

SMALL CLAIMS COURT HANDBOOK



BY

HON. JUSTICE DAVID GWONG MANN
CHIEF JUDGE OF PLATEAU STATE

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**SMALL CLAIMS
COURT**

HANDBOOK



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GENERAL QUESTIONS AND ANSWERS ON SMALL CLAIMS COURT PROCEDURE

The Questions and Answers are a Guide to show how to:

- (a) start your Case;
- (b) file simple Debt Recovery Claim in the Small Claims Court;
- (c) find the right Court for your Claim; and
- (d) obtain and enforce your Judgment.

1. What is Small Claim?

A Small Claim is a Claim for money in any simple Debt Recovery with value not exceeding N5, 000,000.00 (Five Million Naira).

2. Where can you file a Small Claims Action?

A Small Claims Action can be filed in the Small Claims Court Registry located in every Magisterial District.

It can be filed where you or the person you are claiming from lives, works or does Business in any part of Plateau State.

3. What is a Small Claims Court?

It is a Special Court where you can sue for N 5,000,000.00 (Five million Naira) or less. You cannot sue for Rent or Possession or for pain or suffering or to enforce a Promise in a Small Claims Court.

If your Claim is more than N 5,000,000.00 (Five Million Naira), you cannot split your Claim into smaller Claims to get around the limit of N 5,000,000.00 (Five Million Naira).



4. Benefits of a Small Claims Procedure:

- It is cheap and easy to use.
- You do not need to have a Lawyer.
- The Court will notify the Person you are suing.

5. Who can use a Small Claims Court?

- An individual who is 18 (Eighteen) years and above.
- An individual who is less than 18 (Eighteen) years or Person of unsound mind, can sue through a Guardian.
- Partnership.
- Association.
- Corporation.

6. What to do before filing a Small Claims Action?

Write a Letter of Demand as in FORM SCA 1 to the Person from whom you have a Claim.

7. How do I start my Small Claims Action?

By filing a Complaint Form and Summons as in Forms SCA 2 and SCA 3.

8. Where do I get the Court Forms?

You can get the Forms from the Small Claims Registry in every Magisterial District.

9. What information will I need to fill on the Form?

Your Particulars as the Claimant and the Particulars of the Person you are suing as well as a description of the Claim. It is advisable to follow the instructions on the Forms.



10. What if I do not have the Defendant's correct, legal name?

You can still start your case. You can use any name that the Person you are suing is known or any name that the Business or Person operating the Business uses. But once you get the correct information, you must inform the Court. (If you do not provide the required information, it will be very hard for you to recover your money Judgment, if you win).

11. What do I do with my completed Form?

It should be submitted to the Registrar of the Small Claims Registry in the Magisterial District where the Claim is filed.

12. Do I have to pay to file my Claim?

Yes. You must pay the Court Fees as assessed at the Small Claims Registry into the Plateau State Consolidated Revenue Account using the approved payment channels as provided by the Plateau State Revenue (Consolidation) Law, 2020.

13. Can the Person I am suing sue me?

Yes. The Person you are suing can file a Small Claims Counter-claim against you. In the Small Claims Court, a Counter-claim can only be for money and the limit is N10,000,000.00 (Ten Million Naira). The Person suing you can also admit a part or the whole of the Claim and Judgment may be entered on his Admission.

14. How will I know if the Defendant files a Counter-claim?

If the Defendant files a Counter-claim, he must do so within Seven (7) days from the date of service of the Summons on him. You shall then be served by a Sheriff of the Court.



15. If the Defendant sues me will my Case be adjourned?

The Case will not be adjourned because the Defendant sues you except if you were not served with the Defendant's Counter-claim before the date of the Trial. If you receive notice of the Counter-claim before the date of your Trial, you must be ready to present your Claim and defend against the Counter-claim on the date of the Trial.

16. Who tells the Person I am suing about my Claim?

The Small Claims Court's Sheriff will serve the Defendant the Summons personally. If the Defendant cannot be served personally, the Sheriff will file an Affidavit of Non-Service and the Court or the Registrar or an Officer of the Small Claims Registry will inform you of the need to file an Application for another mode/type of Service.

