THE
DISTRICT COURTS
RULES, 2026

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THE DISTRICT COURTS RULES 2026.

ORDER 1 - TITLE

Title

1. These rules may be cited as the District Courts Rules, 2026, and shall replace the District Courts Rules, 1960 which is hereby revoked.

2. For the purpose of the District Courts Law, Taraba State shall be divided into the districts with headquarters as shown below:

S/N	DISTRICTS	HEADQUARTERS
1.	Ardo-Kola	Sunkani
2.	Bali	Bali
3.	Donga	Donga
4.	Gashaka	Serti
5.	Gassol	Mutum Biyu
6.	Ibi	Ibi
7.	Jalingo	Jalingo
8.	Karim-Lamido	Karim-Lamido
9.	Kurmi	Baissa
10.	Lau	Lau
11.	Sardauna	Gembu
12.	Takum	Takum
13.	Ussa	Lissam
14.	Wukari	Wukari
15.	Yorro	Pantisawa
16.	Zing	Zing

ORDER 2 - FORM AND COMMENCEMENT OF ACTION

Proceedings to be commenced by plaint.

Form 1.
Form 2.

1. On the application of any person desirous of instituting proceedings and on payment of the prescribed fees, the Registrar of the Court shall enter into a book to be kept for this purpose in his office and called the Cause Book a statement in writing hereinafter called a plaint, stating the names and last known places of abode of the parties and the substance of the action intended to be brought and every one of such plaints shall be numbered in every year according to the order in which it shall be entered, and the Registrar shall deliver to the applicant a plaint note.

2. (1) The Court shall refuse to entertain a plaint where such plaint, on the face of it, discloses no cause of action, or is in respect of an action not within the jurisdiction of the Court, or where the complainant fails to state his address, and the Registrar shall enter such refusal together with the grounds thereof in the Cause Book.

(2) Any person aggrieved with a decision of the Court under this rule may appeal against such decision as if it were an order of the Court.

(3) The refusal to entertain a plaint under this section shall not by reason only of such refusal preclude the plaintiff from presenting a fresh plaint in respect of the same cause of action.

3. A plaintiff may unite in the same suit several causes of action, but the Court, if it thinks that such causes of action or some of them cannot be conveniently tried together, may order separate trials. — All causes of action may be joined.

4. A plaintiff may not split or divide any cause of action for the purpose of bringing two or more actions in any Court. — Division of causes of action.

5. (1) When the debt, damage or demand exceeds the amount in respect of which the District Judge has jurisdiction, the plaintiff may abandon the excess and thereupon the Court shall have jurisdiction to hear and determine the action, so, however, that the plaintiff shall not recover in the action an amount exceeding the amount of the jurisdiction of the District Judge concerned. — Abandonment of part of claim to give Court jurisdiction.

(2) Where a Court has jurisdiction to hear and determine an action by virtue of this rule, the judgment of the Court in the action shall be in full discharge of all demands in respect of the cause of action. Entry of the judgment shall be made accordingly.

6. In the event of any plaint note being lost or destroyed, a duplicate thereof may be issued from time to time upon proof by affidavit to the satisfaction of the Court of the loss or destruction. — Loss of plaint note.

ORDER 3 - WRIT OF SUMMONS AND PROCEDURE

1. Upon entering a plaint the Court shall thereupon, subject to the provisions of Order 2, issue a summons directed to the defendant, requiring him to appear at a certain time, being not less than seven days from the date of the service of such summons, and at a certain place, before the Court to answer to the plaint. — Issue of summons to defendant. Form 3.

2. Subject to the provisions of the District Courts Law, the District Judge shall, in his discretion, fix the time for appearance by the defendant. — Court to fix time for appearance.

3. If summons issued for the commencement of a cause or matter is not served within a year from the date thereof, the same shall become void; but the Court may, at any time before the expiration of the current period, from time to time renew the same for a further period not exceeding six months at any one time. — Power to extend time of service.

4. Where a plaintiff taking out a summons, either alone or jointly with any other person, is ordinarily resident out of the particular jurisdiction of the Court, or only temporarily therein, he shall inform the Court of an address within the district of the Court where notices and other papers issuing from the Court may be served upon him. — Address for service.

5. No misnomer or inaccurate description of any person or place in any plaint or summons shall vitiate the same, if the person or place is therein described so as to be commonly known: — Effect of misnomer in plaint or summons.

Provided that if any such misnomer or inaccurate description appears to the Court at the hearing to be such that the defendant has thereby been deceived or misled, the Court may make any necessary amendment, and, if it is expedient to do so, adjourn the further hearing of the case, upon such terms as it may think fit.

ORDER 4 - SERVICE OF PROCESS

Manner of addressing a process for service.

1. All summonses or other processes of whatever description shall be sufficiently addressed for service by being directed to:
   (a) the sheriff;
   (b) a person by name;
   (c) any police officer;
   (d) officers of the High Court or District Courts;
   (e) a government authority; or
   (f) an Area Court.

Special bailiff.

2. The Court may in any case, for reasons which shall seem to it sufficient, direct any summons to be served or process to be executed by special bailiff, who for the time being shall have the privileges and liabilities of an officer of the Court. The expenses of such special bailiff shall be defrayed by the party on whose application he is appointed, unless the Court in any case sees reason to order otherwise.

Normal mode of service.
Form 4.

3. (1) Subject to the provisions of the Law and of any other written law, service of a summons shall be effected by delivering the summons together with copy of the plaint annexed thereto:
   (a) if on an individual to him personally;
   (b) if on a firm or corporation to:
      (i) one of the partners,
      (ii) a director,
      (iii) the secretary,
      (iv) the chief agent within the jurisdiction,
      (v) by leaving the same at the principal place of business of the firm or corporation, or
      (vi) anyone having at the time of service control of the business of the firm or corporation:

Provided that any service effected through electronic or digital means shall be deemed proper service.

   (c) if on a government authority, then on the Secretary or other Principal Officer.
   (d) if on a person under disability as defined in rule 1 of Order 8:
      (i) in the case of an infant who is not a lunatic, on his father or guardian or, if he has no father or guardian, on the person with whom he resides or in whose care he is
      (ii) in the case of a lunatic so found by inquisition, on his committee, and in the case of a lunatic not so found, on the person with whom he resides or in whose care he is:

Provided that the Court may order that any summons which has been, or is to be, served on the person under disability or on a person mentioned in this sub-paragraph shall be deemed to be duly served on the person under disability.

(2) Where service has been effected by leaving a summons to be served at an address given by the plaintiff, the Court may require proof of service.

(3) The provisions of this rule shall, with the necessary modifications as to the document, apply to any process of whatever description.

4. Where it appears to the Court either with or without an attempt at service in accordance with the provisions of rule 3, that for any reason such service in respect of any process whatsoever 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 8.

(a) by delivery thereof to some person being an agent of the person to be served or to some other person on it 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 Government Gazette or in some newspaper circulating within the jurisdiction; By advertisement. Form 10.

(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. Form 8.

(e) in such other manner as the Court may direct including electronic or digital means, By electronic or 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.

5. When a party to be served is in the service of the Government or of a corporation established by any Act or Law, the Court may transmit a duplicate of the document to be served to a principal officer of the department in which such party is employed, for the purpose of being served on him, if it shall appear to the Court that it may be most conveniently so served, and such principal officer shall cause the same to be served on the party accordingly. Service on Government officers.

6. (1) No summons for service on a defendant out of the district of the Court issuing the summons shall issue without the leave of that Court. Service out of the jurisdiction.

(2) Every application for such leave to issue may be made either in open Court or in chambers and where an application is granted an entry to that effect shall be made by the Registrar in the Cause Book.

(3) Every application shall be supported by affidavit or other evidence showing:

(a) that the plaintiff has prima facie a good cause of action;

(b) in what place the defendant is or may probably be found;

(c) the grounds on which the application is made;

(d) that the proceedings have been commenced in the nearest Court within the district in which:

(i) the defendant or one of the defendants resided or carried on his business at the time of commencing the action,

(ii) the cause of action or claim arose wholly or in part; or

(iii) the land, person or thing that is the subject-matter of the proceedings is.

(4) In dealing with any such application the Court shall consider whether it has jurisdiction in respect of the case and shall also consider whether it will be proper to report the case to a judge for transfer to him, and, if it thinks fit, adjourn the application pending the decision of the judge.

(5) Leave shall not be granted unless it appears to the Court that the case is a proper one for service out of the district of the Court issuing the summons.

(6) Where leave is granted, the time and place for the defendant's appearance shall be appointed for insertion in the summons to issue, such time to depend upon the place where the summons is to be served.

7. (1) When an application for service out of the district of the Court issuing the summons has been granted, the Court granting such application shall cause a copy of the plaint and the summons and a copy thereof directed to the defendant to be sent for service to a Court within the district in which service is to be effected.

(2) When any order as to any particular form of service has been made a copy of such order shall be sent with the summons.

(3) The Court effecting service shall after having effected service endorse the summons for service and return the copy to the issuing Court duly endorsed in accordance with the provisions of Order 6 and countersigned by the District Judge.

8. An order for service may be varied from time to time with respect to the mode of service directed by the order. Varying order for service.

9. A book shall be kept at every Court for recording service of process, in such form as may be prescribed, in which shall be entered by the officer serving the process, or by the Registrar, the names of the plaintiff or complainant and defendant, the particular Court issuing the process, the method, whether personal or otherwise, of the service, and the manner in which the person serving ascertained that he served the process on the right person, and where any process shall not have been duly served, then the cause of failure shall be stated, and every entry in such book or an office copy of any entry shall be prima facie evidence of the several matters therein stated.

Record and evidence of service.

ORDER 5 - SUMMARY JUDGEMENT

1. Where a plaintiff believes that there is no defense to his claim, he shall after filing, the plaint, also apply in writing for summary Judgment and shall state in an affidavit the grounds for his believe.

Where a plaintiff believes that there is no defense.

2. Where a defendant served with the plaintiff's process, and a written notice that the plaintiff has applied for summary judgment, he shall file a response thereto or may appear in Court to dispute the plaintiff's application within 14 days or such period as may be allowed by the Court.

Where defendant intends to defend

3. Where it appears to the Court that the defendant has a good defense and ought to be permitted to defend, he shall be granted leave to defend.

Where defendant has good defence

4. Where it appears to the Court that the defendant does not have a good defence, the judge may enter judgment for the plaintiff.

Where defendant does not have good defence

5. Where it appears to the Court that the defendant has a good defence to part of the claim but no good defence to the other part of the claim, the Court may thereupon enter judgment for that part of the claim to which there is no good defence and grant leave to defend that part to which there is good defence.

Where defendant has good defence to only part of the claim

6. Where there are several defendants and it appears to the Court that any of the defendants has a good defence and ought to be permitted to defend the claim and other defendants do not have a good defence and ought not to be so permitted, the former may be permitted to defend and the Court shall enter judgment against the latter.

Where there are several defendants.

7. Under this order, the party shall be at liberty to adduce necessary evidence and make oral submissions in support of their respective cases.

Evidence of oral submissions.

ORDER 6 - PROOF OF SERVICE OF PROCESS

1. Where any summons or other process issued from a Court is served by the sheriff or such other person as is appointed by the Court, the service may be proved by endorsement on a copy of the summons or process under the hand of the sheriff or such other person showing the fact and the mode of service.

Proof of service. Forms 4, 5, 6, 9, 10, 11 and 12.

2. Any person effecting service who willfully endorses any false statement on a copy of a summons or other process shall be guilty of an offence, and, on conviction thereof, shall be removed from his office or employment and shall be liable on conviction to detention in custody for three months or to a fine of fifty thousand naira, or to both such detention in custody and fine. Penalties.

