



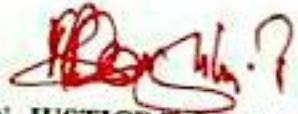
DELTA STATE JUDICIARY
PRACTICE DIRECTION ON
SMALL CLAIMS 2023

Made pursuant to
SECTION 274
OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999,
SECTIONS 49 and 60 of the
MAGISTRATES' COURT LAW OF DELTA STATE 2006

In exercise of the powers conferred on me by by Section 274 of the **CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA**, 1999 (as Amended) **and SECTIONS 49 and 60 of the MAGISTRATES' COURT LAW OF DELTA STATE 2006** and by virtue of all other powers enabling me in that behalf, I, Hon Justice T O Diali, Chief Judge of Delta State hereby issue the following Practice Directions

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

Dated this 30th day of March 2023



HON. JUSTICE T O DIAI
Chief Judge of Delta State

PREAMBLE:

Whereas, I, the Hon. Chief Judge of Delta State hereby designate 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 over appeals from the Small Claims Courts.

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SMALL CLAIMS PROCEDURE

ARTICLE 1

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

ARTICLE 2

COMMENCEMENT OF ACTION

- 1) An action may be commenced in the Small Claims Court where:
 - (a) The Claimant or one of the Claimants resides or carries on business in Delta State;
 - (b) The Defendant or one of the Defendants resides or carries on business in Delta State;
 - (c) The cause of action arose wholly or in part in Delta 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 Claimant has served on the Defendant, a letter of demand as in Form SCC 1.
- (2) The action shall be commenced by Claim upon the completion of a Small Claims Complaint Form as in Form SCC 2
- (3) The Summons shall issue as in Form SCC 3 upon the Registrar or any person in charge being satisfied that the requirements of 2 (1) above have been met.

ARTICLE 3

MARKING AND PAYMENT OF FILING FEES

Where a case satisfies the criteria in Article 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 appropriate filing fees.

ARTICLE 4

ASSIGNMENT OF SMALL CLAIMS FILES

- (1) 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 Administrative Magistrate for assignment to a Magistrate of the Small Claims Court.
- (2) The Administrative Magistrate shall within 24 hours of receipt of the case files assign the Small Claims files to a Magistrate of the Small Claims Court. Such case assignments shall be undertaken on a random basis.

ARTICLE 5

SERVICE OF THE SUMMONS

- (1) The Summons shall be served by the Registry of the Small Claims Court within seven (7) days of filing by the Bailiff of the Small Claim Court
- (2) Upon service, the Bailiff of the Small Claims Court shall file an Affidavit of service as in Form SCC 6 within 24 Hours of service.
- (3) The provision of the Magistrates' Courts (Civil Procedure) Rules regarding mode of service, except as provided herein shall apply to any process of whatever description issued by the Small Claims Court.
- (4) Where the Sheriff 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 4 after the expiration of the time allowed for service.
- (5) In the event of (3) above, the Claimant shall apply for an Order of substituted service of the Summons on the Defendant by filling and filing Form SCC7
- (6) Upon receipt of a duly completed Form SCC7, the presiding Magistrate of the Small Claims Court shall make an order for substituted service of the Summons.
- (7) Substituted service includes service by pasting 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 Article 5(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 as 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 their number of pages that were mailed.

ARTICLE 6

FILING OF DEFENCE/ADMISSION/COUNTERCLAIM

- (1) Upon service of the Summons, the Defendant shall file his Defence/Admission or Counterclaim within Seven (7) days by completing Form SCC 5 as appropriate.
- (2) The provision of Article 5 on service of Summons shall apply to service of a Counterclaim.
- (3) Where a Defendant fails to file an Answer to the Claim, such Defendant may be held to have admitted the Claim.

ARTICLE 7

COUNTER CLAIM

- (1) If at the time the action is commenced the Defendant intends to claim against the Claimant 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 5 in answer to the Claim.

- (2) If at the time the action is commenced, the Defendant intends to claim against the Claimant a liquidated money demand exceeding N1, 000,000.00 (one Million Naira) but not more than N10, 000,000.00 (Ten Million Naira) (excluding interest and costs), (which is the limit of the general jurisdiction of the Magistrate Court), the Defendant may file a counterclaim in the pending Small Claims action by filing Form SCC 5.
- (3) If at 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 filing Form SCC 5, PROVIDED that any Judgment in the Defendant's favour shall be limited to the general jurisdiction of the Magistrates' Courts.
- (4) In the event of (3) above, the Defendant/Counterclaimant shall be deemed to have abandoned the excess of the counterclaim.
- (5) The Defendant(s) counterclaim shall be limited to the Claimant(s) on record.
- (6) The Claimant may file a reply to the Defendant(s) Defence and Counter-claim within 5 days of service of the Defendant(s) Defence and Counter-claim.
- (7) No pleadings after reply are allowed.

ARTICLE 8

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 Claimant 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 Claimant can prove his claim.
- (3) Where the claim is called for hearing, and the Defendant appears but the Claimant 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 refilled upon payment of prescribed fees and incidental costs.

