



**THE ANAMBRA STATE  
PRACTICE DIRECTIONS OF  
THE SMALL CLAIMS COURT 2023**

Made pursuant to  
SECTION 274

OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999,  
(AS AMENDED) AND SECTION 79 of the  
MAGISTRATES' COURT LAW of ANAMBRA STATE 2021



In exercise of the powers conferred on me by Section 274 of the **CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999** (as amended) and **SECTION 79 of the MAGISTRATES' COURT LAW OF ANAMBRA STATE 2021** and by virtue of all other powers enabling me in that behalf, I, Hon. Justice Onochie M. Anyachebelu, Chief Judge of Anambra State hereby issue the following Practice Directions.

These Practice Directions are made for speedy resolution of simple claims and debt recovery disputes.

Dated this 29<sup>th</sup> day of Sept 2023

**HON. JUSTICE ONOCHIE M. ANYACHEBELU**  
**CHIEF JUDGE, ANAMBRA STATE**



## **PREAMBLE:**

Whereas, I, the Hon. Chief Judge of Anambra State have designated some Magistrates' Courts as Small Claims Courts.

These Practice Directions shall apply and be observed in the Magistrates' Courts designated as Small Claims Courts and by the High Court, when sitting on appeals from the Small Claims Courts.



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## **SMALL CLAIMS PROCEDURE**

### **SECTION 1**

**OBJECTIVE:** The objective of the small claims procedure is to provide easy access to an informal, inexpensive, and speedy resolution of liquidated money demand.

### **SECTION 2**

#### **COMMENCEMENT OF ACTION**

- (1) An action may be commenced in the Small Claims Court where:
  - (a) The Plaintiff or one of the Plaintiffs resides or carries on business in Anambra State;
  - (b) The Defendant or one of the Defendants resides or carries on business in Anambra State;
  - (c) The cause of action arose wholly or in part in Anambra State.
  - (d) The claim is for a liquidated monetary demand in a sum not exceeding N5,000,000 (Five Million Naira), excluding interest and costs.
  - (e) The Plaintiff has served on the Defendant, a letter of demand as in Form SCC 1.
- (2) The action shall be commenced by the Plaintiff upon the completion of a Small Claims Complaint Form as in Form SCC 2.
- (3) The Summons shall be issued as in FORM SCC 3 upon the Registrar being satisfied that the requirements of Section 2 (1) above have been complied with.



## **SECTION 3**

### **SUMMARY JUDGMENT**

- (1) Where a Plaintiff believes that there is no defence to his claim, he may file with the Summons, an Application for Summary Judgment as in Form SCC 4.
- (2) The Application for Summary Judgment shall be supported by an Affidavit stating the grounds for his belief (that there is no defence to his claim) as in Form SCC 5.
- (3) If the Defendant files a Counter-affidavit specified in Section 7 (2) below, the Plaintiff may file a further-affidavit to the Defendant's Counter-affidavit within 5 days of service of the Counter-affidavit.
- (4) Where it appears to a Magistrate that the Defendant has a good defence and ought to be permitted to defend the claim, he may be granted leave to defend.
- (5) Where it appears to a Magistrate that the Defendant does not have a good defence, the Magistrate may enter judgment for the Plaintiff.
- (6) Where it appears to a Magistrate that the Defendant has a good defence to part of the claim but does not have a good defence to other parts of the claim, the Magistrate may enter judgment for that part of the claim to which there is no defence and grant leave to defend that part to which there is a defence.
- (7) Where there are several Defendants, and it appears to a Magistrate that one or more of the Defendants have a good defence, the Magistrate may permit such Defendants to defend and enter Judgment against the other Defendants.



## **SECTION 4**

### **MARKING AND PAYMENT OF FILING FEES**

Where a case satisfies the criteria in Section 2 above, the Assistant Chief Registrar or any person in charge of the Small Claims Registry shall cause the Claim to be marked "Qualified for Small Claims" (QFSC) and direct the Applicant to pay the appropriate filing fees.

## **SECTION 5**

### **ASSIGNMENT OF SMALL CLAIMS FILES**

- (1) Small Claims cases shall be assigned within 48 hours of filing.
- (2) Upon the marking of the Claim, the Assistant Chief Registrar or any officer in charge shall, within 24 hours, forward the case files to the presiding Magistrate of the Small Claims Court.
- (3) Where there are two or more Small Claims Courts, the Administrative Magistrate, if he is one of the presiding Magistrates of the Small Claims Courts, or the most senior presiding Magistrate of the Small Claims Courts shall be in charge of assignment of cases.

