THE AREA COURTS (CIVIL PROCEDURE) RULES, 2026

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THE AREA COURTS (CIVIL PROCEDURE) RULES, 2026

In exercise of the powers conferred upon me by Section 71 of the Area Courts Law, 1997, I, HON. JUSTICE JOEL F. AGYA, the Chief Judge of Taraba State, hereby make the following rules:

ORDER 1: GENERAL PROVISIONS.

1. (1) This rules may be cited as the Area Courts (Civil Procedure) Rules, 2026, and shall be deemed to have come into operation on the ……day of ……., 2026. Citation and Commencement

(2) This rules shall apply to all Area Courts. Application

(3) The principles of any native law and custom shall be applicable in all proceedings before Area Court, only subject to contrary provision contain in a written Law, Order or Rules.

(4) The Area Courts (Civil Procedure) Rules, 1971 is hereby revoked. Revocation

2. In this rules, unless the context otherwise requires, Interpretation

"**Area Court of origin**" means an Area Court from which a cause or matter is transferred;

"**Area Court of transfer"** means an Area Court to which a cause or matter is transferred;

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

"Registrar" means the Registrar or Clerk of an Area Court;

"**Costs**" means the expenses necessarily and actually incurred by a party on account of the proceedings in a Court, and shall include the expenses of summoning and of the attendance of the parties and witnesses and the fees paid during the proceedings and for enforcing an order of the Court.

"**Court**" means an Area Court established under the Law or deemed to have been so established;

"**District Court**" means District Court established under the provisions of the District Courts Law;

"**High Court**" means the High Court of Justice established under the High Court Law;

"**Immediate family**" means the:
(i) wife or wives;

(ii) husband;
(iii) parent, which shall include father and mother, grandfather and grandmother, and stepfather and stepmother;

(iv) child which shall include son and daughter, grandson and grand- daughter, and stepson and stepdaughter; and

(v) brother and sister, which shall include stepbrother and step-sister;

"**Immovable property**" means land, buildings and everything attached to the earth or permanently fastened to anything which is attached to the earth, including leaseholds and other interests in land, but not including minerals, mineral oils, standing crops and the fruits of trees of economic value;

"**Inspector**" means an officer appointed under the Law to exercise the powers vested in him;

"**Judge**" means an Area Judge appointed under the Law and shall include a member of the Court who for the time being is presiding over the Court;

"**Judgment**" means a judgment of a Court;

"**Law**" means the Area Courts Law, 1997;

"**Order**" means an order of a Court;

"**Party**" Means a Plaintiff or Defendant in a suit:

"**Prescribed fee**" in relation to any particular matter means;

(a) where the fees chargeable by an Area Court are specified in writing by the Chief Registrar or by his direction, the fees, if any, so specified as chargeable in respect of such matter; or

(b) where the fees chargeable by an Area Court are not so specified in writing, the fee specified in the Second Schedule as chargeable in respect of such matter;

"**Process**" includes any writ, summons, warrant, order, notice, or other document issued by a Court;

"**Proper officer**" means the Registrar or Clerk of a Court or such other officer of a Court as the Area Judge may appoint, either generally or in a particular case, to discharge a particular duty;

"**State**" means Taraba State.

ORDER 2: INSTITUTION OF CAUSES.

1. No Court shall entertain a cause or matter which it considers that it has no jurisdiction or not sufficient powers to try, but shall transfer or obtain the transfer of the cause or matter to a Court of appropriate and competent Jurisdiction or powers. — Refusal of cases where no jurisdiction.

2. Every civil cause shall be commenced by a complaint made in person or by the authorised representative of the person making the complaint. — Commencement of a cause.

3. On the institution of a cause or matter made under the provisions of this rules, the Court shall cause the Registrar to enter the substance of such cause or matter in a book to be kept for the purpose as prescribed in this rules. — Entries in cause book.

4. A Court shall refuse to entertain a cause or matter if the said cause or matter fails to disclose any cause of action, and any refusal under the provisions of this rule together with the grounds therefore shall be entered in the appropriate record book: — Refusal of cases which disclose no cause of action.

   Provided that the refusal to entertain a complaint under this rule shall not by reason only of such refusal preclude the plaintiff from presenting a fresh complaint in respect of the same cause of action.

5. The Court may, if all the necessary parties are present, dispense with the requirements of this rules or the rules contained in Order 3 as to issue and service of process or as to any steps to be taken before the case is ready for trial and proceed forthwith to the trial of the case. — Power of Court to dispense with requirement of rules if all parties present.

6. Upon complaint in any cause or matter being made to a Court, such Court shall ascertain the details thereof, and if the Court decides to issue a summons in the first instance, such summons shall be directed to the person against whom the complaint is made requiring him to appear at a certain time and place before the Court to answer the complaint. — Issue of summons.

7. Any fee paid in respect of the issuance of a summons shall be endorsed thereon by the Registrar and a Court receipt shall be issued to the complainant. — Endorsement of fee on summons.

8. The Court may, if it thinks fit and with the consent of the parties, hear and determine a complaint notwithstanding that the time within which the defendant was required to appear may not have elapsed. — Complaint may be heard before return date of summons.

9. Every summons issued by a Court under this rules shall be in writing, in duplicate, signed by the Judge of such Court and in the form prescribed by this rules.

Form of summons,

Form 1.

ORDER 3 - SERVICE OF PROCESS

1. Service of process shall be effected by any person authorized under the provisions of the Law or as the Court may direct.

Service of Process

2. Save as is hereafter provided, service shall be effected by handing the duplicate copy of the document to the person to be served or by electronic or digital means.

Method of service.

3. Service on a Local Government shall be effected by delivery to the Chairman, Secretary or other principal officer of the Local Government.

Service on local Authority.

4. Service on a Government officer or on an employee of a corporation established by any written law may be effected by delivering the process to a principal officer of the Government Ministry, Department or Corporation where that officer or employee works or is employed.

Service on Government officer or corporation servant.

5. Where it appears to the Court either with or without an attempt at service in accordance with the provisions of rule 2 thereof, that for any reason such service cannot conveniently be effected, the Court, after being satisfied by affidavit that it is necessary so to do, may order that service be effected:

Substituted Service

Form 2 and 3.

(a) by delivery thereof to some person being an agent of the person to be served, or to some other person on being proved that there is reasonable probability that the document would in the ordinary course, through that agent or other person, come to the knowledge of the person to be served;

By delivery to agent

(b) by advertisement in the Federal Gazette or in the State Gazette or in some newspaper circulating within the jurisdiction;

By advertisement

(c) by notice put up at the Court house or some other place of public resort of the district wherein proceedings in respect of which the service is made have been instituted, or at the usual or last known place of abode, or of business, of the person to be served;

By notice.

(d) by affixing the document to the usual or last known place of abode or business of the person to be served; or

By affixing summons to premises

(e) by electronic or other digital means;

and upon compliance with such order such service shall be deemed to be good and sufficient service of the said document upon the person to be served.

6. A document may be served on any day between the hours of 6:00am and 6:00pm: Time of Service

Provided that service effected after 6:00pm shall be deemed to have been effected the following day.

7. Service may be proved by evidence which may be on oath or affirmation or by a certificate of service endorsed on the back of the original document and signed by the person effecting service. Proof of service

8. No Court shall take any action which is dependent upon a document being served upon any person unless service is admitted by such person or service upon him has been proved in accordance with this rules. Proof of service before action proceeds.

9. A book or file shall be kept at every Court for recording service of documents. Record of service.

ORDER 4: SERVICE AND EXECUTION OUT OF THE JURISDICTION OF AN AREA COURT.

1. (1) When it is necessary that: Process to be forwarded.

(a) summons shall be served; or

(b) an order shall be enforced,

outside the limits of the jurisdiction of a particular Area Court but within the State, such Court shall forward such summons or order to the Courts within whose jurisdiction the summons, warrant or order is to be served, executed or enforced.

(2) Where it is necessary that a summons or order shall be forwarded to a Court outside the state, such summons or order shall be sent to such Court by such authority as the Chief Registrar shall prescribe.

2. (1) When a Court in the State receives a summons or warrant for service forwarded under the provisions of paragraph (1) of rule 1, it shall forthwith endorse thereon an order for its due service or execution and shall arrange therefore without delay. Service of process.