ORDER 7 - PARTIES

1. All persons may join as plaintiffs in whom the right to any relief claimed is alleged to exist, whether jointly, severally, or in the alternative. Joinder of plaintiffs

2. Where a person has jointly with other persons a ground for instituting a suit, all those other persons ought ordinarily to be made parties to the suit. Joint claims.

3. (1) All persons may be joined as defendants against whom the right to any relief claimed is alleged to exist, whether jointly, severally or in the alternative. Joinder of defendants. Form 13.

(2) Where judgment is given against two or more defendants jointly and severally, they shall be entitled to contribution among themselves and any defendant who satisfies the judgment may apply to the Court by motion on notice for an order of contribution against any other or others of the defendants. Contribution.

(3) The provisions of this rule shall not affect the rights and liabilities between joint tortfeasors.

4. Where a plaintiff has a demand recoverable under the Law against two or more persons jointly liable, it shall be sufficient to serve any of those persons with process, and judgment may be obtained and execution issued against any person so served, notwithstanding that others jointly liable may not have been served or sued or may not be within the jurisdiction of the Court. Procedure when persons are jointly liable.

5. Persons claiming or being liable as partners may sue or be sued in the name of their firm and any party to a suit may in such case apply to the Court for a statement of the names of the persons who are partners in any such firm, and the Court shall order such names to be given. Partners.

6. (1) Where more persons than one has the same interest in one suit, one or more of such persons may, with the approval of the Court, be authorized by the other persons interested to sue or to defend in such suit, for the benefit of or on behalf of all parties so interested. Representative plaintiffs and defendants.

(2) If the plaintiff sues, or any defendant is sued in any representative capacity, it shall be expressed on the writ. The Court may order any of the persons represented to be made parties either in lieu of, or in addition to, the previously existing parties.

7. An executor or administrator may sue and be sued in the Court in like manner as if he were a party in his own right, and judgment and execution shall be such as, in the like case, would be given or issued in the High Court. Executors and administrators.

8. 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 being served, whether they shall have appeared or not, shall be bound by the proceedings in the action. Misjoinder and non-joinder.

ORDER 8 - INFANTS AND PERSONS OF UNSOUND MIND

1. In this Order: Definitions.
"lunatic" has the meaning assigned to it by section 2 Lunacy Law of Taraba State;
"person under disability" means a person who is an infant or a lunatic;
"proceedings" includes cause and application.

2. Subject to rules 5, 8 (2) and 10 of this Order, a person under disability shall sue by his next friend and shall defend by his guardian *ad litem.* Suits by persons under disability

3. (1) Where proceedings, other than proceedings under rule 5 (a) of this Order, are to be commenced, or a claim in interpleader proceedings is to be made, by an infant or on behalf of a lunatic, the proceedings or claim shall be in the name of the infant or lunatic by his next friend. Proceedings by infant or on behalf of lunatic. Form 14

(2) Before the proceedings are commenced, or, in the case of interpleader proceedings, before the claimant's particulars of claim are accepted by the Registrar, the next friend shall deliver to the Court a written undertaking as in Form 14.

(3) On delivering the undertaking the next friend shall be liable for costs in the same manner and to the same extent as if he were himself a plaintiff, and, if the proceedings fail or are discontinued, an order for payment of costs may be made against the next friend whether an order for costs is or is not made against the person under disability, and proceedings may be taken on the order for the recovery of the costs as for the recovery of any amount payable under a judgment.

4. Where any proceedings in which a person is suing by a next friend are transferred from the High Court to a District Court, the plaintiff shall lodge with the Registrar the next friend's written authority to use his name as next friend in the High Court, or a certified copy thereof, which shall be deemed to be an undertaking within rule 3. Transfer.

5. Notwithstanding the preceding provisions of this Order:

Proceedings by infant without next friend.

(a) an infant may bring proceedings in the Court for the recovery of any sum of money, not exceeding one hundred thousand naira, which may be due to him for wages or piece work or for work as a servant, in the same manner as if he were of full age; and

(b) any proceedings by an infant may proceed without a next friend if the defendant consents.

6. (1) Where proceedings in which a next friend is required are commenced, or are transferred from another Court, with a next friend the Court may:

Powers of Court when proceedings commenced without next friend.

(a) on the application of any party or of its own motion appoint as next friend any person who consents to act and who delivers an undertaking in accordance with rule 3 (2) of this Order; or

(b) order the proceedings to be struck out.

(2) Wherever a next friend is appointed under this rule, rule 3 (3) of this Order shall apply.

7. (1) Where any defendant is a person under disability an application may be made to the Court on behalf of such person at any time to appoint guardian *ad litem* to such person.

Appointment of guardian ad litem. Forms 15, 16 and 17.

(2) The application shall be made by filing an affidavit as in Form 15 together with a written consent of the proposed guardian to act.

(3) When the appointment is made, the Registrar shall send notice to the plaintiff as in Form 17.

8. (1) When no application is made under rule 7 and the plaintiff knows that any defendant is a person under disability, the plaintiff shall apply to the Court to appoint *guardian ad litem* to the person under disability.

Form 18, 19 and 20.

(2) This rule shall not apply where an infant is sued for a liquidated demand, unless the Court otherwise orders.

(3) The application shall be made orally or by motion on notice to the person on whom the summons was required to be served.

(4) Where the application is by motion on notice, it shall be supported by an affidavit in Form 20 together with a written consent of the proposed guardian to act.

(5) Notwithstanding the provisions of paragraph (4) of this rule-

(a) the Court may if it thinks fit accept:

(i) oral evidence of the facts required to be deposed to in the affidavit or any of them,

(ii) an oral consent, which shall be recorded in the notes taken under the Law; and

(b) the Court may dispense with evidence of anything which is admitted or not in controversy.

9. The Court may appoint as guardian ad litem the person proposed in the application, if any, under rule 7 of this Order, and in default of such application may appoint the person proposed in an application made under rule 8, or, if not satisfied that the person proposed in such latter application is a proper person to be appointed or in default of such latter application may appoint any other person willing to act or in default of any person willing to act may appoint the Registrar.

Who may be appointed guardian. Form 21.

10. Notwithstanding the provisions of this Order, any proceedings against an infant may proceed without the appointment of a guardian ad litem if the infant consents and, being represented by a legal practitioner, appears to be capable of instructing a legal practitioner, or, not being so represented, appears to be capable of conducting his defence.

When guardian ad litem need to be appointed. Forms 22 and 23.

11. Upon any appointment of a guardian ad litem not made upon application under rule 7 of this Order, then, unless and until a guardian is appointed upon an application under rule 7, the proceedings shall continue as if the guardian had been so appointed

Proceedings to be continue.

12. Where proceedings in which a guardian ad litem is required are transferred from the High Court without a guardian for the purpose of the suit or from another Court without guardian ad litem, rules 7, 8, 10 and 11 of this Order shall apply.

Transfer of proceedings without guardian ad litem.

13. Where a guardian ad litem dies or is under disability or is absent from the State or is for any reason unable to act, rules 7, 8, 9, 10 and 11 of this Order shall apply as if no guardian ad litem had been appointed.

Death, etc. of guardian ad litem

14. Where a guardian ad litem is appointed under this Order, his appointment shall be entered in the books of the Court and in the title of the cause or application for the purpose of all subsequent proceedings.

Appointment of guardian ad litem to be entered in books of Court.

15. A guardian ad litem to a person under disability shall not be personally liable for any costs not occasioned by his personal negligence or misconduct.

Guardian ad litem not liable for costs.

16. Where judgment has been obtained or an order made against a defendant who was at the time a person under disability without a guardian ad litem having been appointed the Court may set aside the judgment or order and order a retrial, or make such order as it thinks just.

When Court may order a retrial.

17. (1) In any action in which money or damages is or are claimed by or on behalf of or for the benefit of a person under disability:

Action in which money or damages claimed.

(a) no settlement or composition or acceptance of money paid into Court, whether before or at or after the trial, shall be valid without the sanction of the Court; and

(b) no money or damages recovered or awarded in any such action whether by settlement, compromise, payment into

Court or otherwise before or at or after the trial shall be paid to the next friend or guardian ad litem of any party or to any party's solicitor, unless the Court so directs.

(2) All money or damages recovered or awarded shall, unless the Court otherwise directs, be paid into Court.

(3) An application to the Court as to the mode of dealing with the money may be made by or on behalf of any person interested.

(4) Nothing in this rule shall prejudice the lien of a solicitor for costs.

(5) This rule shall not apply to any case in which an infant sues as if he were of full age by virtue of rule 5 (a) of this Order.

18. Subject to the provisions of these Rules, anything which in the ordinary conduct of any proceedings is required or authorised by a provision of these Rules to be done by a party to the proceedings may, if the party is a person under disability, be done by his next friend or guardian ad litem. General powers of guardian ad litem.

19. In any case not expressly provided for by this Order, the general principles of practice in the High Court of Justice may be adopted and applied to proceedings in a District Court. High Court practice to apply.

ORDER 9 - ALTERATION OF PARTIES

1. Where after action has been brought any change or transmission of liability occurs in relation to any party to the suit, or any party to the suit dies or (being a woman) marries, or the suit 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 as the Court in the order or otherwise directs, apply to the Court to discharge the order. Application to discharge order.

ORDER 10 – TRANSFER

1. (1) An application under the Law for the transfer of a cause or matter shall be made to a judge of the judicial division of the High Court within which is situated the District Court in which the cause or matter is pending: Application for transfer under the Law

Provided that where the application requests a transfer of the cause or matter to a Court in another judicial division of the High Court, the application shall be made to a judge of such other judicial division:

Provided also that in the absence of a judge from the appropriate division, the application may be made to the Chief Judge.

(2) The application shall be made in writing and state the grounds on which it is based.

(3) The application shall be filed in the District Court in which the cause or matter is pending, by which it shall be transmitted to the Registrar of the appropriate judicial division or the Chief Registrar , as the case may be, with a statement of the District Judge's views thereon. In case of urgency the District Judge shall by electronic or digital means, inform the Registrar aforesaid or the Chief Registrar of the title of the cause or matter, the name of the applicant, the grounds on which the application is based, and the Court to which transfer is requested, and state his views on the application.

(4) The hearing of the cause or matter affected by the application shall not be proceeded with until the decision of the appropriate judge or the Chief Judge has been communicated to the District Court in which the cause or matter is pending.

(5) The District Judge shall inform the parties concerned of the decision of the judge of the High Court or the Chief Judge on the application.

ORDER 11 - CONSOLIDATION AND TEST CASES

1. Actions or matters pending in the same Court may be consolidated by order of a District Judge of his own motion or on the application of any party on notice whether or not such District Judge be the District Judge who finally adjudicates thereon: Consolidation of action. Form 24.

   Provided that actions or matters may not be consolidated if the effect of such consolidation is to bring the total of the consolidated actions or matters above the jurisdiction of the District Judge adjudicating.

2. (1) Where several actions or matters by different plaintiffs against the same defendant are proceeding in the same Court, in respect of causes of action or matters arising out of the same breach of contract, wrong or other circumstances, the defendant may, on filing an undertaking to be bound so far as his liability in the several actions or matters is concerned by the decision in such one of the actions or matters as may be selected by the Court, apply to the Court for an order to stay the actions or matters other than the one selected, until judgment is given in the selected action or matter. Test cases. Form 25, 26 and 27.

   (2) Application under this paragraph shall be made on notice to the plaintiffs who would be affected by any order made thereon.

ORDER 12 - SITTINGS OF COURT AND AUDIENCE

1. The sittings of the Court for the hearing of causes shall ordinarily be public; but the Court may, for special reasons, hear any particular Public or private sittings of the Court.

cause or matter in the presence only of the parties and the legal practitioners representing them, if any, and the officers of the Court.

2. (1) A District Judge may, in his discretion, if he thinks it expedient in the interests of justice, postpone or adjourn any cause or matter for such time, and to such place, and upon such terms, as he shall think fit. Adjournment of Court. Forms 28 and 29.