## **SECTION 6**

### **SERVICE OF THE SUMMONS**

- (1) The Summons shall be served by the Bailiff of the Small Claims Court within 7 (Seven) days of filing.
- (2) The Bailiff of the Small Claims Court shall file an Affidavit of Service as in Form SCC 6 within 24 Hours of service of the Summons.
- (3) The provisions of the Magistrates' Court (Civil Procedure) Rules regarding the mode of service, except as provided herein, shall apply to any process of whatever description issued by the Small Claims Court.
- (4) Where the Bailiff of the Small Claims Court is unable to serve the Summons on the Defendant within the time specified in (1) above, he shall file an Affidavit of Non-Service as in Form SCC 7 after the expiration of the time allowed for service.



- (5) In the event of (4) above, the Plaintiff shall apply for an Order of substituted service of the Summons on the Defendant by filling and filing Forms SCC 8.
- (6) Upon receipt of a duly completed Form SCC8, the presiding Magistrate of the Small Claims Court shall make an order for substituted service of the Summons.
- (7) Substituted service includes service by posting on a conspicuous area at the defendant's last known place of abode, by registered post, electronic means via the parties verified and verifiable e-mail, Twitter, Instagram, WhatsApp, Facebook, Telegram, address/account or any other related electronic message device as may be appropriate.  
Provided that substituted service by means of text message (SMS) shall be used for Hearing Notices only.
  - i. The application for substituted service in Section 6(5) above shall be accompanied by an Affidavit confirming the identity of the defendant/respondent, postal/physical address, electronic mail address and existing phone number(s) verified and verifiable e-mail, Twitter, Instagram, WhatsApp, Facebook, Telegram address/account or any other related electronic media with which the defendant will receive service of the Summons.
  - ii. A copy of any previous correspondence including attachments between the parties may be attached in proof of the validity of the electronic mail address.
  - iii. The Bailiff of the Small Claims Court shall serve the Summons, annexures and claims by electronic mail on the address as ordered by the Court, indicating what processes have been served by way of electronic mail and the number of pages that were mailed.

## **SECTION 7**

### **FILING OF DEFENCE/ADMISSION/ COUNTERCLAIM/ COUNTER AFFIDAVIT TO SUMMARY JUDGMENT**

- (1) Upon service of the Summons, the Defendant shall file his Defence/ Admission or Counterclaim within 7 (Seven) days by completing Form SCC 9 as appropriate.
- (2) A Defendant who has been served with an Application for Summary Judgment shall file (along with Form SCC 9 and within the 7 (Seven) days





- stipulated for him to enter a Defence) a Counter-affidavit as in Form SCC 5A stating why summary judgment should not be entered against him.
- (3) The provisions of Section 6 on service of Summons shall apply to service of a Counterclaim.
  - (4) Where a Defendant fails to file an Answer to the Claim or Counterclaim, such Defendant may be held to have admitted the Claim.

## **SECTION 8**

### **COUNTERCLAIM**

- (1) If at the time the action is commenced the Defendant intends to claim against the Plaintiff a liquidated money demand not exceeding N5,000,000.00 (Five Million Naira) (excluding interest and costs) and which claim arises out of the same transaction or series of transactions, the Defendant shall fill and file a counterclaim form as in Form SCC 9 in answer to the Claim.
- (2) If at the time the action is commenced, the Defendant has a counterclaim that exceeds the general jurisdiction of the Magistrate Court, the Defendant may file the counterclaim, by filling the relevant portions of Form SCC 9, PROVIDED that any judgment in the Defendant's favour shall be limited to the general jurisdiction of the Magistrates' Court.
- (3) In the event of (2) above, the Defendant /Counterclaimant shall be deemed to have abandoned the excess of the counterclaim.
- (4) The Defendant(s) counterclaim shall be limited to the Plaintiff(s) on record.
- (5) The Plaintiff may file a reply to the Defendant(s) Defence and Counterclaim within 5 days of service of the Defendant(s) Defence and Counterclaim.
- (6) No pleadings after reply are allowed.

