the Court granting leave to the Claimant(s)/Applicant(s) to serve the Summons/other Small Claims Court Forms/Processes on the Defendant(s) by substituted means, to wit; by posting same at

..... being the last known address of the Defendant(s) and/or by any other means of service, as is hereby stated

AND FOR SUCH FURTHER ORDER(S) as this Honourable Court may deem fit to make in the circumstances of this case.

Dated this day of 20

Claimant's signature



FORM RSSC 8
IN THE SMALL CLAIMS APPELLATE COURT
HIGH COURT OF RIVERS STATE
HOLDEN AT

CLAIM NO.

BETWEEN:

..... APPELLANT(S)

AND

..... RESPONDENT(S)

APPLICATION FOR LEAVE TO APPEAL

BROUGHT PURSUANT TO SECTION 50 (2) (b) OF THE RIVERS STATE
MAGISTRATES' COURTS LAW, NO 2, 2004 AND UNDER THE INHERENT
JURISDICTION OF THE COURT.

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

1. AN ORDER of the Court granting LEAVE to the/Applicant(s)
to appeal the Judgment of this Court delivered on the
..... day of 20.....
2. AND FOR SUCH FURTHER ORDER(S) as this Honourable Court may
deem fit to make in the circumstances.

Dated this day of 20

APPELLANT'S SIGNATURE



ADDRESS:

.....

.....

TELEPHONE NUMBER:

WHATSAPP NUMBER:

E-MAIL:

FOR SERVICE ON

Defendant's Name: _____

Address: _____

TELEPHONE NUMBER: _____

WHATSAPP NUMBER: _____

E-MAIL: _____



FORM RSSC 8A
IN THE SMALL CLAIMS APPELLATE COURT
HIGH COURT OF RIVERS STATE
HOLDEN AT

APPEAL NO.

BETWEEN:

..... APPELLANT(S)

AND

..... RESPONDENT(S)

NOTICE OF APPEAL

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

TAKE NOTICE that the/Appellant(s) being dissatisfied with the decision of the Small Claims Court of Magisterial District as contained in the Judgment delivered on the by do hereby appeal to the High Court of Rivers State designated to hear Appeals from Small Claims Courts 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.

PART OF THE DECISION OF THE LOWER COURT COMPLAINED OF: -

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

GROUND(S) OF APPEAL

The learned Magistrate erred in law when he held that

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



PARTICULARS OF ERROR

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

**RELIEFS SOUGHT FROM THE HIGH COURT OF RIVERS STATE
DESIGNATED TO HEAR APPEALS FROM SMALL CLAIMS COURTS**

a. An Order of the Honourable Court

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

b. An Order

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

**PERSON(S) DIRECTLY AFFECTED BY THE APPEAL
NAMES AND ADDRESS(ES)**

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

Dated this day of 20

APPELLANT'S SIGNATURE

ADDRESS FOR SERVICE:

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



FORM RSSC 9

IN THE SMALL CLAIMS COURT OF RIVERS STATE OF NIGERIA
IN THE MAGISTERIAL DISTRICT
HOLDEN AT.....
CLAIM NO.....

BETWEEN:

..... JUDGMENT CREDITOR(S)

AND

..... JUDGMENT DEBTOR(S)

AND

..... GARNISHEES(S)

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

EX-PARTE APPLICATION FOR GARNISHEE PROCEEDINGS

BROUGHT PURSUANT TO SECTIONS 83 & 84 SHERIFFS AND CIVIL PROCESSES ACT AND ORDER IV RULES 1 (2), ORDER VIII RULES 3 (1) & (2), 4, 5 & 8 OF THE JUDGMENT (ENFORCEMENT) RULES AND UNDER THE INHERENT JURISDICTION OF THE COURT.

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

1. AN ORDER attaching the sum of ₦ (amount in figures) (..... (amount in words).....) only being the (outstanding) Judgment debt in Claim No. due to the Judgment Creditor/Applicant and standing to the credit of the Judgment Debtor in the custody of the Garnishee(s).



2. AN ORDER directing the Garnishees to appear before the Court within 14 days of the service of the Order to show cause why an Order should not be made for payment to the Judgment Creditor of the (outstanding) 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 14 days of the service of the Order of this Court.

4. AND FOR SUCH FURTHER ORDER(S) as this Honourable Court may deem fit to make in the circumstances of this application.

Dated this day of 20

APPLICANT'S SIGNATURE



4. I know that the(StatenameandaddressoftheGarnishee(s)).....
.....
..... 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/are banks, state - (i) the branch at which Judgment Debtor's account is believed to be held; and (ii) the account number(s)]
5. To the best of my knowledge or belief the said Garnishee(s); (a) is within the jurisdiction of the Court and, (b) owes money to or holds money to the credit of the Judgment Debtor.
6. To the best of my knowledge or belief no other person other than[State the name of the Judgment Debtor]..... has any other claim to the money in the custody of the Garnishee.
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 herein to be true and correct in accordance with the Oaths Law of Rivers State.

DEPONENT



Sworn to at the Rivers State Small Claims Court Registry _____ this
___ Day of _____ 20__

BEFORE ME

COMMISSIONER
FOR OATHS

JURAT (If applicable)

The foregoing having been read audibly and interpreted by me
_____ to the deponent in _____
language, he/she being illiterate/blind and he/her appeared to have
perfectly understood same before affixing his/her thumb print
impression.

Sworn to at the Small Claims Court Registry _____ this ___ Day
of _____ 20__

BEFORE ME

COMMISSIONER FOR OATHS



SCHEDULE OF FEES PAYABLE AT THE SMALL CLAIMS COURT

For Recovery of Debts, Damages and Specific Sums a.

a. Claim not exceeding	-	-	₦100,000.00	₦2,000.00
b. Exceeding	₦100,000.00 but below	₦500,000.00		₦3,000.00
c. Exceeding	₦500,000.00 but below	₦1,000,000.00		₦4,000.00
d. Exceeding	₦1,000,000.00 but below	₦2,500,000.00		₦4,500.00
e. Exceeding	₦2,500,000.00 but below	₦5,000,000.00		₦5,000.00
f. Claim for	₦5,000,000.00			₦6,000.00

Note: For any item not specifically mentioned here the Magistrates' Courts (Civil Procedure) Rule shall apply.



SAVING AND VALIDITY:

This Practice Direction supersedes and replaces the Rivers State Small Claims Court Practice Direction 2023 and shall apply to all matters commenced on or after the effective date of this Practice Direction. This Practice Direction does not affect the validity of any proceedings commenced under the Rivers State Small Claims Court Practice Direction 2023 but it shall prevail in the event of any inconsistency or conflict.

COMMENCEMENT:

THIS PRACTICE DIRECTION SHALL COME INTO EFFECT FROM THE 1ST DAY OF AUGUST, 2024.

CITATION:

THIS PRACTICE DIRECTION SHALL BE CITED AS THE RIVERS STATE SMALL CLAIMS COURT PRACTICE DIRECTION 2024

ISSUED THIS 1st DAY OF August, 2024

UNDER THE HAND AND SEAL OF

A handwritten signature in blue ink, appearing to read "Simeon Chibuzor Amadi", written over a horizontal line.

HON. JUSTICE SIMEON CHIBUZOR AMADI
Chief Judge of Rivers State