(2) Where, by reason of death or unavoidable absence, a District Judge is not present at any sitting of a Court, the Registrar after exercising any powers which he is authorised to exercise by or under the Law or any other enactment, shall adjourn generally all proceedings to such day as he thinks convenient, and enter in the minute book the cause of the adjournment.

3. In any proceedings in a Court, any of the following persons may address the Court, namely: Right of audience.
   (a) any party to the proceedings;
   (b) a legal practitioner retained by or on behalf of any party; or
   (c) any other person allowed by law or by leave of the Court to appear on behalf or instead of any party.

ORDER 13 - ENLARGEMENT AND ABRIDGMENT OF TIME

1. (1) The parties shall not, by consent, enlarge or abridge any time fixed by these Rules for taking any steps in the proceedings. Enlargement and abridgment of time.

(2) The Court may, as often as it thinks fit, and either before or after the expiration of the time appointed by any judgment, order, or these Rules, extend or abridge the time for doing any act or taking any proceeding.

2. The District Judge may in any case make any order for granting time to the plaintiff or the defendant to proceed in the prosecution or defence of the action. Grant of time for Parties to proceed.

ORDER 14 - AMENDMENT

1. (1) A District Judge may at all times before judgment amend all defects and errors in any proceedings in the Court, whether the defect or error is that of the party applying to amend or not, and upon due application being made, may make all such amendments as may be necessary for the purpose of determining the real question in issue between the parties. Power of amendment.

(2) All such amendments may be made with or without costs and upon such terms as the District Judge may think just.

ORDER 15 - INTERLOCUTORY APPLICATIONS

1. Interlocutory applications may be made orally or by motion to the District Judge in whose Court a cause or matter is pending, Interlocutory application.

Provided that the District Judge shall have power to direct:
(a) the application to be reduced to writing;
(b) notice thereof to be given to any person affected thereby;
(c) in what manner evidence relating to the application shall be given by the applicant or any person affected thereby.

2. Where an application is not summarily disposed of, the District Judge or Registrar shall appoint a day for the hearing thereof, and where notice of the application is to be given to another person, such notice shall specify the date on which the application will be heard and the manner in which evidence relating thereto shall be given by the applicant or any person affected thereby. Notice of application.

3. Any order made ex-parte on an interlocutory application may be discharged or varied by the District Judge at any time on application made by any person aggrieved thereby after notice given to the party who obtained the order. Discharge and variation of ex parte order.

ORDER 16 - INJUNCTIONS, ETC.

1. In all cases in which it may appear necessary the Court may appoint a receiver or manager of any property in dispute in a suit, and if need be commit the same to his possession or custody and grant him power to manage or preserve and improve the same and to collect the rents and profits thereof and to apply or dispose of them as may seem fit, and may grant him power to sell perishable goods. Appointment of receiver of property in dispute.

2. The Court may authorise any person to enter upon or into any land or building in the possession of any party for the purposes of any appointment or order made as aforesaid. Entry on land in dispute.

3. In making an injunction or order under the Law, the Court may grant the same on such terms as to its duration, the keeping of an account, the giving of security or otherwise, as may seem just. Injunction etc., may be granted on terms.

4. Where application is made for an interlocutory injunction or order under the Law, the Court may direct notice thereof to be given to any person affected thereby. Notice.

5. Any such interlocutory injunction or order made ex parte shall be for a limited time only to be therein stated, and be served on the person affected thereby, but the Court may extend the time if service has not been possible within such time. Ex-parte injunctions and order.

6. Where an interlocutory injunction or order is made ex parte, the same may be discharged or varied by the Court at any time upon application made by any person aggrieved thereby after notice is given to the party who obtained the injunction or order. Discharge and variation of interlocutory injunctions and orders made ex-parte

ORDER 17 - ADMISSION AND ENTRY JUDGMENT

1. Any person against whom a plaint has been entered may, after the summons has been served upon him, file a written statement signed by himself admitting in whole or in part the claim in respect of which such plaint has been entered; and it shall be the duty of the Registrar of the Court to forthwith send notice thereof to the Plaintiff and thereupon it shall not be necessary for the Plaintiff to prove the claim admitted; but the Court, at it next sitting, whether the parties or either of them attend or not, shall, if satisfied of the signature of the party filing such statement, enter judgment for the claim so admitted.

Judgement on admission. Forms 30 and 31.

2. If the person against whom a plaint has been entered agrees with the person on whose behalf such plaint has been entered upon the amount of the claim in respect of which such plaint has been entered, and upon the terms and conditions upon which the same shall be paid and satisfied, such persons respectively may, in the presence of the Registrar of the Court in which such plaint has been entered, sign a statement of the amount of the claim so agreed upon between such persons respectively, and of the terms and conditions upon which the same shall be paid or satisfied, and such Registrar shall receive such statement, and the Court shall at its next sitting enter judgment for the plaintiff for the amount of the claim so agreed on, and upon the terms and conditions mentioned in such statement; and such judgment shall to all intents and purposes be the same and have the same effect, and shall be enforced and enforceable in the same manner as if it had been a judgment of the District Judge of the said Court.

Agreement as to amount of debts and conditions of payment.

ORDER 18 - SECURITY FOR COSTS

1. In all proceedings, the Court may either of its own motion or on the application of any defendant, if it sees fit require any plaintiff to any suit, either at the commencement or at any time during the progress thereof to give security for costs to the satisfaction of the Court, deposit otherwise and may likewise require a defendant to give security for the costs of any particular proceeding undertaken in his interest.

Security for cost. Forms 32, 33, 34, 35, 36 and 37.

2. (1) When either party to a cause or matter makes an application to a District Judge that the other party shall give security whether with or without sureties and the District Judge is of the opinion, after hearing the parties, that such security should be given, he shall specify the amount of security and direct whether with or without sureties and whether such security shall be given by way of cash deposit

How security is to be given and enforced. Forms 38, 39, and 40

(2) Where a party is required to give security and such security is by way of a bond with or without sureties or by any way other than a cash deposit such security shall be at the cost of the party giving it.

(3) Where the Court has ordered that the security, other than a cash deposit, be given, such security shall be given to the satisfaction of

an officer of the Court unless the Court directs that such security be to the satisfaction of the other party.

(4) In any case where security, other than a cash deposit, is required to be given the officer of the Court or the party to whose satisfaction the security is to be given may require the District Judge to direct that the value of the security offered or the standing of the sureties, if any, be verified by affidavit of the party offering the security or by some other person with a knowledge of the security or the sureties.

(5) The Court in which any action on the security shall be brought may, by order give such relief as may be just and such order shall have the effect of a defeasance of any bond taken or the fulfillment of such security.

3. The District Judge may, if he thinks it expedient, direct that a party required to give security may, instead of entering into a bond, give such other security, by deposit of money with the Registrar or otherwise, as the District Judge may deem sufficient. District judge may direct security to be by deposit of money or otherwise.

4. When a party is required to give security by bond, he may in lieu thereof deposit with the Registrar the sum for which he would be required to give security and the Registrar shall give him a written acknowledgement of such payment. Where security is required to be given a deposit of money may be in lieu thereof.

ORDER 19 - INTERIM ATTACHMENT OF PROPERTY

1. (1) Where the defendant in any suit for an amount or value of forty thousand naira or upwards with intent to obstruct or delay the execution of any decree that may be passed against him, is about to dispose of his property, or any part thereof, or to remove any such property from the State; or Cases for Interim Attachment.

(2) Where, in any suit founded on contract or for detinue or trover in which the cause of action arose in the State:

(a) the defendant is absent from the State, or there is probable cause to believe that he is concealing himself to evade service, and

(b) the defendant is entitled to any property in the State in custody or under the control of any other person in the State or such person is indebted to the defendant,

then in either such case the plaintiff may apply to the Court either at the time of the institution of the suit or at any time thereafter until final judgment to call upon the defendant to furnish sufficient security to fulfil any decree that may be made against him in the suit, and on his failing to give such security, or pending the giving of such security, to direct that any property movable or immovable belonging to the defendant shall be attached until the further order of the Court.

2. The application shall contain a specification of the property required to be attached, and the estimated value thereof so far as the plaintiff can reasonably ascertain the same; and the plaintiff shall at the time of making the application, declare that to the best of his information Application for attachment.

and belief the defendant is about to dispose or remove his property with such intent as aforesaid.

3. If the Court, after making such investigation as it may consider necessary, shall be satisfied that the defendant is about to dispose of or remove his property with intent to obstruct or delay the execution of the decree, it shall be lawful for the Court to order the defendant, within a time to be fixed by the Court, either to furnish security in such sum as may be specified in the order, to produce and place at the disposal of the Court when required the said property, or the value of same, or such portion thereof as may be sufficient to fulfil the decree, or to appear and show cause why he should not furnish security. Pending the defendant's compliance with such order, the Court may by warrant direct the attachment until further order, of the whole or any portion, of the property specified in the application. Form of order.

4. If the defendant fails to show such cause, or to furnish the required security within the time fixed by the Court, the Court may direct that the property specified in the application if not already attached, or such portion thereof as shall be sufficient to fulfill the decree, shall be attached until further order. If the defendant shows such cause, or furnish the required security, and the property specified in the application, or any portion of it, shall have been attached, the Court shall order the attachment to be withdrawn. Where defendant fails to show cause or give security.

5. The attachment shall not affect the rights of persons not parties to the suit, and in the event of any claim being preferred to the property attached before judgment, such claim shall be investigated in the manner prescribed for the investigation of claims to property attached in execution of a decree. Rights of third parties not to be affected by attachment.

6. In all cases of attachment before judgment, the Court shall at any time remove the same, on the defendant furnishing security as above required, together with security for the costs of the attachment, or upon an order for a non-suit or striking out the cause or matter. Removal of attachment.

ORDER 20 - WITNESSES

1. Either of the parties to any cause or matter may obtain from the Registrar of the Court summonses to witnesses, with or without a clause requiring the production of the books, deeds, papers and writings in the possession or control of the person summoned as a witness and such summons shall be served in accordance with the provisions of Order 4. Service of summons to witness. Forms 41 and 42.

2. At the hearing of any cause or matter in which witnesses are to be examined the District Judge shall observe the relevant provisions of the Evidence Act.

ORDER 21 - PROCEDURE WHEN BOTH PARTIES APPEAR

1. If on the day of hearing both parties appear, the plaint shall be read to the defendant, and the District Judge shall require him to make his answer or defence thereto, and, on such defence or answer being made, the District Judge shall immediately record the same and shall, except where the Court considers it necessary to order otherwise, proceed in summary way to hear and determine the cause without further pleading or formal joinder of issue. — Procedure when both parties appear.

2. In all suits, pleadings may be ordered by the Court. — Pleadings may be ordered.

3. In making any such order, the Court shall have regard to the condition of the parties, and shall not require any party to file a written statement, who, for want of education, is incapable of preparing or understanding the same. If in any case the Court considers it necessary, in the interest of justice, that any statement of such party should be reduced into writing previous to the hearing, the Court may direct that the same be taken down in writing by the Registrar or other officer of the Court and, after verifying the statement so prepared by oral examination of the party where necessary, may direct if it thinks fit, that such statement be filed as a pleading. — Illiterate parties.

4. When the Court for any reason decides not to order pleadings, the Court shall, before the trial, record from each party, a short statement of the facts and pleas upon which such party relies sufficient enough to enable the Court and the parties to know as far as possible at the outset of the trial the issues of fact and law which fall to be decided at the trial. Such record shall be read over by the Court to the parties as soon as made and shall thereupon bind the parties to the same effect as if such record were pleadings filed under this Order. — Record by Court of parties' oral pleadings in lieu of pleadings.