17. What information will the Summons give the Defendant?

The Summons tells the Defendant:

- (a) what the Claim is about;
- (b) how much money you are claiming from him; and
- (c) the date of your Small Claims Court Trial.

You cannot have a Trial if the Defendant is not served.

18. What do I do on the day of my Trial?

- Get to the Court House early.
- Find your Small Claims Courtroom.

19. How will I know when my Case starts?

- The Court Registrar will call your Case and your Name.
- Stand up and answer to your name and if you and the Defendant are both ready, the Trial will start.



20. Can I adjourn my Trial?

You can ask the Court to adjourn your Trial for a good reason only once during the period of your Trial. If you are the Defendant, you can ask the Court to adjourn your Trial for a good reason only once during the period of your Trial.

21. How do I ask the Court to adjourn my Trial?

By sending a Letter to the Court and to the other Party asking the Court to adjourn the Case. This must be done before the date of Trial. The Court may grant your Application for an Adjournment only once and in exceptional circumstances.

If you or someone else on your behalf cannot come to Court on the Trial date, the Court will read your Letter but may not adjourn the Case if the Court is not satisfied with your reason and your Case may be dismissed.

If you are the Defendant and you do not appear at the Trial, the Court may give Judgment against you.

22. How do I get ready for my Trial?

Before your Trial, get all the evidence that supports your Claim including:

- (a) written Agreements, Letters, Photos or other Documents; and
- (b) Bills, Receipts, Invoices, Cheques.

23. Can I have Witnesses at my Trial?

Yes, you can have Witnesses at your Trial. A Witness can be:

- (a) you;
- (b) someone who knows something about your Claim; or
- (c) someone with a lot of knowledge and experience about your Claim (an Expert Witness).



24. What if a Witness does not want to testify or give me Documents that are relevant to my Case?

You can ask the Small Claims Court for an Order (called a Subpoena) that can compel your Witness(es) to:

- (a) bring Documents or Records to the Court; or
- (b) testify at the Trial.

25. Who serves the Order of Court on the Witness?

The Sheriff of the Small Claims Court will serve the Court Order on the Witness.

26. Do I have to pay the Witness?

If the Witness is to testify on your behalf in the Case you will have to pay the cost of bringing him to Court.

27. Is there a deadline to serve the Subpoena?

The Subpoena must be served before the date the Witness is expected to testify.

28. What if I or my Witness(es) do not speak English?

You must inform the Court on the first day of your appearance in Court that you do not speak or understand English and inform the Court of the Language you or your Witness(es) understand. The Court will assign an Interpreter to you when you or your Witness(es) needs one.

29. Can the Defendant and I agree to settle our Case before the Trial?

Yes. The Parties are also encouraged to contact one another with a view to settling the matter amicably. However, the Court must be informed on the



date of the Trial if the Case is settled by agreement before that date. The Court may accordingly enter a Consent Judgement.

30. What happens if one side does not come to Court?

If you are the Claimant and you are not in Court when the Registrar calls the Case, the Court will dismiss your Case.

If the Defendant is not in Court when the Registrar of the Court calls the Case, the Court will hear your Case without the Defendant. If you show enough evidence, you may win your Case.

31. What happens during my Trial?

As the Claimant, you will first take an Oath to tell the truth and then you will tell your side of the story and show the Court your Documents and other Evidence. It is up to you to prove your Claim. Next the Defendant may ask you questions about the Case. If you have Witnesses, they will take an Oath and testify.

The Defendant may ask them questions too. After you have concluded your Case, the Defendant will testify. The Defendant takes an Oath and tells his/her side of the story. The Defendant can show Documents and other Evidence and Witnesses can testify on his/her behalf.

Before the Defendant's Witnesses testify, they must also take an Oath to tell the truth. You may ask the Defendant and the Defendant's Witness(es) questions.

32. Who will decide my Case?

The Court will decide when the Trial is over. The Court does not usually make a decision right away. In most cases, the Court needs some time to consider your Case and that of the Defendant. The Court will then deliver Judgment.



If you did not have the Defendant's correct name when you started the Case, you may ask the Court to correct it now. If this is not done, it will be very hard to recover your Money Judgment if you win.