(2) Every witness summons issued under Order 13 shall be forwarded with such a sum as the Court shall consider

sufficient to cover the cost of the witness's travelling and subsistence expenses.

3. (1) When a Court in the State receives an order forwarded under the enforcement provisions of paragraph (1) of rule 1 it shall:
   (a) enter the same as a civil case in the case register;
   (b) on the application of the person entitled to enforce the order enforce it in the same manner as if it had been an order made in a case tried or decided by the Court so receiving the order;
   (c) inform the Court which issued the order of any money or property recovered as a result of its enforcement;
   (d) return to the issuing Court the order when satisfied or, if the order is not satisfied, return it after the expiration of twelve months from the date of its issue.

(2) Any Court forwarding an order to another Court shall note thereon particulars of any payment already made to it in part satisfaction of such order.

4. Any summons or order forwarded by one Court to another under the provisions of this rules shall state fully the address or whereabouts of the persons or property mentioned therein. Particulars to be served in process.

ORDER 5: INTERLOCUTORY APPLICATIONS.

1. Interlocutory applications may be made orally or by motion at any stage of the proceedings in a cause or matter and by any of the parties thereto.

2. Unless the Court shall otherwise order, no motion shall be entertained by the Court until the party moving has filed a motion paper or made verbal application to the proper officer. In either case, the party seeking the order shall state clearly the terms of the order sought. Form of motion

3. Motions shall only be heard after notice of motion has been served on all the parties likely to be affected. Notice of motion

4. A Court hearing a motion may receive oral evidence in support of or in opposition to the motion. Oral evidence may be heard

5. Where any party has filed a notice of motion and is not present at the subsequent hearing of the motion, the Court may strike out the motion.

6. The hearing of any motion may from time to time be adjourned upon such terms as the Court may think fit. Adjournment

ORDER 6: TRANSFERS

1. Where an order for the transfer of any cause or matter has been made under Part V of the Law, the Area Court making such transfer shall forward or cause to be forwarded, a copy of the order to the Registrar of the Area Court of transfer. — Procedure on transfer under part V of the Law.

2. Where an Inspector has stayed any proceedings in a Court under the provisions of the Law, and made an order transferring the case concerned to any other Lower Court, or reported the case to the High Court, he shall transmit a copy of his order of transfer or report to the Registrar of the Area Court of origin and to the Registrar of the Lower Court of transfer or of the High Court as the case may be.

3. It shall be the duty of any Area Court of transfer to hear and adjudicate afresh upon any cause or matter transferred to it. — Duty of Area Court on transfer.

4. (1) It shall be the duty of an Area Court to which any cause or matter has been transferred or returned by the High Court in accordance with the provisions of the Law to hear and adjudicate upon such cause or matter afresh:

   Provided that such Area Court shall not entertain any allegation by the person against whom the proceedings have been instituted that he is not subject to the jurisdiction of Area Courts.

   (2) Where an Area Court has heard and adjudicated upon a cause or matter in accordance with paragraph (1) it shall transmit to the appropriate registrar of the High Court a copy of the order made by it upon such adjudication.

ORDER 7: CONSTITUTION OF THE COURT

1. The Chief Registrar may approve assessors for each Court. — Assessors

2. The Court shall sit with the assessors in cases involving any native law and custom with which the Judge and members, if any, are not fully conversant and may sit with or without assessors in all cases. — When Court is to sit with assessors

ORDER 8: POWER OF AREA COURTS TO EXCLUDE MEMBERS OF THE PUBLIC

1. In any cause or matter, a Court may, where it appears that the administration of justice would be rendered impracticable by the presence of the public, at any stage of the proceedings, order that no member of the public shall have access or remain in the Court without the express permission of the Court. — Exclusion of public from Courts.

2. Where a Court has made an order in accordance with rule 1 such Court may order any person failing to comply with such order to be ejected from the Court. Power of ejectment.

ORDER 9 – NON-ATTENDANCE OF PARTIES AT HEARING OF CAUSE

1. On the day when a cause is called in for hearing or at any adjournment of such hearing if neither party to the cause appears the Court shall strike out the cause unless the Court sees good reason to the contrary. Any such reason shall be recorded in the Civil Cause Record Book or file. Non-appearance of both parties.

2. (1) On the day a cause is called for hearing or at any adjournment at such hearing if the plaintiff does not appear the Court shall strike out the cause unless the Court sees good reason to the contrary. Any such reason shall be recorded in the Civil Cause Record Book or file. Non-appearance of Plaintiff.

(2) Where a cause has been struck out under paragraph (1) and the defendant has counter-claimed, the Court may on proof of service of the process on the plaintiff, and where it considers that the plaintiff had due notice of the hearing, proceed to the hearing and determination of the counterclaim and give judgment for the defendant with or without costs or may adjourn the hearing and cause notice to be given to the plaintiff of the date of such adjourned hearing.

3. (1) When a civil cause is called for hearing or at any adjournment of such hearing if the plaintiff appears and the defendant does not appear the Court may, on due proof of service of the process and upon being satisfied that the time between the date of service and the date of hearing was sufficient for the defendant to have appeared had he wished so to do, proceed to the hearing and determination of the cause on the part of the plaintiff only, and the judgment thereon shall be as valid as if both parties had appeared. Non-appearance of defendant in civil cause.

(2) When the Court has heard and determined any cause in the absence of the defendant under the provisions of paragraph (1) and the defendant has a counterclaim in such cause the counterclaim shall, unless the Court sees good reason to the contrary, be struck out and any such reason shall be entered in the Civil Cause Record Book or file.

(3) If, when a civil cause is called in for hearing or at any adjournment of such hearing, service of the process on the defendant is not proved to the satisfaction of the Court, the

Court shall fix a new day of hearing and cause the process to be amended accordingly.

4. Any judgment obtained against any party in the absence of such party may, on sufficient cause shown, be set aside by the court upon such terms as the Court may deem fit. — Setting aside of judgment made in absence of party.

5. Any cause struck out may, by leave of the Court, be relisted on the cause list on such terms as the Court may deem fit. — Relisting of cases struck out.

ORDER 10-PRESENTATION OF CASE TO DEFENDANT

1. At the hearing of any cause or matter before a Court where all parties are present the Judge or Registrar shall read to the defendant the claim or complaint and shall explain to him the meaning and substance thereof to the satisfaction of the Court. — Presentation of case to Defendant.

2. After the claim or complaint has been read and explained to the defendant in accordance with rule 1 and he has signified that he understands it, the Judge or Registrar shall then call upon the defendant to reply to the claim or complaint in accordance with the native law and custom applicable thereto, and the defendant's answer shall be entered in the Civil Cause Record Book or file. — Plea of the Defendant.

ORDER 11- PROCEEDINGS AT THE HEARING SUBSEQUENT TO PRESENTATION

PART 1- ISLAMIC LAW CASES

1. After the provision of Order 10 have been complied with, then if the case is one in which Islamic Law is to be administered or applied, the Court shall continue the hearing in accordance with Islamic Law practice and procedure. — Continuation of hearing in Islamic Law cases in accordance with Islamic Law.

PART II – NON- ISLAMIC LAW CASES

2. After the provisions of Order 10 have been complied with, then if the case is not one in which Islamic Law is to be administered or applied, the Court shall continue the hearing in accordance with the following rules of this Part — Continuation of hearing in Non-Islamic Law cases in accordance with part II.

3. (1) Upon the application of a party the details of the claim may be amended at any time before judgment if the Court is satisfied that no injustice will result. — Amendment of complain.

(2) Such amendment shall be notified to all parties to the cause.

(3) If the facts proved at the hearing differ from the details given in the claim in any minor respect, the Court may, if it is satisfied that no injustice will result, give judgment and issue its order without amendment of the claim.

4. Where a defendant wishes to plead that: Defendant's objection.

(a) the Court has no jurisdiction over him or over the cause or matter;

(b) the claim does not disclose any reasonable cause of action; or

(c) the subject matter of the claim has already been adjudicated upon,

the defendant shall make such plea at any time after he is asked what he has to say in answer to the claim, and his answer shall be written in the Civil Cause Record Book or file.