5. Wherever pleading is ordered to be filed the provisions of the following rules shall be observed. — Where pleading is ordered.

6. Every pleading shall contain a statement of all the material facts on which the party pleading relies, but not the evidence by which they are to be proved, such statement being divided into paragraphs numbered consecutively, and each paragraph containing as nearly as may be a separate allegation. — The pleading to state all material facts relied on.

7. The facts shall be alleged positively precisely and distinctly and as briefly as is consistent with a clear statement. — How facts to be stated.

8. Every statement of claim shall state specifically the relief which the plaintiff claims, either simply or in the alternative, and may also ask for general relief and the same rule shall apply to any counterclaim made or relief claimed by the defendant in his defence. — The relief claimed to be stated.

9. Where the plaintiff seeks relief in respect of several distinct claims or causes of complaint founded upon separate and distinct facts, they — Grounds of claims founded on separate facts to

shall be stated, as far as may be, separately and distinctly. And the same rule shall apply where the defendant relies upon several distinct grounds of set-off or counterclaim founded upon separate and distinct facts.

be separately stated.

10. The defendant's pleading or defence shall deny all such material allegations in the plaintiff's pleadings, as the defendant intends to deny at the hearing. Every allegation of fact, if not denied specifically or by necessary implication or stated to be not admitted, shall be taken as established at the hearing.

Defendants pleading to meet allegations in plaintiff's pleadings

11. It shall not be sufficient to deny generally the facts alleged by the statement of claim, but the defendant must deal specifically therewith, either admitting or denying the truth of each allegation of fact seriatim, as the truth or falsehood of each is within his knowledge, or (as the case may be) stating that he does not know whether such allegation or allegations is or are true or otherwise.

Allegations shall not be met generally but specifically.

12. When a party denies an allegation of fact he must not do so evasively, but answer the point of substance. And when a matter of fact is alleged with divers' circumstances it shall not be sufficient to deny it as alleged along with those circumstances, but a fair and substantial answer must be given.

Denial of fact must answer point of substance.

13. The defence shall admit such material allegations in the statement of claim as the defendant knows to be true, or desires to be taken as admitted, and such allegations may be taken as established without proof thereof.

Admissions; their effects.

14. The defence must allege any fact not stated in the statement of claim on which the defendant relies in defence, as establishing for instance, fraud on the part of the plaintiff, or showing that the plaintiff's right to recover or to any relief capable of being granted on the plaintiff's pleadings, has not yet accrued, or is released, or barred, or otherwise gone.

Allegation of new facts in defence.

15. Where any defendant seeks to rely upon any facts as supporting a right of set-off or counterclaim, he shall, in his statement of defence state specifically that he does so by way of set-off or counterclaim, and the particulars of such set-off or counterclaim shall be given.

Sett-off or counterclaim to be pleaded.

16. The defence of a defendant shall not debar him at the hearing from disproving any allegation of the plaintiff not admitted by the defence, or from giving evidence in support of a defence not expressly set up by the defence, except where the defence is such as, in the opinion of the Court, ought to have been expressly set up by the defence, or is inconsistent with the statements thereof, or is, in the opinion of the Court, likely to take the plaintiff by surprise and to raise new issues not fairly arising out of the pleadings, as they stand, and such as the plaintiff ought not to be then called upon to answer.

Evidence in denial of allegation or in support of defence not set up in pleading.

17. The Court if it considers that the statements of claim and defence filed in any suit insufficiently disclose and fix the real issues between the parties may order such further pleadings to be filed as it may deem necessary for the purpose of bringing the parties to an issue. Further pleadings.

18. Where the Court shall be of opinion that any allegations of fact, denied or not admitted by any pleading, ought to have been admitted, the Court shall make such order as may be just with respect to costs. Costs in certain cases.

19. Every pleading shall be filed at such time as the Court directs, and be served on the opposite party or his counsel, at such time and in such manner as it directs. Filing and service of pleadings.

20. The Court may at any time, on the application of either party, strike out any pleading or any part thereof, on the ground that it discloses no cause of action, or no defence to the action as the case may be, or on the ground that it is embarrassing, scandalous, vexatious, or an abuse of the process of the Court, and the Court may either give leave to amend such pleading, or may proceed to give judgment for the plaintiff or defendant, as the case may be, or make such other order, and upon such terms and conditions, as may seem just. Striking out pleadings.

21. Subject to the power of amendment conferred by these rules, no evidence of any claim shall be given by the plaintiff on the trial or hearing except of such claim as shall be stated in the summons or other proceeding under the Law or these rules directed to be issued or taken. No evidence to be given of any claim which is not in summons.

ORDER 22 - PROCEDURE WHEN ONLY ONE PARTY APPEARS

1. (1) If, on the day of hearing or at any continuation or adjournment of the Court or matter, the plaintiff does not appear, or sufficiently excuses his absence, the cause shall, unless the Court sees good reason to the contrary, be struck out except as to any counterclaim by the defendant, and if the plaintiff appears but does not make proof of his claim to the satisfaction of the Court the District Judge may non-suit him or give judgment for the defendant; and in either case, where the defendant appears and does not admit the claim, the District Judge may award the defendant, in addition to costs, such further sum, not exceeding thirty thousand naira, by way of compensation for his trouble and attendance, as the District Judge in his discretion may think just. Such sum shall be recoverable from the plaintiff in like manner as any debt or damage ordered to be paid by the Court can be recovered, and no action shall be brought by the plaintiff in respect of the same cause of action until such sum and costs have been paid. Procedure when plaintiff fails to appear or prove his case.

(2) If the plaintiff does not appear when called upon but the defendant appears and admits the cause of action to the full amount claimed,

the District Judge may, if he thinks fit proceed to give judgment, with or without costs, as if the plaintiff had appeared.

2. Where the defendant to a cause which has been struck out under rule 1 has a counterclaim, the Court may, on due proof of service on the plaintiff of notice thereof, proceed to hear the counter-claim and give judgment on the evidence adduced by the defendant, or may postpone the hearing of the counterclaim and direct notice of such postponement to be given to the plaintiff. Counterclaim where plaintiff does not appear.

3. In every case where the plaintiff does not appear on the day of hearing, or at any continuation or adjournment of the Court or cause and the defendant appears, the Court may award the defendant such sum as the Court shall think just; such sum to include an amount by way of costs and may include a further amount not exceeding Five Thousand Naira by way of compensation for the defendant's trouble and attendance, and the sum so awarded shall be recoverable from the plaintiff in like manner as any debt or damage ordered to be paid by the Court can be recovered. Costs of defendant where plaintiff does not appear.

4. (1) If on the day of hearing or at any continuation or adjournment of the Court or cause the plaintiff appears and the defendant does not appear or sufficiently excuse his absence or neglects to answer when called in Court the District Judge may, on due proof of service of the summons and upon his 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. Procedure when defendant fails to appear.

(2) When the District Judge is not so satisfied that the defendant has had such reasonable time the District Judge shall adjourn the hearing to a convenient time.

(3) When the District Judge has heard and determined any cause or matter in the absence of the defendant under the provisions of paragraph (1) of this rule and the defendant has filed a counterclaim, the counterclaim shall, unless the Court sees good reason to the contrary, be struck out.

ORDER 23 – ADDRESSES

1. Where both parties adduce evidence at the trial, the defendant or his legal practitioner may address the Court, and thereafter, the plaintiff or his legal practitioner may also address the Court. Address when both parties adduce evidence.

2. Where the defendant does not adduce evidence at the trial, the plaintiff or his legal practitioner may sum up his case and the defendant shall have the right of reply. Sum up.

3. The party who first addressed the Court may further address the Court in reply on points of law after the address of his opponent. Reply on points of law.

ORDER 24 - JUDGMENTS

1. (1) Where the Court reserves judgment the parties shall be served with notice to attend and hear judgment, unless the Court at the hearing has stated the day on which judgment will be delivered. Notice of Judgment.

(2) All parties are deemed to have notice of the judgment if pronounced at the hearing.

(3) All parties served with notice to attend and hear judgment are deemed to have notice of the judgment when pronounced.

2. (1) The provisions of the Sheriffs and Civil Process Law shall apply to judgments given by any Court under the District Courts Law. Enforcement of judgement and penalties. Cap. 127.

(2) The payment of any penalty imposed by any Court under the District Courts Law may be enforced upon the order of the District Judge in like manner as payment of:

(a) any debt adjudged by the Court to be paid under the District Courts Law; or

(b) a sum adjudged to be paid on summary conviction may be enforced.

3. The District Judge shall before issuing copies of judgment to parties or for transmission of record of appeal, sign same. Judgment to be signed.

ORDER 25 - COSTS

Where the Court orders costs to be paid or security to be given for costs by any party, the Court may, if it thinks fit, order all proceedings by or on behalf of that party in the same suit or proceeding, or connected therewith, to be stayed until the costs are paid or security given accordingly but such order shall not supersede the use of any other lawful method of enforcing payment. Stay of proceedings on order of costs.

ORDER 26 - APPEALS TO THE HIGH COURT

Appeals from District Court to the High Court shall be in accordance with provisions of the High Court (Civil Procedure) Rules. Appeals from District Court to High Court

ORDER 27 - CASE STATED

1. (1) Where a case is stated under the Law, the statement shall be headed with the reference number and the names of the parties to the proceedings before the District Judge, and be divided into paragraphs setting out the circumstances in which the question of law reserved Form of case stated.

by him arises; and the question of law shall be separately stated in the final paragraph of the case stated.

(2) The statement of the case shall give the addresses of the parties concerned.

2. The statement of the case shall be sent to the Registrar of the High Court in the judicial division within which the District Court is situated and the Registrar of the High Court shall, if so directed, send notices to the parties of the date on which the judge will hear argument on the case.

Statement of case to be sent to Registrar of High Court.

ORDER 28 - RECORDING OF PROCEEDINGS AND USE OF FORMS

1. The Registrar shall enter into a book to be kept for this purpose in his office and called the Cause Book particulars of all proceedings heard and determined by the District Judge. Such particulars shall include the number of the plaint, the date of filing the plaint, the name of the plaintiff, the name of the defendant, the substance of the plaint, the date of the judgment, a minute of the judgment, the name of the District Judge adjudicating and costs, if any.

Cause Book Form 1.

2. All books and files kept for the purposes of the Law or these rules shall remain in the Court, but may be removed by leave of the Court.

Custody of records.

3. Subject to the express provisions, if any, of these rules, the forms contained in the First Schedule may, in accordance with any instructions contained in the said forms, and with such variations as the circumstances of the particular case may require, be used in the cases to which they apply, and, when so used, shall be good and sufficient in law.

Use of forms in First Schedule.

ORDER 29 - FEES OF COURT AND ALLOWANCES TO WITNESSES

1. (1) Subject to the provisions of the Law and of these rules, the fees prescribed in the Second Schedule shall be taken in respect of the proceedings to which they relate, and such fees may be recovered as costs of cause if the Court so orders.

Fees of Court, second schedule.

(2) When an Area Court case comes to a District Court on transfer the same fees shall be charged for services or proceedings in the latter Court as are payable under these or any other rules in a case begun therein, and without prejudice to the fees aforesaid there shall also be charged where the transfer is ordered on a party's application, an initial fee (to be paid by him) equivalent to the fee which would have been charged for the summons if the case had been begun in the District Court.

2. Notwithstanding anything contained in the Law or these rules a District Judge may, in any proceeding in which good cause appears to him for so doing, either remit any fees payable therein or suspend payment of any fee until the conclusion of such proceeding, in which case he may then direct such fees to be paid as costs by any party to the proceeding against whom he has power to order costs.

District Judge may remit or suspend payment of fees.

3. Persons required to attend or be examined as witnesses may, where the Court so orders, be allowed expenses and compensation for loss of time.

Allowance to witnesses.