33. What if I do not agree with the Court's decision?

If you do not agree with the Court's decision, you can ask the High Court of the State to review your Case. This is called an Appeal.

34. Do I have to pay for an Appeal?

Yes. You would have to pay a Fee for a Notice of Appeal. You also have to pay for the compilation of the Records of Appeal (i.e., a compilation of the Documents relevant to your Case) for the High Court.

35. Do I need a Lawyer to ask for an Appeal?

No, but if you hire one, you will have to pay the cost of a Legal Practitioner in addition to the cost of filing an Appeal.

36. Is there a deadline to ask for an Appeal?

Yes. You must file a Notice of Appeal within 14 days of the Court's Judgment.

37. If I am the Defendant in the Claim or the Counter-claim and the Court gives Judgment against me, do I have to pay the Judgment Debt if I ask for an Appeal?

This will be at the discretion of the Trial Court who usually sets the Conditions of Appeal.

38. How do I get the money if I win?

If you win your Case, there is no guarantee that the Defendant will pay willingly. If the Defendant does not pay willingly within Fourteen (14) days,



there are legal steps that you can take to enforce or get your Judgment Sum.

39. Who will enforce my Judgment?

A Sheriff of the Small Claims Court will enforce your Judgment.

40. How can I find a Sheriff?

You can find a Sheriff in the Small Claims Registry.

41. What do I say to the Sheriff?

You tell the Sheriff that you are the Judgment Creditor in a Small Claims Case. Give the Sheriff your Small Claims Suit Number and say that you want to ask the Court for an Execution of the Judgment.

An Execution is a Court Order that allows the Sheriff to take the Property or Money of the Person you sued to get your Judgment sum paid.

42. Do I have to pay the Sheriff?

No. The Sheriff is a Staff of the High Court but you have to pay for the process of the Execution. The Small Claims Registry will determine the Fee to pay and payment is to be made to the Registry through the approved payment channel as provided by the State Revenue (Consolidated) Law, 2020.

43. How does the Sheriff know what Asset the Judgment Debtor has?

You must find out the Judgment Debtor's Asset and give that information to the Sheriff.



SCHEDULE OF FEES

For recovery of specific sums

	₦	=	₦
a.	Not exceeding 5000.00	=	750.00
b.	Between 5,001.00 to 50,000.00	=	900.00
c.	Between 50,001.00 to 500,000.00	=	1200.00
d.	Between 500,001.00 to 1000,000.00	=	1200.00
e.	Between 1,000,001 to 5000,000.00	=	5,200.00
f.	Between 5,000,001 to 10000,000.00	=	10,200.00
g.	Between 10,000,001 to 15000,000.00	=	15,200.00
h.	Between 15,000,001 to 2000,000.00	=	25,200.00
i.	Between 20,000,001 to 10000,000.00	=	10,200.00
j.	Between 25,000,001 to 30000,000.00	=	30,200.00
k.	Between 30,000,001 to 35000,000.00	=	35,200.00
l.	Between 35,000,001 to 40000,000.00	=	40,200.00
m.	Between 40,000,001 to 45000,000.00	=	45,200.00
n.	Between 45,000,001 to 50000,000.00	=	50,200.00
1.	Between the sum claimed as at the time of filing any application to the District Court.		
2.	For the possession of property and the payment of arrears of rent and mesne profit between landlord and tenant for amount exceeding N10,000.00 = N20,200.00		
3.	For the appointment of guardian = N3000		
4.	For an injunction = N200.		
5.	For any other relief claimed = N200.		

Note:

- Item 1- the sum claimed as debt or damages shall be specified.
- 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, it's nature and annual rent or value was understated, the Court may order the balance of the fees chargeable to be paid; and if it was understated 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.

- | | |
|---|---------|
| 1. Application for Warrant | N200.00 |
| 2. On filing any Application to the District Judge Chambers | N200.00 |
| 3. Filing Security bond | N200.00 |

FORM SCA 1

**IN THE DISTRICT COURT OF PLATEAU STATE
IN THE DISTRICT COURT OF THE DISTRICT**

**SMALL CLAIMS COURT
LETTER OF DEMAND**

FROM:.....
WORK ADDRESS:.....
RESIDENTIAL ADDRESS:.....
TELEPHONE NO. & E-MAIL:.....