5. (1) Where a defendant has raised an objection that he is not a person subject to the jurisdiction of Area Court, proceedings shall continue in accordance with the provisions of the Law. Procedure to adopt when defendant raises objection.

(2) Where a defendant has raised any other objection under the provisions of rule 4 above, the Court shall consider whether such objection has been made out and shall give its decision, which shall then be written in the Civil Cause Record Book or file, and thereupon:

(a) if the Court is satisfied that the objection has been made out, the suit shall be struck out ; or

(b) if the Court is not satisfied that the objection has been made out, it shall order that the hearing shall continue.

6. When the defendant admits liability, the Court shall hear the statements of the parties and thereafter make its order. Admission of liability.

7. When the defendant does not admit liability, the plaintiff shall open his case and produce his evidence. Case for the plaintiff.

8. At the end of the evidence for the plaintiff, the Court shall call upon the defendant to enter his defence. Case for the defense

9. If anything contained in the preceding rules of this Order shall conflict with the native law and custom applicable to the case Native law and custom to prevail.

under consideration the said native law and custom shall prevail.

10. (1) At any stage of the proceedings the Court may of its own motion adjourn the hearing until such time as may be convenient. Adjournment.

(2) A request by a party to a cause for an adjournment shall not be granted unless there is good reason for granting it.

(3) If an adjournment is granted under paragraph (2) there may be payable by the party applying for such adjournment such costs as the Court may order.

11. When the cases for both sides have been closed the Court shall consider the whole matter and give its decision which shall be put into the form of an order in accordance with Order 14. Judgment in accordance with Order 14

ORDER 12-REFERENCE TO ARBITRATION

1. A Court may, with the consent of the parties to any proceedings, order the proceedings to be referred for arbitration to such person or persons and in such manner and on such terms as it thinks just and reasonable. Order of reference.

2. On consideration of the report or award of the arbitrator the Court may: Power of Court on consideration of report of award.

(a) confirm any award of the arbitrator and enter it as the judgment of the Court; or

(b) set aside the award and fix a date for the hearing of the case by the Court and proceed to the hearing of the case accordingly.

ORDER 13 - EVIDENCE AND WITNESSES

1. A Court may, of its own motion or on the application of either party, summon any person subject to its jurisdiction to attend the Court, to give evidence or produce any document in his possession. Witness summons.

Form 5.

2. If a witness does not appear in answer to a summons after a reasonable sum has been tendered to him to cover his expenses of attending a Court, the Court may, upon proof of service of the summons which must be recorded in the record book or file, order the issue of a warrant to bring such witness before the Court at such time and place as is convenient. Default of appearance of a witness.

3. All evidence given before a Court and the method by which such evidence may be given and recorded by a Court shall be in accordance with the native law and custom applicable to the cause or matter under consideration. Evidence before Courts.

4. The Judge shall write in the appropriate record book or file the oral evidence given before the Court. Recording of evidence.

5. (1) When a document or thing is exhibited to the Court and admitted in evidence, the Court shall allot to it a distinctive letter or numbers and shall record the same in the record book, and the Registrar shall mark it with the letter or number allotted and the title and number of the case. Exhibits.

(2) When a document or thing is produced and tendered in evidence but is rejected by the Court, the Registrar shall mark it as tendered but rejected with the title and number of the case.

(3) When there is an appeal, the Registrar shall forward to the appellate Court, together with the certified copy of the record, all the documents and things admitted in evidence or tendered in evidence but rejected.

(4) If there is no appeal within the time allowed, the Registrar shall, at the end of the time allowed for appealing, return each document or thing to the party producing it or shall dispose of it in such other manner as the trial Court may order.

ORDER 14: ORDERS

1. The order of a Court shall be pronounced by the Judge and shall be written in precise terms in the Civil Cause Record Book or file and signed by the Judge. Delivery and recording of order.

2. A Court when making an order may fix a time for compliance therewith and in particular may direct that any sum of money ordered to be paid may be paid by instalments. Compliance with order and installments.

3. (1) When a party affected by an order of a Court has appeared in proceedings, it shall not be necessary to bring the terms of the order to his notice before proceeding to execution. Formal Order.

Form 6.

(2) When a party affected by an order of a Court has not appeared in proceedings the terms of such order shall be brought to his notice by service upon him of a formal written order.

4. The Judge shall before issuing copies of judgment to parties or for transmission of record of appeal, sign same.

ORDER 15 - INJUNCTIONS AND THEIR ENFORCEMENT

1. Where a Court has power to require any person to do or abstain from doing any act or thing, other than the payment of money, or to require any act or thing to be done or left undone, other than the payment of money, and no mode is otherwise than by this rule provided for enforcing such requirement, such Court may exercise such power by an injunction and: Injunctions.
   (a) annex to such injunction such conditions as the Court may deem just;
   (b) suspend or rescind such injunction on such an undertaking being given or condition being performed as the Court may deem just;
   (c) make such arrangements for carrying such injunction into effect as the Court may deem expedient.

2. Any person who for the space of fourteen days makes default in complying with an injunction made under rule 1, other than an order for the payment of money, may upon proof of such default be ordered by the Court to: Enforcement of injunctions.
   (a) pay into Court a sum not exceeding N500 for each day during which such default is made; or
   (b) be detained in custody for an indefinite period until he has remedied his default.

3. Any sum ordered to be paid under the provisions of this Order shall be recoverable summarily as a civil debt. Sum recoverable as a debt.

ORDER 16. – COSTS

1. A Court may in its discretion order the costs or a part of the costs of any proceedings to be awarded to the successful party to such proceedings. Costs at the discretion of Court.

2. If a Court makes an order directing that costs shall be paid by one party to another, the Court shall wherever possible assess the amount of costs summarily and shall embody the amount so assessed in the order. Determination of Costs

3. Where a summary assessment of costs is not possible under rule 2, the Court shall appoint a day and time for the detailed assessment of the costs payable in the cause or matter and shall then, on a consideration of such information as the Court shall require, assess such costs accordingly. Detailed determination of costs.

ORDER 17 - EXECUTION GENERALLY

1. When a person desires to enforce an order that has been made in his favour by a Court he may apply to that Court for execution. Application for execution.

2. Execution shall not normally be issued until thirty days after the day of the order: Time of issue.

   Provided that the Court may for good reasons, to be recorded, make a special order for immediate execution.

3. Execution shall not be issued after the lapse of two years from the date of the order except with leave of the Court. Execution not in issue after two years without leave.

4. If any person against whom an order has been made dies before the execution has been fully had thereon, application may be made to the Court for execution to be levied against the legal personal representatives or the estate of the deceased person and the Court shall make an order accordingly if there shall be no objection in law thereto. Order on a plea to the jurisdiction, etc.

5. (1) Where an order has been made against two or more persons jointly, execution may be levied upon Execution against joint property.

   (a) their joint property; or

   (b) the property of any one or more of them.

   (2) The writ of execution shall be joint to accord with the order but levy may be made on the property of any person against whom execution has been ordered and who is named in the writ.

ORDER 18 - EXECUTION AGAINST THE PERSON

1. A judgment or order of a Court for the payment of money in a civil cause or matter may be enforced by the arrest and detention in custody of the judgment debtor, which shall be carried out in accordance with the following rules. Execution against the person.

2. On the application of a judgment creditor for the enforcement of any order for the payment of money by the arrest and detention in custody of the judgment debtor, the Court shall Summons to show cause.

issue a summons calling upon the judgment debtor to appear before the Court on a day and at an hour specified in the summons to show cause why he should not be committed to custody. Form 7.

3. (1) Where appearance is not made in obedience to the summons the Court shall, if the judgment creditor so requires, issue a warrant for the arrest of the judgment debtor. Non-appearance to the summons. Form 8.

(2) Every such warrant shall direct that the judgment debtor be brought before the Court with all convenient speed, unless the amount which he has been ordered to pay and the fees (if any) for which he is liable, be sooner paid.

4. No judgment debtor shall be arrested in pursuance of rule 3 unless and until the judgment creditor has paid to the Court such sum as, in the opinion of such Court, is sufficient for the subsistence of the judgment debtor from the time of his arrest until he can be brought before the Court. Subsistence of judgment debtor between arrest and hearing.