ORDER 30 - CUSTODY OF MONEY IN COURT

1. All fees payable in respect of civil proceedings under the Law, and all penalties, forfeitures and fines imposed under the Law, if not by the Law directed to be otherwise applied, shall be paid to the Registrar and accounted for by him to the Accountant-General of State.

Registrar to take charge of fees and other payments.

2. The Registrar of every Court from time to time as often as he shall be required so to do by the Accountant-General of the State, shall account in full for all of moneys which have been received by him under these rules and shall produce for examination all books and papers which the said Accountant-General shall consider necessary for the elucidation of such accounts and the proper checking thereof.

Registrar to account to Accountant General of the State.

3. All accounts kept by a Registrar shall be audited at such time and in such manner as the Auditor-General of the State may direct.

Audit of Registrar's account.

4. All moneys coming into the hands of the Registrar of every Court in the course of the business of the Court shall be entered into a book to be kept for that purpose, to be called the Cash Book, which shall record the number of the plaint in respect of which each sum is paid, together with the page of such plaint in the Cause Book. Every entry therein shall show whether the payment is by the plaintiff or defendant, and whether for fees on process into Court, award, or costs as the case may be.

Registrar to enter all moneys in cashbook.

5. All moneys coming into the hands of the Registrar of every Court in the course of the business of the Court shall be retained, deposited with and paid out in accordance with the provisions of the Government financial instructions or regulations for the time being in force.

Registrar to comply with financial instructions.

ORDER 31 - MISCELLANEOUS PROVISIONS

1. A duplicate or true copy of every document used in connection with any cause or matter shall be filed in the appropriate Court file and shall bear the reference number of the proceedings, the names of the parties and the date of filing.

Duplication of documents to be filed.

2. Persons appointed as interpreters to the Court shall be sworn on first appointment and need not be sworn at each trial thereafter. Swearing of interpreters.

ORDER 32 – INTERPRETATION

In this Rule, unless otherwise required:

"**Chief Judge**" means the Chief Judge of the State;

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

"District Court" means District Courts established under the District Courts Law;

"District Judge" means a Judge of the District Court, appointed under the District Courts Law;

"Law" means the District Courts Law of the State;

"**High Court**" means the High Court of Justice of the State established under the High Court Law, Laws of Taraba State of Nigeria;

"Registrar " includes Clerk; and

"State" means Taraba State.

FIRST SCHEDULE
PART 1 FORMS REFERRED TO IN THE RULES

FORM 1
Order 2, rule 1, Order 28, rule 1

CAUSE BOOK OF DISTRICT COURT, TARABA STATE

Record Book of Causes in the.....District Court

From the……..... day of……..20……..

To the ……... day of ……, 20…..……...

No. of Plaint	Date of filing Plaint	Name of Plaintiff	Name of Defendant	Substance of Plaint	Date of Judgment	Minute of Judgment	District Judge adjudicating	Costs

FORM 2

Order 2, rule 1

PLAINT NOTE (ORDINARY ACTION)

In the District Court of Taraba State

In the District Court of the…….……..……District.

Between……..……..., Plaintiff

and……..…….……., Defendant.

No. of Plaint	Defendant	Fees paid	
		Plaint	Hearing

The above action(s) was entered this day, and will be heard at……

……

on the……day of……..……..,20……, at the hour of…….

…….. in the……noon.

……

Registrar

FORM 3
(Order 3, Rule 1)

ORDINARY SUMMONS

(General Title-Form A)

You are hereby summoned to appear at Court to be holden at…….…… on the ……day of…….20……., at the hour of……. In the ……. noon, to answer the plaintiff's claim for ……. the particulars of which are hereto annexed).

If the claim is for money only and you pay in to Court the total amount of the claim and costs within……. days after the service on you of this summons you will incur no further costs. If you dispute the claim or have a counterclaim you should, within eight days inclusive of the day of service, send to the Registrar your defence or counterclaim for which the form below may be used. If you dispute part only of the claim you may pay into Court the amount admitted.	Claim fees Total amount of claim and costs.	₦	K

If you admit the whole or part of the claim and desire time for payment you should within the said eight days send to the Registrar an admission (for which the form below may be used).

Sending the form to the Registrar does not relieve you from appearing in Court on the day named but delay in sending a defence or admission or in paying into Court may add to the costs.

DATED this.....day of....., 20…….

……
Registrar .

FORM 4
Order 4, rule3
Order 6, rule 1

SERVICE ENDORSEMENT ON ANY DOCUMENT OF WHICH PERSONAL SERVICE IS EFFECTED (EXCEPT A WITNESS OR JUDGMENT SUMMONS)

The summons of which this is a true copy was served by me on the defendant personally, at…….. on the…… day of ……., 20……..

…….……
Person effecting service.

FORM 5
Order 4, rule 3
Order 6, rule 1
SERVICE ENDORSEMENT OF SUMMONS AGAINST A FIRM

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

(a)by delivering the same at.....to……. a partner in (or who stated that he was a partner in) the defendant firm (or who stated that he carried on business in the name of ……); or

(b) by delivering the same to a person who did not give his name, but stated that he was a partner in the defendant firm (or that he carried on business in the name of ……

(c) by delivering the same at …… being the principal place of business of the defendant firm within the jurisdiction of this Court to ..... the person or if the name is not known to (a person) who had or appeared to have the control or management of the business there; or

The summons of which this is a true copy has not been served for the following reason:

……
……
……
……

……
Person effecting service.

FORM 6
Order 4, rule 3
Order 6, rule 1

SERVICE ENDORSEMENT OF SUMMONS AGAINST A CORPORATION

The summons of which this is true copy was served by me on the……. day of……..,20…….

(a) by delivering the same at……., to……. a director (or the secretary, or a principal officer) of the defendant company; or

(b) by delivering the same at……. to a person who did not give its name, but stated that he was a director (or the secretary, or a principal officer) of the defendant company; or

(c) by leaving the same at……. being the registered office or the principal place of business of the defendant company (or to…… being the person having control of the business of the company).

FORM 7
Order 4, rule 3

NOTICE OF DOUBTFUL SERVICE OF ORDINARY SUMMONS
(General Title-Form A)

TAKE NOTICE that the summons in this action was left at the address given by you (here insert the bailiff's return as endorsed on the copy).

You must therefore be prepared, if the defendant does not appear at the hearing, to satisfy the Court that the summons has come to the knowledge of the defendant

……..……
Registrar

FORM 8
Order 4, rule 4

ORDER FOR SUBSTITUTED SERVICE
(General Title – Form A)

UPON READING the affidavit of ……..of …… sworn the…….. day of ……., 20…...

IT IS ORDERED that a copy of the ……. issued in this action (or matter) together with a copy of this order be served on some inmate of or 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 action (or matter) 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 issue)

(or that a copy of the …….. issued in this action or matter) shall be fixed to the 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 ordred by the Court).

ORDERED this ……. day of …….., 20……..

……
District Judge

FORM 9

Order 4, rule 4(b)

SUBSTITUTED SERVICE NOTICE IN THE GAZATTE OR NEWSPAPER IN THE DISTRICT COURT OF TARABA STATE

In the District Court of the ……. District.

TAKE NOTICE that an action (or matter) has been commenced against you in the above Court by ……. of …… for …….. and an order been made that publication of a notice of entry of such action (or matter) in the Gazatte (or the…….. newspaper) shall be deemed to be good and sufficient service of the proceedings on you.

The action or matter will be heard at ……. on the …… day of ……. At the hour of …… in the …….. noon, on which day you are to appear, and if you do not appear either in person or by your legal practitioner at the time and place above mentioned such order will be made as the Court thinks just.

DATED this…… day of ……., 20…….

…….
Registrar

To…….

of ……..

FORM 10

Order 4, rule 4

SERVICE ENDORSEMENT OF SUBSTITUTED SERVICE
(General Title Form A)

The summons of which this 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.

…….
Person effecting service.

FORM 11
Order 6, rule 1

SERVICE ENDORSEMENT OF SUMMONS TO WITNESS

The summons of which this is a true copy was served by me on the within-named..... personally, at.....on the..... day of....., 20....., and the sum of N..... was at the same time paid or tendered by me to the said.....for his expenses and loss of time.

.....
Person effecting service.

FORM 12
Order 6, rule 1

SERVICE ENDORSEMENT OF SUMMONS
(General Title-Form 4)

I,…….. of ……. state as follows:

1. That I am a bailiff of this Court (or as the case may be).
2. That I did the……day of……, 20……. serve the summons, a true copy whereof is here unto annexed marked "A", on the defendant……. by delivering the same to the said defendant personally, (or by delivering the same at…… who stated that he was a partner in the defendant firm) (or who carried on) (or who stated that he carried on) business in the name of the defendant firm. (Or by delivering the same at…… to a person who did not give his name but stated that he was a partner in) (or carried on business in the name of the defendant firm (Or by delivering the same at ……..being the principal place of business of the defendant firm within the jurisdiction of this Court to……..... the person who had appeared to have the control or management of the business there.) (Or by leaving the same at…….) (or by posting the same on the…… day of……, 20…… in a registered envelope addressed to the defendant company……. at…… in a registered envelope the address stated in the summons to be the registered office of the company.) (Or by delivering the same at…….....to…… a solicitor who represented that he was authorized to accept service on behalf of the defendant and who at the time of such delivery endorsed upon the copy summons retained by me a memorandum that he accepted service thereof on behalf of such defendant) (or by sending the same on the……. day of……., 20……. by registered post together with a copy of the order for substituted service of the said summons, addressed to the defendant in accordance with the said order).

…….
Person effecting service.

FORM 13
Order 7, rule 3

NOTICE OF APPLICATION FOR CONTRIBUTION

In the District Court of the……., District.

Between……. Plaintiff

And…….1st Defendant.

And……..……..…… 2nd Defendant

TAKE NOTICE that, judgment having been given against each of the defendants in this action for……. and the…… Defendant having satisfied the said judgment to the extent of…….. the……. Defendant claims against you that he is entitled to contribution from you to the extent of……

…….
Registrar

FORM 14
Order 8, rule 3

UNDERTAKING BY NEXT FRIEND OF INFANT OR COMMITTEE OF PERSONS OF UNSOUND MIND TO BE RESPONSIBLE FOR DEFENDANTS COSTS

I, ... of…….being the next friend (or committee) of....., who is an infant (or a person of unsound mind) and who is desirous of commencing an action in this Court against..... of……. hereby undertake to be responsible for the costs of the said……. in those proceedings in manner following, namely, if the said…… fail to pay to the said……... when and in such manner as the Court shall order all such costs of the proceedings as the Court shall direct him to pay to the said..... I will forthwith pay the same to the Registrar of the Court.

DATED this…….. day of……, 20……

Signed……

FORM 15

Order 8, rule 7

AFFIDAVIT ON APPLICATION ON BEHALF OF INFANT OR PERSON OF UNSOUND MIND FOR APPOINTMENT OF GUARDIAN AD LITEM

(General Title-Form A)

I, ……of……. make oath and say as follows:

1. The defendant was served with the…… in this action (or matter) on the…… day of…….., 20……

2. The defendant……. Is an infant (or a person of unsound mind not so found by inquisition).

3. ……is a fit and proper person to act as guardian ad litem of the said defendant and has no interest in the matters in question in this action adverse to that of the said defendant, and the consent of the said ……. To act as such guardian is hereto appended.

I…… of…….. consent to act as guardian ad litem of……..... an infant (or a person of unsound mind not so found by inquisition), a defendant in this action.

……
Signature of person consenting to act as guardian.

FORM 16
Order 8, rule 7

ORDER APPOINTING GUARDIAN AD LITEM

(General Title-Form A)

On the application of..... and on reading the affidavit of……. sworn on the…….. day of ……, 20……, and the consent thereto annexed.