## **SECTION 9**

### **NON-APPEARANCE**

- (1) When the claim is called for hearing on the date fixed and neither party appears, the Magistrate shall, unless he sees good reason to the contrary, strike out the claim.
- (2) Where the claim is called for hearing and the Plaintiff appears but the Defendant does not appear, provided there is proof of service, the



- Magistrate shall proceed with the hearing of the claim and enter Judgment as far as the Plaintiff can prove his claim.
- (3) Where the claim is called for hearing, and the Defendant appears but the Plaintiff, for no good reason does not appear, the Defendant, if he has no counterclaim, shall be entitled to an Order striking out the claim, but if he has a counterclaim, the Magistrate shall proceed to hear the counterclaim and enter Judgment accordingly, as far as the Defendant can prove his counterclaim.
  - (4) A claim struck out on grounds of non-appearance or want of diligent prosecution shall not be relisted but may be refiled upon the payment of the prescribed fees and incidental costs.

## **SECTION 10**

### **PROCEEDINGS AT THE HEARING**

- (1) At the first appearance of the parties before the Court, the Magistrate shall promote, encourage and facilitate amicable settlement of the dispute among the parties by referring them to other settlement options as the Magistrate may deem fit. The process of mediating and facilitating amicable settlement of the dispute among the parties shall not exceed 7 (seven) days.
- (2) Notwithstanding Section 10(1) above, the parties are also encouraged to contact one another with a view to settling the matter amicably or to narrow the issues. However, the court must be informed on the hearing date if the case is settled by agreement before that date, and the Court may enter a consent judgment accordingly or as per the terms of settlement filed by the parties, as the case may be.
- (3) In the event that parties are unable to settle the dispute amicably, the Magistrate shall
  - (i) proceed to hear any application for Summary judgment or,
  - (ii) hold a preliminary hearing for the purpose of giving directions for hearing of the claim or counterclaim (as the case may be) including a hearing timetable, length of trial or hearing, exchange of witness(es) list, formulation and settlement of issues, as appears to the Magistrate to secure the just, expeditious and speedy disposal of the claim or counterclaim.



- (4) The court shall conduct hearing from day to day as far as is practicable and the hearing may only be adjourned as a last resort and for the shortest possible time.
- (5) Adjournment can only be granted during proceedings for unforeseen and exceptional circumstances and a party may not be granted more than one adjournment during the entire proceedings.
- (6) The entire hearing period shall not be more than 30 (Thirty) days from the first date of hearing, inclusive of the 7 (Seven) days for amicable settlement.
- (7) The Court may dispense with written addresses on the conclusion of hearing.

## **SECTION 11** **REPRESENTATION**

- (1) Parties in the Small Claims Court may;
  - (a) represent themselves or,
  - (b) be represented by a legal practitioner or an attorney.
- (2) Partnerships, Registered Companies, and Incorporated Trustees can be represented by either a Partner, Company Secretary, or any other Principal Officer as the case may be.

## **SECTION 12** **EVIDENCE**

- (1) Parties may testify on their own behalf and tender all necessary documents and they may call other witnesses to give evidence at the hearing.
- (2) In the interest of justice, the Court may depart from the strict application of the provisions of the Evidence Act.

## **SECTION 13** **JUDGMENT**

- (1) The Magistrate shall deliver judgment within 14 (Fourteen) days of the completion of hearing. The judgment shall include the Court's determination of issues raised in any interlocutory application(s) filed by any of the parties.



- (2) The entire period of proceedings from filing to judgment shall not exceed Sixty (60) days.
- (3) The judgment of the Court shall not be invalid by reason of the entire proceedings of the court exceeding 60 (Sixty) days.
- (4) The Magistrate shall endeavor to issue authenticated copies of the judgment immediately after its delivery but in any event not exceeding 7 (Seven) days from the date of the delivery of the judgment.

## **SECTION 14**

### **ENFORCEMENT OF JUDGMENT**

- (1) The Defendant(s) to the claim or counterclaim (as the case may be) shall comply with the Judgment and pay the Judgment sum forthwith or as may be ordered by the court.
- (2) Upon default of the Defendant or Defendant to counterclaim to pay the Judgment sum within the time specified, the Judgment shall be enforced in like manner as any order of the Magistrate's Court for the payment of money.