5. (1) When a judgment debtor appears before the Court in obedience to a summons issued under rule 2 or is brought before the Court after being arrested under the provisions of rule 3, he may be examined by or on behalf of the judgment creditor and by the Court respecting: Discovery of property and production of books and documents.

(a) his ability to pay the money ordered to be paid and for the discovery of property, applicable to such payment, and as to what debts are owing by him, and to the disposal which he may have made of any property; and

(b) the circumstances in which he contracted or incurred the debt or liability in respect of which the judgment was given and respecting the means or expectation he then had of paying or discharging the debt or liability,

and he shall be bound to produce all books, papers and documents in his possession or power relating to any such matters.

(2) Whether the judgment debtor appears or not, the judgment creditor and all other witnesses whom the Court thinks requisite may be examined respecting the said matters.

6. While investigation under rule 5 is pending, the Court may in its discretion either order the judgment debtor to be detained in custody, or release him on his furnishing security to the satisfaction of the Court for his appearance when required by the Court. Detention or release during investigation.

7. The Court may upon any such investigation as aforesaid make an interim order for the protection of the property applicable or available in discharge of the judgment as it shall think expedient. Interim order for protection of property.

8. At the conclusion of the investigation the Court may make such one or more of the following orders as the case may require: Orders at close of investigation.

(a) an order for the committal of the judgment debtor to custody in accordance with the provisions of rule 10:

Provided that the judgment debtor shall not be committed to custody unless and until the judgment creditor has paid to the Court such sum as, in the opinion of the Court, is sufficient for the subsistence of the judgment debtor during the period that he is committed to custody;

(b) an order for the attachment and sale of the judgment debtor's property;

(c) an order for the payment of money by instalments or otherwise by the judgment debtor; or

(d) an order for the discharge of the judgment debtor from custody.

9. Before making an order under rule 8, the Court may take into consideration any allegation of the judgment creditor touching any of the following matters, namely: Matters relevant to inquiry.

(a) that the judgment debtor has then or has had since the making of the judgment or order sufficient means to pay the money directed to be paid by him or part thereof, and he refuses or neglects, or has refused or neglected, to pay the same;

(b) that with intent to defraud or delay his creditors or any of them the judgment debtor has made any gift, delivery or transfer of any property or has removed property from the jurisdiction of the Court which has made the judgment or order;

(c) that the debt or liability in respect of which the judgment or order has been made has been contracted or incurred by the Judgement debtor by fraud or breach of trust;

(d) that forbearance of the debt was obtained by the judgment debtor by fraud;

(e) that the debt or liability was willfully and recklessly contracted by the judgment debtor without his having at the

same time a reasonable expectation of being able to discharge it.

10. Subject to the provisions hereinafter contained, the Court may at the conclusion of any such investigation as aforesaid but not otherwise commit the judgment debtor to custody for default in payment of any debt or instalment of any debt due from him:

Committal of judgment debtors.

Form 9.

Provided that such jurisdiction shall only be exercised where it is proved to the satisfaction of the Court that the person making default either has or has had since the date of the judgment or order the means to pay the sum in respect of which he has made default.

11. No person shall be committed to custody in pursuance of the provisions of this Order for a longer period than:

Limitation of terms of detention in custody.

(a) one month if the decree be for the payment of a sum of money not exceeding N100,000.00;

(b) two months if the decree be for the payment of a sum of money exceeding N100,000.00 but not exceeding N200,000.00; or

(c) three months if the decree be for the payment of a sum of money exceeding N200,000.00.

12. A judgment debtor shall be released at any time:

Release of a judgement debtor.

(a) on the judgment or order being fully satisfied; or

(b) at the request of the judgment creditor.

13. (1) Committal to custody shall not in any case operate as satisfaction or extinguishment of the debt or deprive the judgment creditor of:

Committal to Custody not satisfaction of debt.

(a) his right of execution against the property of the judgment debtor; or

(b) his right to make a fresh application under rule 2 for the committal of the judgment debtor if he can prove that the judgment debtor has, or has had, since his release from custody the means to pay the judgment debt in whole or in part and has made default.

(2) Where a judgment debtor has been arrested and is committed to custody or where a warrant has been issued for the arrest of a judgment debtor no sale of any of his property shall, except with his written consent be made until:

(a) one month has elapsed from the date of his arrest; and

(b) at least fifteen days' notice has been given to the judgment debtor specifying the property which has been seized and is intended to be sold:

Provided that this rule shall not apply to perishable articles which may be sold at once.

14. Nothing contained in this order shall be deemed to derogate from the powers of a Court under the provisions of Order 15. Saving.

ORDER 19 - EXECUTION AGAINST PROPERTY

1. A judgment or order of Court for the payment of money in a civil cause or matter may be enforced by the attachment and sale of the property of the judgment debtor, which shall be carried out in accordance with the following rules. Execution against property.

2. On the application of a judgment creditor for the enforcement of any judgment or order for the payment of money by the attachment and sale of the property of the debtor, the Court shall issue a writ for the attachment and sale of the movable property of the judgment debtor. Such writ shall be addressed to the bailiffs or messengers of the Court. Attachment of movable property.

Form 10.

3. Upon receipt of the writ, the bailiff or messenger executing the sale may seize movable property in the possession of the judgment debtor including any money, banknotes, bills of exchange, promissory notes, bond or securities for money belonging to that person, and upon such seizure the bailiff or messenger shall be responsible for the safe custody of such movable property but shall transfer the same as soon as possible to the custody of the Court: Attachment of movable property.

Provided that the clothing, bedding and household utensils of the judgment debtor or his dependents and the tools and implements of his trade to the value of twenty thousand Naira shall not be seized.

4. When attachment has been completed, the bailiff or messenger executing the writ shall report the same to the Registrar, who shall thereupon arrange for the sale of the attached property by auction in such manner and under such conditions as the Court may direct: Sales of attached movable property.

Provided that no goods seized in execution under process of a Court shall be sold for the purpose of satisfying the writ until the expiration of a period of at least five days next following the day on which the goods have been seized unless:

(a) the goods are of a perishable nature; or

(b)the person whose goods have been seized so requests in writing or orally before the Court in the presence of not less than two witnesses:

Provided further that the Court may, if it thinks fit, direct that the sale shall be postponed for any period not exceeding twenty-eight days after the attachment.

5. When movable property which has been attached by seizure has been sold such property shall be delivered to the purchaser.

Delivery of movable property.

6. The person authorised by the Court to conduct the sale shall pay the proceeds thereof to the Registrar, who shall, after deducting the expenses of the sale, pay to the judgment creditor the amount owing under the terms of the judgment or order and any costs of execution. Any balance shall be paid to the judgment debtor.

Proceeds of sale.

7. Where the proceeds of the sale of movable property attached in execution of a writ issued in accordance with rule 2 are insufficient to satisfy the judgment or order, the Court may, on the further application of the judgment creditor issue a writ for the attachment and sale of the immovable property of the judgment debtor. Such writ shall be addressed to the bailiffs and messengers of the Court.

Attachment of immovable property.

Form 12.

8. (1) Upon receipt of the writ the bailiff or messenger executing the same may attach lands, buildings or other immovable property belonging to the judgment debtor by serving the judgment debtor with a written order of the Court forbidding the judgment debtor to alienate and any other person to accept the property in any way.

(2) Copies of the written order shall be posted up on all items of the immovable property which have been attached.

9. When the attachment has been completed the bailiff or messenger executing the writ shall report the same to the Registrar, who shall thereupon arrange for the sale of the attached property by auction in such manner and under such conditions as the Court may direct.

Sale of attached immovable property.

10. At any time within twenty-one days from the date of sale of any immovable property, an application may be made to the Court for an order to set aside the sale on the ground of material irregularity in the conduct of the sale, but no such order shall be made unless the applicant shall prove to the Court that he has suffered substantial damage or injury by reason of such irregularity.

Setting aside sale for irregularity.

11. If a sale of immovable property is set aside, the purchaser shall be entitled to receive back any money deposited or paid by him on account of such sale, such money to be paid by such parties and in such manner as the Court may direct, — Effects of setting aside.