IT IS ORDERED that…….of…….be appointed to act as guardian ad litem of the defendant……. an infant (or a person of unsound mind not so found by inquisition).

…….

District Judge

FORM 17

Order 8, rule 7

NOTICE TO PLAINTIFF OF APPOINTMENT OF GUARDIAN AD LITEM

(General Title-Form A)

TAKE NOTICE that……. of……has been appointed to act as guardian ad litem of the defendant…… an infant (or a person of unsound mind not so found by inquisition).

……..

Registrar

FORM 18
Order 8, rule 8

NOTICE TO PLAINTIFF WHERE NO APPLICATION IS MADE ON BEHALF OF INFANT OR PERSON OF UNSOUND MIND FOR APPOINTMENT OF GUARDIAN AD LITEM

(General Title-Form A)

TAKE NOTICE that no application has been made on behalf of the defendant……an infant (or a person of unsound mind not so found by inquisition) for the appointment of a person to act as guardian *ad litem.*

AND FURTHER TAKE NOTICE, that before taking any further step in the proceedings against the said defendant you must apply to the District Judge for an order that some proper person be assigned as guardian of the said defendant, by whom he may appear and defend.

FORM 19
Order 8, rule 8

NOTICE OF APPLICATION BY PLAINTIFF FOR APPOINTMENT OF GUARDIAN AD LITEM TO DEFENDANT WHO IS AN INFANT OR A PERSON OF UNSOUND MIND

(General Title-Form A)

TAKE NOTICE that I intend to apply to the District Judge at..... on……. the……day of……..at the hour of……. in the……. noon, for an order appointing..... of……..... or some other proper person, guardian ad litem of the defendant……. who is an infant (or a person of unsound mind not so found by inquisition), and that I shall apply, if necessary, for the postponement of the trial.

AND FURTHER TAKE NOTICE that an affidavit of……filed this day, a copy of which accompanies this notice, will be read in support of such application.

……
Plaintiff or Solicitor for the Plaintiff.

To the defendant……... and to……. the father (or guardian) of the said.....and to the Registrar of the Court.

FORM 20
Order 8, rule 8

AFFIDAVIT IN SUPPORT OF APPLICATION BY PLAINTIFF FOR APPOINTMENT OF GUARDIAN AD LITEM TO DEFENDANT

(General Title-Form A)

I,……..of…… make oath and says as follows -

1. I am informed by the Registrar of this Court that no application has been made to the Court on behalf of the defendant…… an infant (or a person of unsound mind not so found by inquisition) for the appointment of a guardian *ad litem*.

2 …… of……is a fit and proper person to act as guardian ad litem of the said defendant. and has no interest in the matters in question in this proceeding adverse to that of the said defendant.

3. The consent of the said…… to act as guardian is hereto annexed.

I,…….. of……. consent to act as guardian *ad litem* of ……. An infant (or a person of unsound mind not so found by inquisition) a defendant in this action (or matter).

……
Signature of person consenting
To act as guardian

FORM 21
Order 8, rule 9

ORDER APPOINTING GUARDIAN AD LITEM ON APPLICATION OF PLAINTIFF
(General Title-Form A)

UPON THE APPLICATION of the plaintiff for the appointment of..... of ……..... as guardian *ad litem* of the defendant……. who is an infant (or a person of unsound mind not so found by inquisition), and upon reading the affidavit of…….....sworn the .....day of…… and the consent thereto annexed.

AND UPON HEARING Mr.……. on behalf of the said Defendant, …….....

I DO ORDER that……...of…….be appointed to act as guardian *ad litem* of the said defendant……..... (*or if the person proposed be not appointed)*.

AND IT APPEARING TO ME that he said……. Is not a proper person to be appointed such guardian, and that…… of……. is a proper person to be appointed guardian and is willing to act as such guardian.

I DO ORDER that the said …….. be appointed to act as guardian ad litem of the said defendant……. *(or in default of any other person being willing to act).*

AND IT APPEARING TO ME that the said proper person to act as such guardian and that there is no other proper person willing to act as such guardian,

I DO ORDER that the Registrar of the Court be appointed to act as guardian ad litem of the said defendant

AND I DO FURTHER ORDER that the hearing of this action be postponed till…….the…… day of……..at the hour of…….in the……noon.
DATED this…….. day of……..,20……..

…….
District Judge

FORM 22
Order 8, rule 10

ORDER APPOINTING GUARDIAN AD LITEM NAMED BY INFANT DEFENDANT APPEARING AT THE HEARING

(General Title - Form A)

WHEREAS the defendant…….being an infant, appears here in Court and names…… of…….. to act as such guardian, who now assents to act as such guardian:

IT IS ORDERED that the said…….. be, and he is hereby appointed to be, guardian of the said defendant, to act on his behalf in this action.

……..

District Judge.

FORM 23
Order 8, rule 10

ORDER APPOINTING GUARDIAN AD LITEM OF INFANT DEFENDANT APPEARING AT THE HEARING NOT NAMING A GUARDIAN

Whereas the defendant…….. being an infant, appears in Court and does not name a guardian:

IT IS ORDERED that …….. of…….(or the Registrar of the Court) be, and he is hereby appointed to be, guardian of the said defendant, to act on his behalf in this action.

……..

District Judge.

FORM 24
Order 11, rule 1

ORDER FOR CONSOLIDATION

In the District Court of Taraba State

In the District Court of ……. District.

Suit No……

Between…….……..Plaintiff

and……..……. Defendant

(Add the plaint numbers and titles of all the actions to be consolidated)

IT IS ORDERED that these actions or matters be consolidated and do proceed as one action (add any special terms).

Note - Actions cannot be consolidated if the effect of such consolidation is to bring the total of the consolidated actions above the jurisdiction of the District Judge adjudicating.

…….. …….

Date District Judge

FORM 25
Order 11, rule 2

UNDERTAKING BY DEFENDANT APPLYING FOR STAY OF PROCEEDINGS

(General Title of Actions to which the Undertaking relates)

WHEREAS the above-mentioned actions have been brought in this Court by the said…… and…….. against me, and the several causes of action arise out of the same alleged breach of contract (or other circumstances):

NOW THEREFORE I undertake to be bound, so far as my liability in the said actions is concerned, by the judgment of the Court, in such one of the actions as may be selected by the Court.

DATED this…….. day of…… 20……..

……

Defendant.

FORM 26

Order 11, rule 2

ORDER TO STAY PROCEEDINGS

(Title as in Form 35)

WHEREAS the above actions have been commenced in this Court against the said…….....in respect of causes of action arising out of the same alleged breach of contract (or wrong or other circumstances):

AND WHEREAS THE SAID..... has filed an undertaking to be bound, so far as his liability to the plaintiffs..... and……in the said actions is concerned, by the decision of the Court in one of such actions:

IT IS ORDERED that the second-mentioned action be stayed until judgment shall have been given in the first-mentioned action.

AND IT IS FURTHER ORDERED that the costs of this application and of the order thereon be costs in the first-mentioned action.

AND IT IS FURTHER ORDERED that this order shall be served on the said..... and ……..

……

District Judge

FORM 27
Order 11, rule 2

NOTICE TO PLAINTIFF IN OTHER ACTIONS OF JUDGMENT IN SELECTED ACTION

(Titles as in Form 35)

WHEREAS on the…… day of…….., 20……. It was, ordered that the above-mentioned action of..... v……. should be stayed until judgment should have been given in the above-mentioned action of..... v……

TAKE NOTICE THAT on the…… day of…….., 20…… judgment was given in the said action of……v…….....in favour of the defendant.

AND FURTHER TAKE NOTICE that the said defendant will be entitled to his costs of the above-mentioned action of…… v……..... up to the date of the said order of the…….. day of……,20……., unless you, the said……..... shall on or before the day of……....., 20……..... (one month from the date of judgment in selected action) give to me written notice to set down the action of.....v……..in favour of the plaintiff.

AND FURTHER TAKE NOTICE that you will be at liberty to proceed with the action of……..v……..... for the purpose of ascertaining and recovering the debt (or damages) and costs, and that if you desire to proceed you must, on or before the…… day of……, 20……. (one month from the date of judgment in selected action) give to me written notice to set down the action of……..v…… for hearing.

…….

Registrar .

FORM 28
Order 12, rule 2

ORDER TO POSTPONE OR ADJOURN PROCEEDINGS

(General Title-Form A)

IT IS ORDERED that the hearing of this action (or matter) be postponed (or adjourned) until the..... .... day of....., 20..... at the hour of.....in the.....noon.

FORM 29
Order 12, rule 2

NOTICE OF DAY FIXED FOR HEARING AFTER ADJOURNMENT

(General Title-Form A)

TAKE NOTICE that the hearing of this action will take place on..... the..... day of..... 20..... at the hour ……..in the.....noon.

FORM 30
Order 17, rule 1

NOTICE TO PLAINTIFE IN ORDINARY ACTION OF ADMISSION OF WHOLE CLAIM

(General Title-Form A)

TAKE NOTICE that:

1. The defendant has delivered an admission of your claim but he desires time for payment thereof and proposes to pay on the..... day of....., 20..... (or by instalments of..... per month).

2. If you elect to accept the proposal as to the time of payment you should within seven days after the receipt of this notice send notice of acceptance to me and to the defendant. If with your notice of acceptance, or before the day fixed for the hearing you send to me the prescribed fee of.....it will not be necessary for you to attend the hearing and judgment will be entered in accordance with the admission and proposal of the defendant.

3. If you do not elect to accept the proposal as to time of payment you should within seven days after the receipt of this notice, send notice of non-acceptance to me and to the defendant and attend the Court on the day of hearing.

FORM 31
Order 17, rule 1

NOTICE TO PLAINTIFF IN ORDINARY ACTION OF ADMISSION OF PART OF CLAIM

(General Title-Form A)

TAKE NOTICE that:

1. The defendant has delivered an admission that the sum of N..... part of the amount claimed by you is due from him to you but he desires time for payment thereof.

2. The defendant proposes to pay the amount so admitted on the.....day of....., 20..... (or by instalments of N……...per month).

3. If you elect to accept the amount admitted in satisfaction of your claim and the proposal as to time of payment you should within seven days after the receipt of this notice send notice of acceptance to me and to the defendant. If with your notice of acceptance, or before the day fixed for the hearing, you send to me the prescribed fee of N……..... it will not be necessary for you to attend the hearing and judgment will be entered in accordance with the admission and proposal of the defendant.

4. If you do not elect to accept the amount admitted in satisfaction of your claim and the proposal as to time of payment you should within seven days after the receipt of this notice send notice of non-acceptance to me and to the defendant and attend the Court on the day of hearing.

FORM 32
Order 18, rule 1

APPLICATION BY DEFENDANT FOR SECURITY FOR COSTS

(General Title-Form A)

I, the defendant apply for an order directing the plaintiff to deposit in Court a sum of money to be fixed by the Court as security for my costs of this action on the grounds stated in my affidavit accompanying this application.

DATED this... .. .... day of....., 20.....

…….....
Defendant.

FORM 33
Order 18, rule 1

NOTICE TO DEFENDANT OF REFUSAL OF APPLICATION FOR SECURITY FOR COSTS
(General Title-Form A)

TAKE NOTICE that I have duly considered the allegations in your affidavit and I refuse your application for an order directing the plaintiff to deposit a sum of money as security for your costs. You must therefore attend the Court on the day fixed for the hearing.

FORM 34
Order 18, rule 1

NOTICE TO PLAINTIFF TO DEPOSIT SUM OF MONEY IN COURT AS SECURITY FOR COSTS
(General Title-Form A)

TAKE NOTICE that the defendant has filed with me an affidavit showing a defence to this action on the merits, and has applied for an order directing you to deposit a sum of money as security for his costs of this action. An order has been made requiring you within seven days from the date hereof to deposit in Court the sum of N.....:..... to abide the event of this action.