TO:.....
WORK ADDRESS:.....
RESIDENTIAL ADDRESS:.....
TELEPHONE NO. & E-MAIL:.....

SIR/MADAM,

DEMAND

I hereby demand from you the sum of:

.....
.....

(PLEASE STATE PARTICULARS)

Unless you comply with this demand within Fourteen (14) days after receipt of this Letter, a Summons will be issued against you in Small Claims Court.

Yours Faithfully,

Claimant's Signature

FORM SCA 2

IN THE DISTRICT COURT OF PLATEAU STATE (SMALL CLAIMS) COMPLAINT FORM (TO ACCOMPANY FORM SCA 3)

NB:

1. Please fill the Form legibly.
2. Please attach copies of the Documents (Contracts, Receipt, Experts Report (if applicable) etc., upon which the Claim is based.
3. Submit this Form at the Registry of the Small Claims Court.

A. PARTICULARS OF CLAIMANT(S)

FULL NAME.....
WORK PLACE:
TELEPHONE No. & E-MAIL.....
ADDRESS:.....

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

B. PARTICULARS OF DEFENDANT(S)

FULL NAME:.....
WORK PLACE:
TELEPHONE No. & EMAIL.....

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

C. PARTICULARS OF CLAIM(S)

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

TOTAL SUM CLAIMED

INTEREST.....

COSTS (if applicable).....

OTHERS (if applicable).....

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

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

.....
CLAIMANT'S SIGNATURE/ THUMBPRINT

.....
DATE

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

The foregoing have been read and interpreted by me to the Deponent in
..... Language, the Deponent being Illiterate/Blind
and having appeared perfectly to have understood before affixing a
Thumb Print Impression.

.....
JURAT (If applicable)

Commissioner for Oaths.

FORM SCA 3

IN THE DISTRICT COURT OF PLATEAU STATE (SMALL CLAIMS)

SUMMONS

(TO BE SERVED WITHIN SEVEN DAYS OF FILING)

CLAIM NO:.....

BETWEEN:

.....**CLAIMANT**

AND

.....**DEFENDANT**

The Claimant Claims:

Debt (particulars are attached).....

Court Fees:.....

Costs:.....

Total: N.....

To:

.....

.....

1. You are hereby summoned to appear personally before this Court on the day of 20..... at to admit or deny your liability for the above mentioned Claim.
2. If you deny liability or have a Counter-claim you are advised to complete and return **FORM SCA 5** to the Registry of the Small Claims Court within Seven (7) days after the service of this Summons, inclusive of the day of Service. If you require a longer time for payment, complete the **FORM OF ADMISSION** as in **FORM SCA 5**.
3. (1) Take notice that if you fail to appear in Court on the hearing date after a Summons has been served on you, Judgment may be obtained against you by the Claimant;
(2) Money payable in terms of a Judgment or Order of Court may be paid directly to the Judgment Creditor;

- (3) If you admit the Claim and wish to consent to Judgment or wish to undertake to pay the Claim in instalments or in full, you may approach the Claimant.
- 4. If any person against whom a Judgment for the payment of money has been given or an Order for the payment of money in instalments has been made, fails to satisfy the Judgment or Order:
 - (a) such Judgment or Order may be enforced against movables and if the movables are found to be insufficient, then against the immovable of the Party against whom the Judgment or Order has been issued; and
 - (b) execution shall be taken against the whole Judgment Debt and Costs which have not been paid in default of an instalment being paid.
- 5. The Judgment Debtor is liable to notify the Judgment Creditor fully and correctly within Seven (7) days after he has changed his Place of Work, Employment or Residence of his new Place of Work, Employment or Residence.

Dated this day of 20.....

.....

REGISTRAR

FORM SCA 4

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

CLAIM NO:.....

BETWEEN:

.....**CLAIMANT**

AND

.....**DEFENDANT**

I,

.....

Make Oath and say that on the day of 20..... at
..... O' clock, I attempted to serve upon

.....
Summons for Small Claims:.....

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

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

Summons.....

Because.....

.....

.....

.....

Bailiff

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

Thisday of20...