12. (1) If no application to set aside the sale is made within twenty-one days from the date of sale, the sale shall be absolute. — Absolute sale.

(2) If an application to set aside is made and is not allowed by the Court, the Court shall (unless there be pending other applications to set aside the same sale) make an order confirming the sale, and such an order shall make the sale absolute.

13. After a sale of immovable property has become absolute the Court shall grant a certificate to the purchaser to the effect that he has purchased the right, title and interest of the judgment debtor in the property sold and such certificate shall be valid transfer of such right, title and interest. — Certificate of purchase. Form 13.

Provided that any consent to the alienation of the right of occupancy required by the Land Use Act, shall have been had and obtained before the certificate is issued.

14. The proceeds of the sale of immovable property shall be disposed of in the manner provided for in rule 6. — Proceeds of sale of immovable property.

15. The party enforcing a judgment or order may levy the costs of execution over and above the judgment debt and costs mentioned in such judgment or order unless the Court shall otherwise order in cases where costs have been needlessly incurred. — Cost of execution.

ORDER 20 - GARNISHEE PROCEEDINGS

1. Where a judgment or order of a Court for the recovery of payment of money has been made and is unsatisfied or partially satisfied, the Court may, upon the application of the judgment creditor order that debts owing to the judgment debtor from any third person, hereinafter called the garnishee, shall be attached to satisfy the judgment or order. — Debts on application for a garnishee order.

2. On the application of a judgment creditor for a garnishee order the Court may, either before or after any oral examination of the judgment debtor, require such judgment creditor to make a declaration, which may be on oath in the discretion of the Court, that the judgment or order is still unsatisfied and to what amount and, that the garnishee is indebted to the judgment debtor.

3. (1) Where the Court is satisfied that the garnishee is indebted to the judgment debtor the Court may order that the debts so owing to the judgment debtor shall be attached to satisfy the judgment or order, together with the costs of the garnishee proceedings, and may order by the same or any subsequent order that the garnishee shall appear before the Court on a day and at a time stated in the order to show cause why he should not pay to the judgment creditor the debt due from him to the judgment debtor or so much thereof as may be sufficient to satisfy the judgment or order together with costs as aforesaid.

Service of garnishee order.

Form 14.

(2) Such order shall be served on the garnishee and the judgment debtor at least fourteen days before the day of hearing.

4. Service on the garnishee in such manner as the Court may direct of an order or of a notice thereof that a debt due or accruing to the judgment debtor shall be attached, shall bind such debt in the hands of the garnishee.

Order for attachment to bind debt.

5. The garnishee may before the day and time prescribed by any order made under the provisions of paragraph (1) of rule 3 pay into Court without disputing his liability or with admission of his liability:

(a) the amount due from him to the judgment debtor; or

(b) an amount equal to the judgment debt, together with, in each case the costs of the garnishee proceedings.

Payment into Court by garnishee

6. If the garnishee:

(a) does not dispute the debt due or claimed to be due from him to the judgment debtor but fails to comply with the provisions of rule 5; or

(b) fails to appear upon the summons,

the Court may upon proof of service order execution to issue in accordance with the provision of Order 20 and in the form prescribed in the First Schedule to levy the amount due from such garnishee, or so much thereof as may be sufficient to satisfy the judgment or order, together with, in each case, costs as aforesaid.

Execution against garnishee.

7. If the garnishee appears and disputes his liability the Court shall proceed to hear and determine the issue in a manner as justice shall seem to require.

Trial of liability of garnishee.

8. Where in any garnishee proceedings it is suggested by the garnishee that the debt sought to be attached belongs to some third person or that any third person has a lien or charge upon it, the Court may order such third person to appear and state the nature and particulars of his claim upon such debt.

Non-appearance of third person.

9. If the third person as described in rule 8 does not appear, the Court may upon proof of service of a copy of the order proceed to make such order as justice shall seem to require.

Procedure upon appearance of claimants.

10. Upon the appearance of the third person as described in rule 8, after hearing his allegations and those of any other person whom the Court may order to appear, the Court may:

(a) order execution to issue to levy the amount due from the garnishee;

(b) order any issue or questions to be tried and may bar the claim of such third person; or

(c) make such other order upon such terms with respect to any lien or charge or otherwise, as the Court shall think just.

Garnishee discharge.

11. Payment made by or execution levied upon a garnishee under any such proceedings shall be a valid discharge to him against the judgment debtor to the amount paid or levied.

Alienation of immovable property and payment of debts void during attachment.

12. After an attachment of the immovable property of the garnishee shall have been made in accordance with this rules, any alienation without the leave of the Court of the property attached whether by sale gift or otherwise and any payment of any debt or debts to the judgment debtor during the continuance of the attachment shall be null and void.

Venue

13. Garnishee proceedings may be heard in any Court which the judgment debtor could, under the provisions of the Law, sue the garnishee.

Court may refuse order.

14. The Court may, in its discretion, refuse to make or issue a garnishee order where, from the small amount to be recovered or from the smallness of the debt to be attached, or otherwise, the remedy sought would be worthless or vexatious.

ORDER 21 - INTERPLEADER PROCEEDINGS

Interpleader summons.

Form 16.

1. Any person who claims that any property, whether movable or immovable, which has been attached is not liable to be sold in execution of a judgment or order against the judgment debtor, may apply to the Court which issued the writ of attachment and sale for the issue of summons calling upon the judgment creditor to appear before the Court on a date and at an hour specified in the summons to show cause why the property should not be released from the attachment.

2. (1) When the claim is investigated by the Court it shall have the same powers as if the claimant had been originally a party to the suit. Proceedings at the hearing.

(2) If it appears that the property attached is not liable to be sold in execution of the judgment or order the Court shall make an order releasing the property from attachment.

(3) If it appears that the property attached is the property of the Judgement debtor, the Court shall disallow the claim and dismiss the summons.

3. (1) A claim must be made to the Court at the earliest opportunity and if the attached property has been advertised for sale, the sale shall be postponed until the claim has been investigated. Time for making claims.

(2) No claim shall be investigated if it appears to the Court that it was deliberately delayed with a view to obstructing the ends of justice.

(3) When it appears to the Court that there has been deliberate delay or when the sale has taken place before the claim was made, the interpleader proceedings shall be investigated.

4. (1) Every application by a claimant for an interpleader summons shall be supported by a declaration which may be on oath at the discretion of the Court, specifying the property claimed and setting out the grounds upon which it is claimed. Evidence in support of claim.

(2) A copy of such declaration, certified by the Registrar, shall be provided for each person against whom the relief is sought and a copy shall be attached to each summon issued by the Court.

(3) The Court may call for oral evidence of the facts if it so wishes when the claim is investigated.

5. Where in any interpleader proceedings the claimant claims damages from the judgment creditor or from the bailiff or messenger of the Court in respect of any misfeasance, occurring during the course of the attachment he shall in the declaration under paragraph (1) of rule 4, state the amount which he claims for damages and the grounds upon which he claims such damages. Procedure where damages are claimed.

6. Where in the interpleader proceedings a claim for damages is made, the person from whom damages are claimed may pay money into the Court in satisfaction of that claim, and the payment shall be made in the same manner and have the same effect as if the proceedings were an action in that Court and the person claiming damages were plaintiff and the person from whom damages are claimed were defendant.

Payment into Court where damages claimed.

7. Costs in any interpleader proceedings may be ordered to be paid in such manner as shall appear to the Court to be just.

Costs.

ORDER 22 - WRIT OF POSSESSION

1. The execution of any judgment or order relating to land or other immovable property may be carried out by a writ of possession whereby the judgment creditor is placed in possession of the land or immovable property as the case may be.

Writ of possession.

Form 17

2. (1) If any person (other than the Judgement debtor) is dispossessed and such person disputes the right of the judgment creditor to dispossess him on the ground that:

Claims to possession by a third party.

(a) the property was in good faith in his possession on his account or on the account of some person other than the judgment debtor; or

(b) the property was not included in the judgment order or if included in the judgment or order, he was not a party to the suit,

he may apply to the Court within twenty-eight days of dispossession making claims to such land or other immovable property as has been attached for such other relief as may be appropriate.