AND FURTHER TAKE NOTICE that in default of your making such deposit as ordered the action will be struck out, and the defendant may lodge for settlement and allowance for his costs incurred prior to the receipt by him of notice of your default.

FORM 35
Order 18, rule 1

NOTICE TO DEFENDANT OF DEPOSIT OF SUM OF MONEY FOR SECURITY FOR COSTS
(General Title-Form A)

TAKE NOTICE that the plaintiff has this day deposited with me the sum of N…..…… to abide the event of this action. You should therefore attend the Court on the day fixed for the hearing.

FORM 36
Order 18, rule 1

NOTICE TO DEFENDANT OF FAILURE TO DEPOSIT SUM OF MONEY FOR SECURITY FOR COSTS
(General Title-Form A)

TAKE NOTICE that the plaintiff has been required by me to deposit in Court the sum of N……. to abide the event of this action, but has not deposited the same. The action will therefore be struck out and you need not attend the Court on the day fixed for the hearing.

FORM 37
Order 18, rule 1

NOTICE TO DEFENDANT OF LATE DEPOSIT AND OF REINSTATEMENT OF ACTION
(General Title-Form A)

TAKE NOTICE that the plaintiff has now deposited with me the sum of N..... …….. as security for your costs.

The action has been reinstated and will be heard at.....on the.....day of.....,20..... at the hour of ..... in the noon, at which time and place you should attend.

FORM 38
Order 18, rule 2

BOND BY PERSON GIVING SECURITY
(General Title-Form A)

KNOW ALL MEN by these presents that we…… of…… and…….of…… are jointly and severally held and firmly bound to…….in the sum of ₦..... .....to be paid to the said……..or his certain attorney, executors, administrators or assigns; for which payment to be well and truly made we bind ourselves and each and every one of us, in the whole, our and each of our heirs, executors, and administrators jointly and severally, firmly by these presents.

SEALED with our seals, and dated this.....day of....., 20.....

WHEREAS (here recite the circumstances in which the bond is required).

NOW THE CONDITION of this obligation is such, that if the above- bounden.....do (*here state the obligation undertaken*), then this obligation shall be void and of none effect, otherwise the same shall remain in full force and virtue.

(N K)

Signed, sealed and delivered by the above-bounded……
…….
in the presence of ……
……
……
…….

FORM 39
order 18, rule 2

NOTICE OF PROPOSED SURETIES

(General Title-Form A)

TAKE NOTICE that the sureties whom I propose as my security in the above action (here state the circumstances which have rendered the sureties necessary) are (or state the full names, address and occupations of the sureties, whether holders, freeholders, and their residences for the last six months, mentioning the town or district, places, streets and numbers, if any).

…….

Deponent

FORM 40
Order 18, rule 2

AFFIDAVIT OF SURETY

(General Title-Form A)

I,…….of……., one of the sureties for…….of……. make oath and say as follows:

1. that I am a householder residing at (describe particularly the town or street and the number of the house, if any).

2. That I am the owner of property to the value of ₦…… (*the amount of security fixed by the Court*) over and above what will pay my just debts (*and every other sum for which I am now surety*).

3. That I have not given bail or security in any other action or matter or for any other person (except for……. in the sum of ₦……

4. That my property, to the value of the said sum of ₦…… and above all other sums for which I am now surety as aforesaid) consist of (*state what property consists of*).

5. That I have for the last six months resided at……..….
……..
…….
Deponent

FORM 41
Order 20, rule 1

SUMMONS TO WITNESS TO GIVE ORAL EVIDENCE

(General Title – Form A)

YOU ARE HEREBY summoned to attend at..... on ……the…….day of……..,20……..... at the hour of…….. in the …….noon, and so from day to day, until the above action or matter is tried, to give evidence in the above action or matter.

IN DEFAULT of your attendance you will be liable to refund all moneys paid to you for all expenses and compensation for loss of time and a fine of 10% of the refunded amount.

DATED this..... day of……., 20……..

……..…….
District Judge

To……This summons was issued on the application of the (plaintiff or defendant).

Sum to be paid or tendered to the witness: ₦ :……

FORM 42
Order 20, rule 1

SUMMONS TO WITNESS TO PRODUCE DOCUMENTS
(General Title-Form A)

YOU ARE HEREBY summoned to attend at …… on the ……. day of……,20……, at the hour of……in the……noon, and so from day to day, until the above action or matter is tried to give evidence in the above action or matter and also to bring with you and produce the several documents hereunder specified.
(Here insert list of documents required to be produced)

IN DEFAULT of your attendance or of production of the required document, you will be liable to refund all moneys paid to you for all expenses and compensation for loss of time and a fine of 10% of the refunded amount.
DATED this…… day of……., 20……..

……..……..
District Judge

To ……. of…… This summons was issued on the application of the (plaintiff or defendant)

Sum to be paid or tendered to the witness: ₦:…….

PART 2 - OTHER FORMS

FORM A

GENERAL FORM OF TITLE OF PROCEEDINGS

(Where not otherwise provided in this Schedule) (For use in respect of actions)

In the District Court of Taraba State

In the District Court of the……. District.

No. of Plaint…….

Between:……Plaintiff

and …..……Defendant

(for use in respect of matters)

In the District Court of Taraba State

In the District Court of the..... District.

No.....

In the matter of (*here state the title of any Act or Law, other than the District Courts Rules, by which this Court is given power to entertain the proceedings*).

And in the matter of (*here refer to the matter in respect of which the proceedings are brought*).

Between:……Applicant

and…….……..……Respondent

(or as the case may be).

FORM B

NOTICE OF SET-OFF OR COUNTERCLAIM

TAKE NOTICE that the defendant intends at the hearing of this action to claim a set-off (or to set up a counterclaim) against the plaintiff's demand, the particulars of which are annexed hereto.

DATED this..... day of....., 20…….

…….

The Defendant (or Defendant's Solicitor).

To the Registrar of the Court and to the plaintiff.

FORM C

CERTIFICATE OF JUDGMENT OR ORDER

(General Title-Form A)

Copy of the judgment (or order) relating to action (or matter) of..... (No. of Plaint……) in which judgment was entered (or order was made) in this Court on the…….. day of…….., 20……

(Here set out a copy of the judgment or order.)

I CERTIFY that the above is a true copy of the judgment (or order) of this Court relating to the action (or matter) above-mentioned.

CERTIFIED a true copy this day of…….. day of…….……., 20……..

……
Registrar .

FORM D

ORDER OF DISTRICT JUDGE REFERRING PROCEEDINGS TO ARBITRATION

(General Title-Form A)

IT IS ORDERED with the consent of all parties that these proceedings be referred to the arbitration of..... whose award, to be made on or before the……. day of....., 20…… shall be entered as the judgment in this action. (*Add any further directions given by the District Judge*).

……
District Judge.

FORM E

ORDER OF REFERENCE OF PROCEEDINGS OR QUESTION FOR INQUIRY AND REPORT

(General Title-Form A)

IT IS ORDERED that the following question arising in these proceedings, namely (state the question)……... be referred to Mr…….. of…….. for inquiry and report pursuant to the District Courts Law.

(Add direction, if any, as to how reference is to be conducted.)

AND IT IS ORDERED that the reference is to complete his inquiries and file his report and give notice to the parties by the.....day of…….., 20……, unless the time is further enlarged by the Court.

AND IT IS FURTHER ORDERED that these proceedings stand adjourned for the consideration of the report until the…… day of……., 20……., at the hour of…… in the……..noon or if the time for filing the report be enlarged, to such later day as may hereafter be fixed.

……
District Judge.

FORM F

NOTICE TO PRODUCE DOCUMENTS AT HEARING

(General Title-Form A)

TAKE NOTICE that you are hereby required to produce and show to the Court on the hearing of this action (or matter) all books, papers, letters, copies of letters, and other writings and documents in your custody, possession, or power, containing any entry, memorandum or minute relating to the matters in question in this action (or matter) and particularly (*specify them*).

……

District Judge.

FORM G

ORDER OF FORFEITURE FOR NON-ATTENDANCE OF WITNESS OR FOR WITNESS REFUSING TO BE SWORN OR GIVE EVIDENCE

(General Title-Form A)

WHEREAS.....of…….. was duly summoned to appear as a witness in this action at a Court holden on the…..... day of ……..., 20……..., and at the time of being so summoned, was paid (or tendered) his travelling expenses and compensation for loss of time according to the scale of allowances prescribed by the rules of Court:

AND WHEREAS he has refused or neglected without sufficient cause shown to appear at the Court (or to produce (describe what he was required by the summons and bound to produce).

OR WHEREAS he has refused (to be sworn) or (to give evidence):

OR WHEREAS……..... of…… being this day present in Court, and being required by the Court to give evidence in this action refused to be sworn (or to give evidence).

IT IS HEREBY ORDERED that the said.....do forfeit a sum of ₦…….for such refusal or neglect.

AND IT IS ORDERED that the said…… Do pay the said sum of ₦…… to the Registrar of this Court on the……..day of.....,20…….

DATED this…….....day of…….., 20…….

……..

District Judge.

FORM H

NOTICE TO SHOW CAUSE WHY FORFEIT SHOULD NOT BE ORDERED

TAKE NOTICE that if you have any cause to show why you should not be required to pay a forfeit under the District Courts Law for your non-attendance as a witness summoned to attend this Court, you may show such cause in person or by affidavit or otherwise at the sitting of this Court at.....on the day of....., 20 …… at the hour of..... in the …… noon.

……
District Judge.

FORM I

APPLICATION TO OBTAIN ORDER TO BRING UP DETAINEE TO GIVE EVIDENCE

(General Title-Form A)

I, ……..of……the plaintiff (or defendant) state as follows:

1. That the above action is appointed to be heard at this Court on the……..... day of……....., 20……. And that..... now a detainee confined in…….custodial centre, will be a material witness for me at the hearing.

2. That I (am advised and) verily believe that I cannot safely proceed to the hearing of the said action without the testimony of the said…….

AND I HEREBY MAKE APPLICATION to His Worship the District Judge of this Court for an order under the District Courts Law that the said..... may be brought before this Court to be examined as a witness on my behalf.

……..
Applicant.

FORM J

ORDER TO BRING UP DETAINEE TO GIVE EVIDENCE

(General Title-Form A)

To *(Officer who has custody of detainee)*

WHEREAS the…….. has made application to me, for the order under the District Courts Law to bring up before this Court……..who it is said is detained as a detainee in your custody, to be examined as a witness on behalf of the said……. in the above action:

YOU ARE THEREFORE, by this Order, required upon tender made to you of a reasonable sum for the conveyance and maintenance of a proper officer or officers, and of the said……, to bring the said……..……..... before this Court at……. on the…… day of……, 20…….. to be examined as a witness on behalf of the said……..... and immediately after the said..... shall have given his testimony before this Court, you are required to safely convey the said……. back to the place from which you brought him.

DATED this…… day of……., 20……

…….

District Judge

FORM K

JUDGMENT FOR PLAINTIFF (SINGLE PAYMENT)

(General Title-Form A)

IT IS ADJUDGED, that the plaintiff do recover against
the defendant the sum of … … … … ₦……..

for debt (or damages) and costs … … … ₦…….

Amount together to the sum of … … … ₦……

AND the defendant having paid the sum of ₦……into Court (or to the plaintiff).

IT IS ORDERED that the defendant do pay the sum of ₦…….. to the Registrar of this Court on the…… day of……....,20……

……

District Judge.

FORM L

JUDGMENT WHERE COUNTERCLAIM HAS BEEN MADE

(General Title-Form A)

IT IS ADJUDGED that the plaintiff in this action do

recover against the defendant the sum of …. … … ₦……
for debt (or damages) and costs … …. … … ₦……
amounting together to the sum of … …. … …. ₦……
(or that judgment be entered for the defendant (or that a non-suit be entered) in this action, and that the plaintiff do pay the sum of ₦……. for the defendant's costs).