## **SECTION 15**

### **APPEALS**

- (1) Where either party is aggrieved with the Judgment, such party shall fill and file the Appeal form, as in Form SCC 10 within 14 (Fourteen) days of the delivery of the Judgment stating the reasons for the Appeal.
- (2) The Assistant Chief Registrar or any other officer of the Small Claims Court Registry shall compile the Records of Appeal within 14 (Fourteen) days of the submission of Form SCC 10.
- (3) The Records of Appeal shall thereafter be forwarded to the Fast Track Registry of the High Court for assignment to a Judge.
- (4) The Judge, to whom the small claims appeal is assigned, shall cause Hearing Notices to be issued to the parties and the appeal shall be heard at the earliest convenience of the Court but not later than 21 (Twenty – One) days from the date of assignment.
- (5) The Appeal shall be by written briefs and on the record of Appeal.
  - (a) The Appellant's brief shall be filed within 7 (Seven) days of receipt of the Record of Appeal.



- (b) The Respondent's brief shall be filed within 7 (Seven) days of receipt of the Appellant's brief.
- (c) The Appellant's Reply shall be filed within 3 (Three) days of receipt of the Respondent's brief.
- (6) The whole Appellate Process from the assignment of the Appeal to Judgment shall not exceed 45 (Forty – Five) days.
- (7)
  - i. Where the Appellant fails to comply with the provisions relating to time, the appeal may be struck out.
  - ii. Where the Respondent fails to comply with the provisions relating to time the Appeal may be heard on the Appellant's brief alone.
  - iii. The High Court may ameliorate the effect of the above rule by awarding costs as may be just and appropriate.

## **SECTION 16**

### **GENERAL PROVISIONS**

1. Every Magistrate presiding in a Small Claims Court must take judicial control and management of all cases in the Court.
2. The Magistrate must note in the Small Claims record book, the duration of each sitting.
3. The Small Claims Record book shall provide detailed information on the progress of each case from filing to delivery of judgment.
4. The Magistrate must note on the record of the proceedings in respect of each case
  - i. The time of the day when the proceedings actually commenced and actually ended: and,
  - ii. The time of the day of the commencement and conclusion of each adjournment on that day.
5. In line with Section 13(2) above, the presiding Magistrates shall strive to conclude cases within 60 (Sixty) days of filing by the plaintiff.
  - (i) Magistrates must report monthly to the Chief Judge, through the Chief Registrar, on all part-heard cases that were not concluded within 60 (Sixty) days from the date of filing.
  - (ii) Magistrates who have more than 5 (Five) part-heard cases must submit along with their monthly reports, an action plan on how they propose to reduce their part-heard cases and provide monthly reports on progress.



6. Upon the direction of the Chief Registrar, the administrative or the presiding Magistrate must submit any information and any assessment material including statistics, or records showing compliance with time frames for court events, and any other reports required by the Chief Registrar to assess the functioning and efficiency of the Small Claims Court.

## **SECTION 17**

### **WHERE NO PROVISION EXIST**

Where no provision is made in these Practice Directions, the provisions of the Magistrates' Court (Civil Procedure) Rules; the High Court Rules or any other written law for the time being in force shall so far as they can be conveniently applied, be in force in the Small Claims Court.

## **SECTION 18**

### **INTERPRETATION**

In these Practice Directions, unless the context otherwise suggests:

**"Address for Service"** means the address of a place where any document may be left for, or sent by post or electronically to the party giving the address.

**"Admission"** means a concession or voluntary acknowledgment of the Plaintiff's claim.

**"Appeal"** means applying to a High Court for a reversal of the decision of the Small Claims Court.

**"Bailiff"** means an officer of the Court, having various administrative functions, including service of court processes.

**"Counterclaimant"** means a Defendant in a Small Claims Court proceedings that sets up a claim against the original Plaintiff.

**"Court"** means the Small Claims Court.

**"Defendant"** means an individual, company, or institution sued in the Small Claims Court and includes the legal practitioner or attorney.



**“Defendant to counterclaim”** means the original Plaintiff who has been sued by a Defendant.

**“Fast Track Registry”** means the Fast Track Registry of the High Court of Anambra State or where none specifically exists, the High Court Registry.

**“High Court”** means the High Court of Anambra State.

**“Judicial Service Commission”** means the Anambra State Judicial Service Commission.

**“Liquidated Money Demand”** means a debt or other specific sum of money usually due and payable, ascertainable as a mere matter of arithmetic without any other or further investigation.