(2) If, after examining the applicant, it appears to the Court that the applicant has good ground for making the application, the application shall be numbered and entered in the Civil Cause Record Book or file as a suit between the applicant and the judgment creditor, and the Court shall investigate the matter in dispute in the same manner and with the same powers as if a claim for the property had been made in a suit by the applicant against the judgment creditor.

(3) If an application made in accordance with the provisions of this rule is entertained by the Court, it shall operate as a stay of execution of the writ of attachment and sale of the land or other immovable property in question.

3. The decision of a Court given consequent upon an investigation in accordance with rule 2 shall have the same force and effect as a decision in an ordinary civil suit, and no fresh suit arising out of the same facts may subsequently be entertained between the same parties or any person claiming under them in respect of the same property. Effect of order on a claim to possession.

ORDER 23 - ALTERATION OF PARTIES

1. Where after a cause or matter has been instituted any change or transmission of interest or liability occurs in relation to any party to the cause or matter, or any party dies or becomes incapable, or the cause or matter in any other way becomes defective or incapable of being carried on, any person interested may apply to the Court for any order requisite for curing the defect, or enabling or compelling the proper parties to carry on the proceedings. Order to carry on proceedings.

2. Any person served with such an order may, within such time not exceeding fourteen days after service as the Court directs, apply to the Court to discharge the order. Application to discharge order.

3. The Court may at any stage strike out the names of any parties improperly or unnecessarily joined and may, after due notice given to the parties affected, add the names of parties whose presence is essential to a just decision of the matter in dispute, and on proof of such notice the parties so served, whether they shall have appeared or not, shall be bound by the proceedings in the action. Misjoinder and non-joinder.

ORDER 24 - FORMS

1. All forms for issue by a Court shall be completed by the Registrar. Completion of forms.

2. A record of all issued forms shall be kept by the Registrar retaining duplicate which shall accurately record all the details inserted in the form before issue. Record of Issue of forms.

3. (1) Forms for use in a Court shall be those set out in the First Schedule. Forms in first Schedule.

(2) Forms to the like effect may be used in all proceedings to which they are applicable with such variations as circumstances may require.

ORDER 25 - FEES

1. (1) Fees shall be charged according to the scales set out in the Second Schedule. Scale of fees, second Schedule.

Provided that the Chief Judge may direct in writing that:

(a) such fee or fees not exceeding the said fees set out in the Second Schedule that he may consider suitable in respect of the matters mentioned in the said Schedule or any of them shall be substituted in the case of any particular Court, and where substituted fees have been so specified such fees and no other fees shall be payable in that Court (subject nevertheless to the provision herein- after mentioned); and

(b) in any class or classes of cases no fee shall be payable.

(2) In the administration of an estate, the Court, instead of charging any fees which but for this paragraph would have been chargeable, may order that one per cent of the value of the estate be paid as revenue to the Government.

2. No additional fee shall the paid on the issue of any civil process by reason of the names of more than one defendant appearing thereon. Multiplicity of defendant not to increase fees

3. A list of the authorised fees shall be conspicuously exhibited in the most public and accessible part of every Court and also in its offices. Exhibition of list of fees.

4. Fees shall be paid to the Registrars who shall issue to the payer an official receipt in each payment made to him in accordance with the provisions of rule 3 of Order 26. Fees to be paid to Registrar.

5. Where in this rules a fee is prescribed for any form or process, or the doing of any act, such form or process shall not be issued, or the act done, unless the fee is first paid. Process not to issue unless fees first paid.

6. (1) A Court may order that fees shall be wholly or in part waived, reduced or remitted when owing to the poverty of a Waiver, reduction or

party or other reasonable cause it appears desirable that such waiver, reduction or remission should be made. remission of fees.

(2) Any person who seeks a waiver, reduction or remission of fee shall make an application for the same in person to the Court and the Court may, if it so wishes, call upon the applicant to give, and to produce witnesses to give, evidence in support of the application, and any such proceedings and the decision of the Court shall be written in the Civil Cause Record Book or file by the Judge.

7. Whenever the party by whom fees would be payable under this order is a public officer or a Government authority or an officer or employee of a Government Authority in each case acting in his or its official capacity, fees shall not be charged. No fees payable by government authority or public officer.

ORDER 26 - ACCOUNTS

1. Every Court shall cause to be kept, a Cash Book and receipt books, which books shall be in such form and pattern as may from time to time be approved by the Accountant-General of the State in consultation with the Auditor-General of the State. Cash books and receipt books.

2. All moneys received by a Court and all moneys paid out by a Court in the course of the business of the Court shall be accounted for by the Registrar of the Court. Registrar responsible for all money.

3. (1) All moneys received by a Court whether revenue or deposits and all moneys paid out by a Court in the course of the business of the Court shall be entered in the cash book by the Registrar. Entries in cashbooks and issue of receipt.

(2) Each entry shall show the case number and page number of the appropriate record and whether payment was made by the plaintiff or whether the payment was for fees or costs as the case may be.

(3) The Registrar shall from the receipt books required to be kept by rule (1) of this Order issue a receipt to all persons paying money into Court in the course of the business of a Court. The receipt number shall be entered in the cash book as part of the particulars required by paragraph (1) of this rule.

4. All moneys received by a Court and moneys paid out in the course of the business of the Court shall be retained, deposited and paid out in accordance with the provisions of such financial instructions as may from time to time be issued. Area Court to comply with Financial Instructions.

5. All cash books and receipt books required to be kept by a Court under the provisions of rule 1 shall be submitted for Treasury inspection and audit at such time and in such manner as the Accountant-General of the State or Auditor-General of the State respectively may direct.

Inspection and audit of cash books and receipt books.

ORDER 27 - RECORDS

1. Each Court shall cause the following records to be kept:

(a) Civil Cause Book; and

(b) Civil Cause Record Book or file.

Records to be kept by Area Court.

Form 18.

2. All proceedings of a Court, including final and interlocutory orders, orders of adjournment and notes of evidence shall be in English Language.

Recording of proceedings to be in English.

3. (1) The Judge shall be responsible for the carrying out of the provisions of rule 2 and shall authenticate all records by signing the same.

(2) All records and Forms as prescribed in the First Schedule shall be authenticated by the signature of the Judge of the Court concerned.

Maintenance and authentication of records.

First Schedule.

4. (1) A copy of any proceedings in any cause or matter shall upon application and payment of the prescribed fee be supplied by a Court to:

(a) a party to or person concerned in any such cause or matter;

(b) a member of the immediate family of such party or person;

(c) any administrative officer applying on behalf of such party or person; and

(d) any other person, with the approval of the court.

(2) Any copy so supplied shall be certified by the signature of the Registrar as being a true copy.

Copies of records.

5. The records prescribed by rule 1 and any other records which may from time to time be prescribed by rules made under the Law shall be preserved by the Registrar.

Preservation of records.

FIRST SCHEDULE
FORM 1
(Order 2, rule 9)

Suit No……....

CIVIL SUMMONS

In the Area Court of.....

Between

……... plaintiff
(if more than one, all should be named)

And

……..……. Defendant
(if more than one, all should be named).

To…….
of…….... you are hereby summoned to attend this Court at…….. on the…… day of…….……
at the hour of…….....a.m/p.m, to answer a claim by……... of……against you.

The said Plaintiff claims:

…….……
……
……

Take notice that if you do not attend at this Court at the time and on the date stated, the Court may, on proof of service of this summons, give judgment in your absence.

Fees paid.....Court Receipt No.....

Dated the.....day of……., 20…...

(Signature)……..
Area Judge or President

FORM 2
(Order 3 rule 5)

Suit No…….

ORDER FOR SUBSTITUTED SERVICE

In the Area Court of.....

between
……Plaintiff
(If more than one, all should be named)
And……Defendant
(If more than one, all should be named)
UPON READING the Affidavit of……..of……..…….. sworn the……..day of……, 20…….