AND IT IS FURTHER ADJUDGED that the defendant do recover on this counterclaim against the plaintiff the sum of … …. …. … … … ₦…….

for debt (or damages) and costs … … … … ₦…….

amounting together to the sum of ... … … … ₦…….

(or that judgment be entered for the plaintiff on the defendant's counter- claim (or that the counterclaim be struck out) and that the defendant does pay the sum of ₦…… for the plaintiff's costs of the said counterclaimant).

(*If the same party succeeds both in the action and the counterclaim, proceed as follows*) and it is ordered that……. do pay to the Registrar of this Court the sum of ₦……. being the total amount adjudged against him as aforesaid in this action.

(*If the same party does not succeed both in the action and the counterclaim, proceed as follows*) and it is ordered that……. do pay to the Registrar of this Court the sum of ₦……. being the balance in favour of…….. after deducting the amount adjudged to the…… as aforesaid.

AND IT IS ORDERED that the said sum be so paid on the…….. day of……, 20…… or by installments of ₦…… for every..... the first installment to be paid on the……. day of……, 20…….

In case default be made in payment of any installment, according to this order, execution or successive executions may issue for the whole of the said sum and costs them remaining unpaid or for such portion thereof as the Court shall order.

……
District Judge.

FORM M

JUDGMENT FOR DELIVERY OF GOODS

(General Title-Form A)

IT IS ADJUDGED that the plaintiff do recover against the defendant the following goods of the plaintiff wrongfully detained by the defendant; that is to say (specify the goods which the Court decides have been detained) of the value of ₦…… and the sum of ₦…… (and also the sum of ₦…… for damages for the detention of the said goods) and the sum of ₦……for costs.

AND IT IS ORDERED that the defendant do return the said goods to the plaintiff, or do pay the said sum of ₦…… to the Registrar of this Court on the..... day of……....., 20……..

(*If the District Judge makes an order for the return of the goods without giving the defendant the option of paying their value, omit the last preceding paragraph and substitute)*

AND IT IS ORDERED that the defendant do return the said goods to the plaintiff on the.....day of.....20…....., and that in default thereof a warrant of delivery do issue.

AND IT IS FURTHER ORDERED that the defendant do pay the said sum of ₦…….. for damages and the said sum of ₦……... for costs to the Registrar of this Court on the…..…. day of……, 20……

……
District Judge.

FORM N

JUDGMENT FOR PLAINTIFF (PAYMENT BY INSTALMENTS)

(General Title-Form A)

IT IS ADJUDGED that the plaintiff do recover against
the defendant the sum of ... … … … ₦…….

for debt and/or damages) and costs … … … ₦…….

amounting together to the sum of ... … … ₦…….

(And the defendant having paid the sum of … … ₦……. into

Court for the plaintiff)

IT IS ORDERED that the defendant do pay the sum of ₦…….. to the Registrar of this Court by instalments of ₦……. for every……. the first instalment to be paid on the…….....day of....., 20……

IN CASE DEFAULT is made in payment of any instalment according to this order, execution or successive executions may issue for the whole of the said sum and costs then remaining unpaid, or for such portion thereof as the Court shall order.

……
District Judge.

FORM O

NOTICE OF PAYMENT INTO COURT UNDER JUDGMENT OR ORDER

(General Title-Form A)

I HEREBY GIVE YOU NOTICE that the defendant (or garnishee) has paid into Court the sum of ₦……. under the judgment (or order) obtained by you against him therein.

(Note: When applying for the above amount you must produce the plaint note issued to you on the entry of the plaint.)

FORM P

APPLICATION FOR NEW ORDER

(General Title Form - A)

I HEREBY APPLY to the Court for an order that the amount due and payable upon the judgment (or order) in the action be paid by installments of ₦……. for every……

DATED this…… day of……., 20…….

…….
Plaintiff's Solicitor or
Defendant or Defendant's Solicitor.

Date of judgment (or order)	How payment ordered	Amount of debt and costs ₦ K	Amount of debt and costs outstanding ₦ K

FORM Q
NEW ORDER
(General Title-Form A)

WHEREAS the plaintiff obtained a judgment (or an order) against the defendant in this Court on the…… day of……..., 20……., for the payment of ₦……. together with ₦……..…… for costs, and in payment thereof (or of ₦……..part thereof) the defendant has made default:

UPON THE APPLICATION of the plaintiff (or defendant) it is ordered that the defendant do pay the amount still due under the said judgment (or order), as stated at the foot of this order, to the Registrar of this Court, by instalments of ₦……. for every……, the first payment to be made on the…… day of……., 20…….

……
District Judge

Amount remaining due on judgment (or order) ₦…….

Unsatisfied costs of execution not included above and not payable out of moneys paid into Court except under an execution against the goods of the defendant.

In case default be made in payment of any instalment according to this order, execution or successive executions may issue for the whole of the said sum and costs then remaining unpaid, or for such portion thereof as the Court shall order.

……
District Judge.

FORM R

ORDER SUSPENDING JUDGMENT, ORDER OF EXECUTION OR ORDER OF COMMITMENT OR FOR DISCHARGE OF DEBTOR

(General Title-Form A)

ON THE APPLICATION of.....and the Court being satisfied that the defendant is unable to pay and discharge the sum recovered against him in this action (or the instalments due under the judgment (or order) in this action).

IT IS ORDERED that the said judgment (or order) be suspended (or that the execution issued in this action be suspended) (or that the order of commitment made in this action be suspended) for (state time) ……..... upon the terms following, namely: (state terms) ..... or that the defendant be discharged from custody under the order of commitment issued in this action upon the terms following, namely: (state terms, including, if so ordered, liability to re-arrest if the terms are not complied with).

……
District Judge.

FORM S

JUDGMENT FOR DEFENDANT, OR NONSUIT

(General Title – Form A)

Upon the trial of the action Holden at this day, it is adjudged that judgement be entered for the defendant (or that a nonsuit be entered) and that the plaintiff do pay the sum of ₦…….. for the defendant's costs.

AND IT IS ORDERED that the plaintiff do pay the same to the Registrar of this Court, on the…… day of……, 20……, the said sum and costs then remaining unpaid, or for such portion thereof as the Court shall order.

……
District Judge.

FORM T

NOTICE OF APPLICATION FOR A NEW TRIAL

(General Title-Form A)

TAKE NOTICE that I intend to apply to the District Judge of this Court at ……...on……. the…….. day of…….in the……. noon for an order that the judgment in this action and all subsequent proceedings thereon be set aside and a new trial be had between the parties. The grounds of the application are.....as the case may be.

DATED this……... day of……., 20……..

……..……
Applicant.

To the Registrar of the Court and to the defendant (or plaintiff).

FORM U

ORDER FOR NEW TRIAL

(General Title – form A)

On the application of the……

IT IS ORDERED that upon the terms and conditions upon which the order is made) the judgment in this action, and all subsequent proceedings thereon, be set aside and a new trial had between the parties on the……..day of……...,20…….. at the hour of…….. in the……noon.

……
District Judge.

FORM V

ORDER FOR TRANSFER OF PROCEEDINGS

(General Title-Form A)

IT IS ORDERED that the above action be transferred to the..... Area Court.

……
District Judge.

FORM W

NOTICE OF DAY OF HEARING BY COURT TO WHICH ACTION HAS BEEN TRANSFERRED

(General Title-Form A)

TAKE NOTICE that the above action (or matter) has been transferred to this Court and will be heard at.....on…… the…….. day of....., 20……. at the hour of…… in the……noon.

……
Registrar

SECOND SCHEDULE

PART I - FEES

Commencement of Causes and Matters

	₦.
1. For the recovery of a specified sum:	
(a) Not exceeding ₦500,000.00 … … … … … …	2,000
(b) Exceeding ₦500,000.00 but not above ₦1000,000.00 … … …	300 0
(c) Exceeding ₦1000,000.00: per ₦200,000 of the excess ... … …	300
(d) Maximum … … … … … …	25,000
2. For possession of property, as between landlord and tenant; at the rates under Item 1 reckoned on the annual rent or value.	
3. For the appointment of a guardian ad litem … … … …	1,000
4. For an injunction or order to stay waste or alienation or for the detention and preservation of any property the subject of a suit, or to restrain breach of contract or tort, if an ancillary claim in the suit. … … …. … … … … … … …	1,000
5. For any other relief or assistance not specially provided for... … ….	2,000

Notes on Items 1-5:

(a) Item 1: The sum claimed as debt or damages shall be specified.

(b) Item 2: The annual rent or value to be specified shall be that which is payable under the lease granted to the tenant sued or the lease last granted to any person before the bringing of the action, whichever be the greater. If it is something other than money, whether wholly or in part, its nature and annual value shall be specified. If the annual rent or value was understated the Court may order the balance of the fee chargeable to be paid; and if it was under-stated knowingly or negligently, the Court may also order a sum equal to such balance to be paid as penalty. In either case the Court may direct that the proceedings shall not continue until the balance and penalty (if any) are paid.

(c) General:

i. where two or more claims are joined, the highest fee under any relevant Item shall be charged and in addition three- fifth of the fee under any other: Provided however that no reduction shall be made in the less chargeable under Item 4:

ii. a set-off or counterclaim shall be charged as if an action therefor were taken

iii. if before the hearing begins the claims are admitted or settled, the Court may order two-fifths of the fees charged under Items 1 to 5 to be refunded:

iv. where a case is adjourned through a party's fault, such party may be ordered to pay three-fifths of the fees charged under Items 1 to 5 before the case is set down again;

v. Paragraph (iv) shall apply to the setting down of a case which was struck out or to the reopening of a case in which judgment was given by default.

Applications, Affidavit, Judgments, Orders, Security Bonds, Warrants and Writs

	₦
6. Application for interim attachment of property … … …	1,000
7. Filing any other application … … … … …	1,000
8. Filing a security bond … … … … … …	1,000
9. Filing any other paper … … … … … …	1,000
10. Justification of sureties: for each surety … … … …	1,000
11. Drawing up of any order or judgment … … … …	1,000

Miscellaneous Services

	₦
12. For a special interpreter of a language not in common use: per day or part thereof, as the Court may order minimum ……	5,000
13. For an inquiry by a Court officer where so ordered: for each sitting ... … … … … … …	4,000
14. For an account taken by a Court officer where so ordered: per ₦100,000 or part thereof found to have been received ... …	1,000
15. For taking down a person's statement where so ordered: as the Court may direct but not exceeding … … … … … … … ….	₦2,000

16. For searching the archives: for each period of six months

or part thereof … … … … … … … … ₦2,000

17. For drawing up a bill of costs where so directed: per page … ₦200

18. For taxing costs where so ordered: per ₦10,000 or part thereof … ₦200

19. For preparing a copy where authorized: per page … … … ₦200

20. For every subpoena … … … … … ₦500

21. On warrant for detainee to give evidence … … ₦500

22. For attesting the execution or signature of an instrument (unless otherwise provided in another Law) … … … … … … … … ₦1,000

23. For swearing an affidavit or making a declaration (other than under section 20 of the Auctioneers Law or The Marriage Act or one required by the regulations of a Government Department), per deponent … … …… …… …… …… ₦1,000

24. For marking any paper annexed to an affidavit or declaration … ₦100

25. For sealing any document not in a proceeding … … ₦1,000

26. For certifying a copy as a true copy: per page or part thereof … ₦30

27. For payment into Court (except when ordered by the Court

or proceeds of execution): … …. …. … … …. 1 percent of the sum

28. On every petition to a District Judge or his Registrar (not being an application otherwise provided for) unless waived by the District Judge … …… … ₦200

29. For the service of any document or process: as per distance, but not less than ₦2,000

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 District Court Rules, 1960.

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