**“Magistrate”** means any cadre of Magistrate presiding in the Small Claims Court.

**“Parties”** means the plaintiff(s) and the defendant(s), and includes their legal practitioners and attorneys.

**“Plaintiff”** means a person making a claim in the Small Claims Court and includes the legal practitioner or attorney.

**“Registry”** means the Small Claims Court Registry or where none specifically exists, the Magistrate Court Registry.

**“Set-off”** means an amount that is or may be set off against another in the settlement of claims.

**“Substituted Service”** means the service of a Court process or summons otherwise than by personal service (as defined in Section 6 (7) of these Practice Directions).

**“Summary Judgment”** means a judgment entered in favour of the Plaintiff and against the Defendant summarily on affidavit evidence, i.e., without a full hearing.



**"Summons"** means an order to appear before the Magistrate of the Small Claims Court.

### **CITATION**

These Practice Directions may be cited as **the Anambra State Practice Directions of the Small Claims Court 2023.**

### **COMMENCEMENT**

These Practice Directions shall come into force on the 29<sup>th</sup> day of Sept, 2023.

Dated this 29<sup>th</sup> day of Sept 2023

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**HON. JUSTICE ONOCHIE M. ANYACHEBELU**  
**CHIEF JUDGE OF ANAMBRA STATE**





**FORM SCC 1**

**SMALL CLAIMS COURT  
LETTER OF DEMAND**

FROM

- 1. ....
- 2. ....

WORK ADDRESS .....

RESIDENTIAL ADDRESS .....

TELEPHONE NO(S) AND E-MAIL .....

TO

- 1. ....
- 2. ....

WORK ADDRESS .....

RESIDENTIAL ADDRESS .....

TELEPHONE NO(S) AND E-MAIL

**SIR/MADAM**

**DEMAND:**

I hereby claim from you

**(PLEASE STATE PARTICULARS)**

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Unless you comply with this demand within 14 (fourteen) days after receipt of this letter, Summons will be issued against you in the Small Claims Court

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**PLAINTIFF'S SIGNATURE**



**FORM SCC 2**

**IN THE MAGISTRATES’ COURT OF ANAMBRA STATE (SMALL CLAIMS)  
COMPLAINT FORM (TO ACCOMPANY FORM SCC 3)**

- NB:
1. Please fill out the form legibly
  2. Attach copies of the documents (contracts, receipts, expert’s report if applicable etc.
  3. Submit this form to the Registry of the Small Claims.

**A. PARTICULARS OF PLAINTIFF(S)**

FULL NAME .....

WORK ADDRESS .....

.....

RESIDENTIAL ADDRESS .....

TELEPHONE NO.(S) & E-MAIL ADDRESS .....

Attach a list of other Plaintiff(s) (if more than one) with the required particulars.

**B. PARTICULARS OF DEFENDANT(S)**

FULL NAME .....

WORK ADDRESS .....

.....

RESIDENTIAL ADDRESS .....

TELEPHONE NO.(S) & E-MAIL ADDRESS .....

**C. PARTICULARS OF CLAIMS**

TOTAL SUM CLAIMED: .....

INTEREST: .....

COSTS: .....

OTHERS: .....

**Attach a list of other Defendant(s) (if more than one) with the required particulars.**

SUMMARISE YOUR COMPLAINT AND STATE THE STEPS YOU HAVE TAKEN TO RECOVER  
THE CLAIM:

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PLAINTIFF'S SIGNATURE/ THUMBPRINT

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DATE

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

*THE foregoing having been read and interpreted by me to the Deponent in .....  
Language, he being illiterate/blind and he having appeared perfectly to have understood same  
before appending his thumbprint/impression.*

**JURAT** (if applicable)

**BEFORE ME**

**COMMISSIONER FOR OATHS**



**FORM SCC 3**

**THE MAGISTRATES' COURT OF ANAMBRA STATE (SMALL CLAIMS)  
SUMMONS**

**(TO BE SERVED WITHIN 7 (SEVEN) DAYS OF FILING)**

CLAIM NO.....

BETWEEN:

.....PLAINTIFF(S)

AND

.....DEFENDANT(S)

The PLAINTIFF Claims:

Debt (attach particulars)

Court Fees.....

Costs.....

Total: ₦ \_\_\_\_\_

To .....