IT IS ORDERED that a copy of the……..... issued in this cause together with a copy of this order be served on some inmate of being the issued in above the apparent age of eighteen years at……....being the usual (or last known) place of residence (or business) of..... (name of plaintiff, defendant, witness or party) (or that a copy of the…….. issued in this cause together with a copy of this order, be sent by registered post addressed to……....(name of plaintiff, defendant, witness or party) at…….. being the usual (or last known) place of residence (or business) of the said.....) (or that notice of the……..... be published in the…….. (Gazette) (or that notice of the……..…..... be published in the ……..…… newspaper in (number) separate issues) (or that a copy of the..... in the cause shall be affixed to premises at……..... being the usual (or last known) place of residence (or business) of……...the (plaintiff, defendant, witness or party) (or as may otherwise be ordered by the Court).

Dated at……..this……..day of……., 20….

(Signature)……..
Area Judge or President

FORM 3
(Order 3 rule 5)

Suit No…….

SERVICE ENDORSEMENT OF SUBSTITUTED SERVICE

The document of which is a true copy was served by me on the..... day of……..20…… by ……...……

……..……

in accordance with the terms of the order for such substituted service.

Dated at.....this……day of……,20……

(Signature)……
Person effecting service

FORM 5
(Order 13, rule 1)

Suit No…….

SUMMONS TO WITNESS

In the Area Court of……..

BETWEEN
……..……Plaintiff (if more than one, all should be named)
And
……. Defendant (if more than one, all should be named).
To……., you are hereby commanded to attend before this Court sitting at……...… on the..... day of……, 20…… at the hour of……...a.m./p.m to testify all that you know in the above cause, and to produce the following documents, that is to say:
……
……
You are summoned on behalf of the…….

Dated the…… day of…….. 20……..

(Signature)……..
Area Judge or President

FORM 6
(Order 14, rule 3)

Suit No.....

FORMAL ORDER

In the Area Court of……...

Betwee:

……Plaintiff (if more than one, all should be named).

And

……..Defendant (if more than one, all should be named).

To…….

It is hereby ordered that the above-named…… do recover from you…… the sum of N……., representing N ……. for debt/damages and N…….. for costs and you are hereby ordered to pay to such person(s) the total sum of N……., forthwith on the…… day of……., 20..... by instalments of N……for every…… .

Dated this……. this…… day of……., 20……

(Signature)……
Area Judge or President

*Debt	…	…	…	…	N	K
Damages	…	…	…	…	N	K
Costs	…	…	…	…	N	K
Total	…	…	…	…	N	K

FORM 7
(Order 18, rule 2)

Suit No…….

JUDGMENT DEBTOR SUMMONS

In the Area Court of……

Between

……..……. Plaintiff (if more than one, all should be named)

and ……... Defendant (if more than one, all should be named).

To…….……
whereas the above-named…….....
obtained a judgment/order against the above-named …….. in this Court sitting at…… on the ……day of……, 20…… for the payment of N…….. for debt/damages and costs to be paid forthwith on the…… day of……, 20…… and subsequent costs have been incurred and allowed by the Court, amounting to N……

And whereas default has been made by you in payment of the sum of N s. d, payable in pursuance of the said judgment/order and the said…… has/have required this judgment summons to be issued against you.

You are therefore hereby summoned to appear personally in this Court at……. on the……. day of……. 20.....
at the hour of…….....a.m./p.m to be examined as to the means you have or have had since the date of the said judgment order to satisfy the sum payable in pursuance of the said judgment/order; and also to show cause why you should not be committed to prison for such default.

Dated this……day of……..……..., 20……

(Signature)…….
Area Judge or President

Sum in payment of which default has been made as in second recital above	…	N
Fees on issue of this summons	...	N
Other expenses incurred by judgment creditor	…	N
Total	…	N

FORM 8
(Order 18, rule 3)

Suit No……..

WARRANT TO ARREST A JUDGMENT DEBTOR

In the Area Court of……

Between
…….…… Plaintiff (if more than one, all should be named)
and …….…….……Defendant (if more than one should be named)

To all bailiffs and messengers of this Court and members of the Police.

Whereas the above-named…… has failed to answer to a judgment summons issued by this Court on the……day of……, 20……..

And whereas it has been proved that the said…… was duly served with the summons:

You are hereby commanded to arrest the said……..and to bring him before the Court to be examined as to the means he has/had since the date of the judgment/order to satisfy the sum payable in pursuance of the said judgment/order; and to show cause why he should not be committed to detention in custody for such default.

Sum un payment of which the judgment debtor N……..

Is to be discharged… …. … …

Dated this ……..day of……., 20…….

(Signature)……..
Area Judge or President

FORM 9

(Order 18, rule 10)

Suit No……

WARRANT OF IMPRISONMENT ON A JUDGMENT DEBTOR

In the Area Court of……

Between
……Plaintiff
(if more than one, all should be named)
And
……..……. Defendant
(if more than one, all should be named)

To all bailiffs and messengers of this Court and members of the Police, and to the officer in charge of…….. custodial centre.

You are hereby commanded to convey the above-named…… hence and to deliver him to the officer in charge of……. custodial centre, thereto be detained in custody for……[3] unless he shall sooner pay to the balance of the sum of N……..., being the balance of the sum of N……, which sum he was ordered to pay to the said……..…… by a judgment/order of the Court in the above-mentioned suit.

Dated at…… this……..day of……, 20…...

(Signature)……
Area Judge or President

FORM 10
(Order 19, rule 2)

Suit No……

WRIT OF ATTACHMENT AND SALE
(Movable Property)

In the Area Court of.....

Between
……..…….. Plaintiff
(if more than one, all should be named)
and…….. Defendant, (if more than one, all should be named)

To all bailiffs and messengers of this Court.

Whereas the above-named……. obtained a judgment/order against the above-named..... in this Court sitting at..... on the…… day of……..…..., 20……..… for the payment of N……. for debts/damages and costs to be paid forthwith on the…… day of…….……..., 20…… by instalments of N…… for every…… and subsequent costs have been incurred and allowed by the Court amounting to N……

And whereas default has been made in payment of the sum of N…..……. payable by the above-named……

You are hereby ordered forthwith to levy the sum of N…… due under the said judgment/order together with the costs of this writ and the costs of executing the same by the attachment of the movable property of the said …….……..... wheresoever they may be found within the area of the jurisdiction of this Court (except the clothing and bedding of him or his dependents and the tools and implements of his trade to the value of ten pounds) and also by the seizing and taking any money, banknotes, cheques, bills of exchanges, promissory notes, bonds or securities for money belonging to the said…….. or such part or so much thereof as may be sufficient to satisfy this execution; and to bring what you shall have so levied to this Court and to make a report of what you have done under this writ immediately upon execution thereof.
Dated this…….day of……, 20.....

(Signature)…….***Area Judge or President***

Amount remaining due under judgment/ order	...	…	…	N…….
Fees and costs on execution of this writ	...	…	…	N…….
Total … … … … ... … … …				N……..

FORM 11
(Order 19, rule 7)

Suit No……...

WRIT OF ATTACHMENT AND SALE
(Immovable Property)

In the Area Court of…….
Between
.....Plaintiff
(if more than one, all should be named)
and
……..Defendant
(if more than one, all should be named)

To all bailiffs and messengers of this Court.
Whereas the above-named……. obtained a judgment/order against the above-named…… in this Court sitting at..... on the……. day of……..…., 20…… for the payment of N……... for debt/damages and costs to be paid forthwith on the..... day of……., 20…… instalments of N…….. for every..... and subsequent costs have been incurred and allowed by the Court amounting to N……..

And whereas default has been made in the payment of the sum of N……, payable by the above-named……..
And whereas a writ has been issued by this Court for the attachment and sale of the movable property of the said……..wheresoever such property may be found within the Area of jurisdiction of this Court, and to make a report of what you have done under this writ immediately upon execution thereof.

Dated this…….day of……., 20……..

(Signature)……..
Area Judge or President

Amount remaining due … … … …

Fees and cost on execution of this writ … …

Total ... … … … … … N……

FORM 12
Order 19, rule 8(2)

Suit No……..

ATTACHMENT NOTICE

In the Area Court of……...

Between
……..…….. Plaintiff
(if more than one, all should be named)
and
…….……. Defendant
(if more than one, all should be named).