FORM SCA 5

IN THE DISTRICT COURT OF PLATEAU STATE (SMALL CLAIMS)

**FORM OF ADMISSION, DEFENCE AND COUNTER-CLAIM TO ACCOMPANY
FORM SCA3**

(TO BE SERVED ON THE CLAIMANT WITHIN SEVEN DAYS OF SERVICE OF FORM SCA3)

CLAIM NO:.....

BETWEEN:

.....**CLAIMANT**

AND

.....**DEFENDANT**

A. ADMISSION

I admit the Claimant's Claim (or) part of the Claimant's Claim and I ask for permission to pay the sum with Costs on that amount on the day of202..... (or by instalments of N..... per) because,

1.
2.
3.

(State why you cannot pay at once)

B. DEFENCE

I have a Defence

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

(Or I dispute part of the Claimant's Claim).....
because.....

(State briefly the facts you wish to put before the Court).

FORM SCA 6

IN THE DISTRICT COURT OF PLATEAU STATE (SMALL CLAIMS)

AFFIDAVIT OF SERVICE

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

CLAIM NO:.....

BETWEEN:

.....**CLAIMANT**

AND

.....**DEFENDANT/RESPONDENT**

I,.....

make Oath and say that on the day of20.....

atO' clock, I served upon.....

a Summons for Small Claims.....

True copy whereof annexed, issued out of this Court at

upon.....

..... on the Complaint of

by delivering the same personally to

..... Before the day I served the Summons.....

I did not know

personally, but after he was pointed out to me by

asked him if he was

..... and he said, he was.

.....

Bailiff

SWORN TO AT THE SMALL CLAIMS COURT REGISTRY,

This Day of 20.....

FORM SCA 7

**IN THE DISTRICT COURT OF PLATEAU STATE (SMALL CLAIMS)
IN THE DISTRICT COURT OF THE DISTRICT
HOLDEN AT**

CLAIM NO:.....

BETWEEN:

.....**CLAIMANT/APPLICANT**

AND

.....**DEFENDANT**

MOTION EXPARTE

BROUGHT PURSUANT TO ORDER XV RULE I OF THE DISTRICT COURT (CIVIL PROCEDURE) RULES, LAWS OF NORTHERN NIGERIA, 1963 AND UNDER THE INHERENT JURISDICTION OF THE COURT

TAKE NOTICE that this Honourable Court will be moved on the day of 20..... at 9.0 clock in the forenoon or soon thereafter as the Claimant/Applicant may be heard praying the Court for the following:

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

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

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

Dated Day of20.....

.....

Claimant's Signature

FORM SCA 8

**IN THE DISTRICT COURT OF PLATEAU STATE (SMALL CLAIMS)
IN THE DISTRICT COURT OF THE DISTRICT
HOLDEN AT.....**

CLAIM NO:.....

BETWEEN:

.....**CLAIMANT**

AND

.....**DEFENDANT**

NOTICE OF APPEAL

TAKE NOTICE that the/Appellant being dissatisfied with the decision of the District Court (Small Claims Court) in the District, contained in the Judgment delivered on the by do hereby appeal to the High Court of Plateau State, upon the Grounds set out in Paragraph 2 and will at the Hearing of the Appeal seek the Reliefs set out in Paragraphs 3.

AND the Appellant further states that the names and addresses of the persons who would be directly affected by the Appeal are those set out in Paragraph 4 of this Notice.

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

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

2. GROUNDS OF APPEAL:

The Learned District erred in Law when His Honour held that

.....
.....

PARTICULARS OF ERROR:

(a)

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

(b)

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

3. RELIEFS BEING SOUGHT FROM THE HIGH COURT OF PLATEAU STATE

(a) An Order of the Honourable Court

.....
.....

(b) An Order:

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

4. PERSONS DIRECTLY AFFECTED BY THE APPEAL

NAMES:

ADDRESS:

(a).....

.....

.....

.....

(b).....

.....

.....

.....

.....

Appellant's Signature

ADDRESS FOR SERVICE:

.....

ISSUED THIS18TH..... DAY OF Nov.,.....2022.....

UNDER THE HANDS AND SEAL OF



HON. JUSTICE DAVID GWONG MANN
CHIEF JUDGE OF PLATEAU STATE