1. You are hereby summoned to appear personally or by your representative 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 counterclaim you are advised to complete and return Form SCC 9 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 SCC 9.
3. (a) 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 Plaintiff.  
 (b) Money payable in terms of a judgment or Order of Court may be paid directly to the Judgment Creditor.  
 (c) The Judgment Debtor must notify the Judgment Creditor fully and correctly; within 7 days after he has changed his place of business, work, employment or residence, of his new place of business, work, employment or residence.

Dated at .....this .....day of .....20....

REGISTRAR



**FORM SCC 4**

**IN THE MAGISTRATES' COURT OF ANAMBRA STATE (SMALL CLAIMS)  
SUMMARY JUDGMENT  
(TO BE SERVED ON THE DEFENDANT WITHIN 7 (SEVEN) DAYS OF FILING)**

CLAIM NO.....

BETWEEN:

..... PLAINTIFF(S)

AND

..... DEFENDANT(S)

**APPLICATION FOR SUMMARY JUDGMENT**

**TAKE NOTICE** that this Honourable Court shall be moved on the ..... day of  
..... 20 ..... At 9 O'clock in the forenoon or so soon thereafter as the Plaintiff  
may be heard praying for an Order:

1. Entering Summary Judgment against the Defendant in the sum of

[~~₦~~.....]

(Amount in words) .....]

plus interest and costs.

[State the exact amount claimed without more]

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

Dated this ..... day of ..... 20 .....

\_\_\_\_\_  
**PLAINTIFF'S SIGNATURE**

ADDRESS .....

.....

TELEPHONE NO: .....

E-MAIL: .....

**FOR SERVICE ON**

DEFENDANT'S NAME: .....

ADDRESS: .....

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TELEPHONE NO: .....

E-MAIL: .....



**FORM SCC 5**

**IN THE MAGISTRATES' COURT OF ANAMBRA STATE (SMALL CLAIMS)**

**IN THE ..... MAGISTERIAL DISTRICT**

**HOLDEN AT .....**

CLAIM NO.....

BETWEEN:

..... PLAINTIFF(S)

AND

..... DEFENDANT(S)

**AFFIDAVIT IN SUPPORT OF  
APPLICATION FOR SUMMARY JUDGMENT**

I, .....

of .....

Anambra State do hereby make an oath and state as follows:

[State the name and address of the Plaintiff]

1. I am the Plaintiff in this case.
2. The Defendant is indebted to me in the sum of ₦ .....

(Amount in words) .....

and I verily believe that the Defendant has no defence whatsoever to my claim.

[State the exact amount claimed without more]

3. Notwithstanding the issuance of a Letter of Demand, the Defendant failed to liquidate his indebtedness to me.
4. I have also issued a Complaint Form and caused a Summons to be issued against the Defendant.
5. Notwithstanding the service of the foregoing on the Defendant, he has failed to liquidate his indebtedness to me.
6. The indebtedness arose on account of:

.....  
[Explain the details of the transaction and why summary judgment should be entered against the Defendant. Explain all efforts made to recover the indebtedness. Attach all necessary documents. Use extra sheets if necessary].  
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7. I depose to this Affidavit conscientiously, believing all the depositions contained here to be true and correct by the Oaths Law of Anambra State.

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**D E P O N E N T**

**SWORN TO AT THE MAGISTRATES' COURT OF ANAMBRA STATE, (SMALL CLAIMS) REGISTRY.**

THIS .....DAY OF .....20.....

**BEFORE ME**

**COMMISSIONER FOR OATHS**

***FORM OF JURAT (if applicable)***

*Where the Commissioner has read the Affidavit to the Deponent.*

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

*This ..... day of .....20..... Before me, I have first truly distinctly and audibly read over the contents of this affidavit to the deponent who is blind or illiterate and explained the nature and contents of the exhibits therein referred to in the ..... Language when he/she appeared perfectly to understand the same and made his/her mark (for signature) thereto in my presence.*

\_\_\_\_\_  
Commissioner for Oaths



**FORM SCC 5A**

**IN THE MAGISTRATES' COURT OF ANAMBRA STATE (SMALL CLAIMS)**

**IN THE ..... MAGISTERIAL DISTRICT**

**HOLDEN AT .....**

CLAIM NO.....