TAKE NOTICE THAT:

Whereas a writ of Attachment and sale dated the……day of……, 20…… has been issued under the hand of……..…… Area Judge/President of……..…… at the instance of……judgment creditor, for the attachment of the Immovable property of said judgment debtor is Judgment debtor in the above-mentioned suit, the hereby prohibited from alienating the property below mentioned by sale, gift, or in any other way, and all persons hereby prohibited from receiving the said property by purchase, gift or otherwise, that is to say:

……
……
……..

DATED at……this…… day of……., 20.....

……..
Proper Officer

FORM 13

(Order 19, rule 13)

Suit No……..

CERTIFICATE OF PURCHASE

In the Area Court of.....

Between

.....Plaintiff

(if more than one, all should be named)

And

……..…….. Defendant

(if more than one, all should be named).

TAKE NOTICE THAT:

This is to certify that..... of …… has been declared by this Court to be the purchaser of the right, title and interest of……..... in the land and other immovable property hereinafter mentioned, that is to say:

……

……

…….

which said right, title and interest was sold in execution of a judgment/order in the above suit by an order of this Court dated the…….day of……....., 20……

DATED at…….. this……..day of…….., 20..…

(Signature)……...

Area Judge or President

FORM 14
(Order 20, rule 3)

Suit No.....

GARNISHEE ORDER

In the Area Court of …….

Between ……..Judgment Creditor
and……..Judgement Debtor
and……Garnishee

To…….(Garnishee)
Whereas the judgment creditor on the…… day of……..……, 20..... obtained a judgment/order in the Area Court of…… against the Judgment debtor for the payment of damages and unsatisfied as to the sum of N…….. for debt, for costs which judgment/order remains unsatisfied as to the sum of N…….

And whereas it appears to the Court that you are indebted to the said judgment debtor in the sum of N s d.
You are hereby ordered to appear before this Court sitting at..... on the..... day of……, 20..... at the hour of…….....a.m./p.m. to show cause why an order should not be made upon you for the payment to the judgment creditor of the amount of the debts due and owing or accruing from you to the said judgment debtor or so much thereof as will satisfy the debt due under the said judgment/order and the costs entered on this summons:

And take notice that from and after the service of this summons upon you so much of the debts owing or accruing from you to the judgment debtor as will satisfy the debt due under the said judgment/order and the costs entered on this summons are bound in your hands:
And further take notice that if you pay into this Court the amount of such debts, or so much thereof as satisfy the debt due under the said judgment/order and the costs entered on this summons within fourteen days of the service of this summons on you, inclusive of the day of service, you will incur no further costs.

Dated this…….....day of……, 20……..

(Signature)…….
Area Judge or President

FORM 15
(Order 20, rule 6)

Suit No…….
EXECUTION AGAINST A GARNISHEE

In the Area Court of……

Between
……...Judgment Creditor.
And…….…….Judgment Debtor
And.....Garnishee

To all bailiffs and messengers of this Court.

Whereas by judgment dated the……day of....., 20…… it was ordered that the garnishee should pay the sum of N…….. together with the sum of N…… for costs, amounting together to the sum of N…….…… to this Court.

And whereas default has beer. made in payment according to the said judgment:

You are hereby commanded forthwith to levy the sum of N……. still remaining due to the judgment creditor under the said judgment together with the costs of the writ and the cost of executing the same by the attachment of the immovable property of the garnishee whosoever such property may be found within the Area of jurisdiction of this Court, and to make a report of what you have done under this writ immediately upon execution thereof.

(Signature)…….
Area Judge or President

FORM 16
Order 21, rule 1)

Suit No……..

INTERPLEADER SUMMONS

In the Area Court of……..
In the matter of a debt owing by……

To……..
Whereas a writ of Attachment and Sale was at the instance of…….. issued by this Court on the…… day of……., 20…… against the property of…… and has since been executed.

And whereas....., hereinafter called the claimant, has made claim to certain goods or the proceeds thereof taken in execution of the said writ.

You are hereby summoned to appear before this Court at..... on the…… day of……..., 20…….. at the…… hour of a.m./p.m. when the said claim will be adjudicated upon and such order made thereon as the Court thinks fit.

Dated this.....day of……., 20……..

(Signature)…….
Area Judge or President

Note: - A copy of the declaration made by the claimant specifying the property claimed and setting out the grounds upon which it is claimed is attached hereto.

FORM 17
(Order 22, rule 1)
WRIT OF POSSESSION

No……

In the Area Court of.....

To all bailiffs and messengers of this Court.

Whereas by an order of this Court, dated the……. day of……....., 20……
one…… was ordered to deliver to……....
land and premises hereinafter mentioned, that is to say:
……..……
……
……
……
……

You are hereby commanded to give possession of the said land and premises to the said..... and to make a report of what you have done under this writ immediately after the execution thereof, and to bring that report and this writ to this Court.

Dated at…… this.....day of……., 20…

(Signature)…….……..
Area Judge or President

FORM 18
(Order 27, rule 1)

AREA COURT CIVIL CAUSE BOOK COURT……..……..
Record Book of Civil Causes from the…… day of…….., 20…….
To the…… day of…….., 20……..

Transferred date and Court to which transferred	
If Complainant refused grounds for refusal	
Cost	
Date of Judgment of Finding	
Date of Adjournment	
Date of Hearing	
Substance of Complaint	
Name and Address of Defendant	
Name and Address of Plaintiff	
Date of summons	
Fees Charged	
Date of Complaint	
Cause Number	

FORM 20
CERTIFICATE OF DIVORCE
TAKARDAR SHAIDAR KASHE AURE

This to certify that Divorce has been granted to Mr/Mrs
……
Wannan itace shaidar cewar an kasha auren Mallam/Mallama

husband/wife of Mr/Mrs……
mijin/matar
……
……in respect of their marriage contracted under Moslem/Native Law and Custom after the full hearing of the Divorce Suit No.
Auren da aka daura bisa shari'ar musulunci/bisa Ala'ada bayan kotu taji duk dalilan kara mai lamba

……. of…… day of……., 20……
ta ranar

in this…….
cikin wannan

Area Court Grade…….of North-Central State
Kotu mai daraja *ta Arewa ta Tsakiyar*
This marriage between…….....
Wannan aure tsakanin

(husband)……..……..…….…….
(miji)

and (wife)……..
da (mata)

therefore becomes annulled with effect from the
an kashe shi daga
…….day of……., 20……. Upon which the Court takes a decision according to Moslem
ranar da kotu ta yanke hukunci bisa shari'ar Musulunci

Native Law and Custom.
Bisa Ala'ada

Date and official stamp
Kwanan wata da hatimin kotu

…….
Area Court Judge

SECOND SCHEDULE

FEES

1. On issue of summons:

where the claim does not exceed N20,000	N500
where the claim exceeds N20,000, but does not exceed N500,000	N2,000
where the claim exceeds N500,000	N5,000
where the claim exceeds N500,000	N10,000

2. On issue of summons where the claim is not for the recovery of money or goods but for other relief or assistance for which no fees are specified N10,000

3. On filing petition for divorce N2,000

4. On filing or making any other application N1,000

5. If the claim arose more than five years before the application for summons or petition the fee in the case of each of the above items shall be double the fee specified in the item

6. Service fees: as per distance but not less than N1,000

7. On issue of interpleader summons … … … N1,000

8. On issue of process for execution or enforcement of judgment N5,000

9. On issue of summons for witness … … … N500

10. For every copy of proceedings: per page or part thereof N200

11. For inspection of Court records … … … N1,000

12. For inspection of land: fees payable shall be the cost of transportation and shall be paid by the parties.

13. For certificate of divorce (to be given only to a party who applies for it) N1,000

Made at Jalingo this …… Day of ....20…...

……
HON. JUSTICE JOEL F. AGYA
CHIEF JUDGE
TARABA STATE

On the 25th day of October, 2024, The Honorable Chief Judge of Taraba State, Hon. Justice *Joel F. Agya* appointed a six-man Committee to revise the Area Court (Civil Procedure) Rules, 1971.

The members are:

1. Hon. Justice Nuhu S. Adi - Chairman
2. Hon. Justice D. N. Buba - Member
3. Barr. I. M. Nurudeen - Member
4. Dr. D.P Saredau, Esq,. - Member
5. H/W Auwal Abdulmumini - Member
6. H/W Useini Galadima - Secretary/Member