BETWEEN:

..... PLAINTIFF(S)

AND

..... DEFENDANT(S)

**DEFENDANT'S COUNTER-AFFIDAVIT**

**TO APPLICATION FOR SUMMARY JUDGMENT**

**(TO BE SERVED ON THE PLAINTIFF WITHIN 7 (SEVEN) DAYS OF SERVICE OF FORM SCC 4 & SCC 9)**

I, ..... of

.....

Anambra State hereby make oath and state as follows:

[State the Defendant's name and address of the Defendant]

1. I am the [.....] Defendant in this case.  
*[if there are multiple defendants state the position of the defendant]*
2. I have a good defence against the Plaintiff's claim. I have expressed my defence in Form SCC 5  
[State if there is a Counterclaim]
3. The Plaintiff is not entitled to Summary Judgment against me [.....].  
*[State name of the Defendant].*
4. I dispute the allegations in paragraphs [.....] of the  
Plaintiff's affidavit because: *[the Defendant SHALL state paragraphs in the affidavit that he is opposing]*

.....  
*[Explain in detail why summary judgment should not be entered against Defendant. Attach all necessary documents. Use extra sheets if necessary].*

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- 5. I know that Defendant is not indebted to the Plaintiff in the sum of ₦ .....  
or any sum whatsoever.  
*[State the amount being claimed]*
- 6. I depose to this Affidavit conscientiously, believing all the depositions contained here to be true and correct and in accordance with the Oaths Law of Anambra State.

.....  
**D E P O N E N T**

**SWORN TO AT THE MAGISTRATES' COURT OF ANAMBRA STATE, (SMALL CLAIMS) REGISTRY.**

THIS .....DAY OF .....20.....

**BEFORE ME**

**COMMISSIONER FOR OATHS**

***FORM OF JURAT (if applicable)***

*Where the Commissioner has read the Affidavit to the Deponent.*

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

*This ..... day of ..... Before me, I have first truly distinctly and audibly read over the contents of this affidavit to the deponent who is blind or illiterate and explained the nature and contents of the exhibits therein referred to in the ..... Language when he/she appeared perfectly to understand the same and made his/her mark (for signature) thereto in my presence.*

\_\_\_\_\_  
Commissioner for Oaths



**FORM SCC 6**

**IN THE MAGISTRATES' COURT OF ANAMBRA STATE (SMALL CLAIMS)  
AFFIDAVIT OF SERVICE  
(PROOF OF SERVICE TO BE FILED WITHIN 24 [TWENTY-FOUR] HOURS OF SERVICE)**

CLAIM NO.....

BETWEEN:

..... PLAINTIFF(S)

AND

..... DEFENDANT(S)

I, .....

Make an Oath and say, that on the.....day of .....20..... at .....O'clock, I served upon .....

Summons for Small Claims, true copy whereof is annexed issued out of this court at..... upon the complaint of the Plaintiff 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 .....

I asked him if he was ..... and he said, he was.

.....

Bailiff

**SWORN TO AT THE MAGISTRATES' COURT OF ANAMBRA STATE (SMALL CLAIMS) REGISTRY**

THIS ..... DAY OF ..... 20 .....

**BEFORE ME**

**COMMISSIONER FOR OATHS**



**FORM SCC 7**

**IN THE MAGISTRATES' COURT OF ANAMBRA STATE (SMALL CLAIMS)**

**AFFIDAVIT OF NON-SERVICE**

CLAIM NO.....

BETWEEN:

..... PLAINTIFF(S)

AND

..... DEFENDANT(S)

I .....

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

.....

Summons for Small Claims, true copy whereof is annexed issued out of this court at

.....

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

.....

.....

Bailiff

**SWORN TO AT THE MAGISTRATES' COURT OF ANAMBRA STATE, (SMALL CLAIMS)  
REGISTRY.**

THIS .....DAY OF .....20.....

BEFORE ME

COMMISSIONER FOR OATHS



**FORM SCC 8**

**IN THE MAGISTRATES' COURT OF ANAMBRA STATE (SMALL CLAIMS)**

**IN THE .....MAGISTERIAL DISTRICT**

**HOLDEN AT .....**

CLAIM NO.....

BETWEEN:

..... PLAINTIFF(S)/APPLICANTS(S)

AND

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

**MOTION EX-PARTE**

**BROUGHT PURSUANT TO SECTION 6(7) OF THE SMALL CLAIMS COURT PRACTICE  
DIRECTIONS 2023 AND UNDER THE INHERENT JURISDICTION OF THE COURT**

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

AN ORDER of the Court granting leave to the Plaintiff/Applicant to serve the Summons and  
other processes on the Defendant by substituted means, to wit: posting 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.

Dated this ..... day of .....20.....

.....  
PLAINTIFF'S SIGNATURE



**FORM SCC 9**

**IN THE MAGISTRATES' COURT OF ANAMBRA STATE (SMALL CLAIMS)**

**FORM OF ADMISSION, DEFENCE AND COUNTERCLAIM**

**(TO BE SERVED ON THE PLAINTIFF WITHIN 7 (SEVEN) DAYS OF SERVICE OF FORM SCC 3)**

CLAIM NO.....

**BETWEEN:**

..... **PLAINTIFF(S)**

**AND**

..... **DEFENDANT(S)**

**ADMISSION**

I admit the Plaintiff's claim (or) ..... part of the Plaintiff's claim and I ask for permission to pay the sum with costs on that amount on the .....day of .....20..... or by installments of ₦ ..... per ..... because:

1. ....
2. ....
3. ....

(State why you cannot pay at once)

**DEFENCE**

I have a Defence .....  
.....  
.....  
.....  
.....

or I dispute part of the Plaintiff's Claim .....  
because .....

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

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

**COUNTER-CLAIM OR SET-OFF**

I have a Counterclaim or Set-off against the Claim for ₦ .....



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

(State the particulars of the Counterclaim or set-off)  
I hereby abandon any claim in excess of N5,000,000.00 (Five Million Naira) (excluding interest and costs).

.....  
Defendant’s Signature/Thumbprint

.....  
Date

**FORM OF JURAT (if applicable)**

*Where the Registrar has read the document to the Deponent.*  
*I have first truly distinctly and audibly read over the contents of this document to the defendant who is blind or illiterate and explained the nature and contents of the document therein referred to in the ..... Language when he/she appeared perfectly to understand the same and made his/her mark (for signature) thereto in my presence.*

\_\_\_\_\_  
Registrar/Commissioner for Oaths



**FORM SCC 10**

**IN THE HIGH COURT OF ANAMBRA STATE  
SMALL CLAIMS COURT APPEAL  
HOLDEN AT.....**

APPEAL NO SCCA/.....

**BETWEEN:**

..... **APPELLANT(S)**

**AND**

..... **RESPONDENT(S)**

**NOTICE OF APPEAL  
TO BE FILED WITHIN 14 (FOURTEEN) DAYS OF DELIVERY OF THE JUDGMENT**

**TAKE NOTICE** that the ...../Appellant being dissatisfied with the decision of the Magistrate’s Court (Small Claims Court) ..... Magisterial District as contained in the Judgment delivered on the .....day of .....20.....

by ..... do hereby appeal to the High Court of Anambra State, upon the grounds set out in paragraph 2 and will at the hearing of the Appeal seek the reliefs set out in paragraph 3.

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

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

.....  
.....

**2. GROUNDS OF APPEAL**

(1) The learned Magistrate erred in law when His Worship held that .....

.....  
.....

**PARTICULARS OF ERROR**

(a) .....

.....  
.....



(b) .....

.....

.....

[Additional grounds of Appeal shall be contained in a separate paper]

**3. RELIEFS SOUGHT FROM THE HIGH COURT OF ANAMBRA STATE**

(a) An Order of the Honourable Court .....

.....

.....

(b) An Order of the Honourable Court .....

.....

.....

.....

[Additional Reliefs shall be contained in a separate paper]

**4. PERSON DIRECTLY AFFECTED BY THE APPEAL**

**NAMES:** .....

**ADDRESS:** .....

**TELEPHONE NO:** ..... **E-MAIL:** .....

**NAMES:** .....

**ADDRESS:** .....

**TELEPHONE NO:** ..... **E-MAIL:** .....

Dated this .....day of .....20.....

.....  
APPELLANT'S SIGNATURE

**ADDRESS FOR SERVICE**

**NAME:** .....

**ADDRESS:** .....

**TELEPHONE:** .....

**E-MAIL:** .....





**SCHEDULE OF FILING FEES** – As provided under the extant  
Magistrates' Court (Civil Procedure) Rules 2019.