ARTICLE 9

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 referring them to the Delta State Multidoor Courthouse for mediation. The process of mediating and facilitating amicable settlement of the dispute among the parties shall not exceed seven (7) days.
- (2) Notwithstanding 9(1), 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.
- (3) In the event that parties are unable to settle the dispute amicably, the Magistrate shall hold a preliminary hearing for the purpose of giving directions for hearing of the claim or counterclaim (as the case may be) including a (i) hearing timetable; (ii) case complexity and projected length of trial; (iii) possibility of settlement; (iv) exchange of witness lists; (v) evidence; (vi) jurisdiction and other procedural issues; and (vii) narrowing down of contentious 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 may only be adjourned as a last resort and for the shortest possible time.
- (5) Adjournment can only be granted during proceedings in 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 thirty (30) days from the first date of hearing, inclusive of the seven (7) days for amicable settlement.

ARTICLE 10

REPRESENTATION

Parties may represent themselves at the proceedings in the Small Claims Court. A Partner, Company Secretary or any other Principal Officer of the Partnership or Company can represent partnerships and Registered Companies.

ARTICLE 11

EVIDENCE

Parties may testify on their own behalf and tender all necessary documents and they may call other witnesses to give evidence at the hearing.

ARTICLE 12

JUDGMENT

- (1) The Magistrate shall endeavour to deliver judgment within fourteen (14) 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 till judgment shall not exceed Sixty (60) working days.
- (3) The judgment of the Court shall not be invalid by reason of the entire proceedings of the court having exceeded sixty (60) days.
- (4) The Magistrate shall endeavour to issue authenticated copies of the judgment immediately after its delivery but in any event not exceeding 7 days from the date of the delivery of the judgment.

ARTICLE 13

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.
- (3) A party who is entitled to the benefit of a judgment for recovery or payment of money shall fill and file motion ex parte as in **Form SCC9** with accompanying affidavit containing the following information:
 1. The name and address of the judgment debtor

2. Details of the judgment or other order sought to be enforced
3. The amount of money remaining due under the judgment or order
4. If the judgment debt is payable by instalments, the amount of any instalments which have fallen due and remain unpaid
5. The name and address of the third party
6. If the third party is a bank or building society – (i). Its name and the address of the branch at which the judgment debtor's account is believed to be held and (ii). The account number; or if the judgment creditor does not know all or part of this information, confirmation that to the best of the judgment creditor's knowledge or belief, the third party (a) is within the jurisdiction; and (b) owes money to or holds money to the credit of the judgment debtor; (7) if the judgment creditor knows or believes that any person other than the judgment debtor has any claim to the money owed by the third party – (a) his name and (if known) his address; and (b) such information as is known to the judgment creditor about his claim. (8) Details of any other applications for third-party debt orders issued by the judgment creditor in respect of the same judgment debt. Where the judgment creditor satisfies the provision of Article 9 sub 1, the Magistrate may issue a garnishee order nisi and direct the garnishee (s) to show cause regard been had to provision of Section 83 (2) of the Sheriff & Civil Process Act."

ARTICLE 14

APPEALS

- (1) Where either party is aggrieved with the Judgment, such party shall fill the Appeal form, as in Form SCC 8 within 14 (fourteen days) of the delivery of the Judgment stating the reasons for the Appeal.
- (2) The Assistant Registrar or any other officer of the Small Claims Court Registry shall compile the records of appeal within fourteen (14) days of the submission of Form of SCC 8
- (3) The Records of Appeal shall thereafter be forwarded to the Fast Track Registry of the High Court, where it is then assigned to a Judge.

- (4) The Judge, so whom the small claims appeal is assigned shall cause Hearing Notices to issue to the parties and the appeal shall be heard at the earliest convenience of the Court.
- (5) The Appeal may be by oral address or written brief and on the records of the appeal.
- (6) The whole Appellate Process from the assignment of the Appeal to Judgment shall not exceed thirty (30) days.

ARTICLE 15


GENERAL PROVISIONS

1. Every Magistrate presiding in a Small Claims Court must take judicial control and management of all cases assigned to him/her by the Chief Registrar/Administrative Magistrate
2. The Magistrate must note in the Small Claims record book, the duration of each sitting. The record book shall provide detailed information on the progress of each case from filing to delivery of judgment
3. 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
4. In line with Article 12(2) above, all Magistrates shall strive to finalize cases within 60 days of filing by the plaintiff. Magistrates must report monthly to the Chief Judge and supervising High Court Judge, through the Chief Registrar on all part-head cases that had not been finalized within 60 days from the date of commencement of the trial, provide that Magistrates should not have more than five (5) or more part heard cases should not start any new cases without written approval from the Chief Registrar. Magistrates who have more than five (5) part heard cases must submit along with their monthly reports an action plan on how they are going to reduce their part heard cases and provide monthly reports on progress.
5. Upon the direction of the Chief Registrar, an administrative Magistrate must submit any information and any assessment material including statistics, 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.

ARTICLE 16

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 laws for the time being in force shall so far as they can be conveniently applied, be in force in the Small Claims Court.

Dated this 30th day of March 2023



HON. JUSTICE T O DIAI
Chief Judge of Delta State

FORM SCC 1

SMALL CLAIMS COURT

LETTER OF DEMAND

FROM:

.....

WORK ADDRESS.....

RESIDENTIAL ADDRESS.....

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

TO

.....

WORK ADDRESS.....

RESIDENTIAL ADDRESS.....

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

SIR/MADAM

DEMAND:

I hereby claim from you

(PLEASE STATE

PARTICULARS).....

.....

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

.....

PLAINTIFF'S SIGNATURE

FORM SCC 2

**IN THE MAGISTRATE COURT OF DELTA STATE (SMALL CLAIMS)
COMPLAINT FORM (TO ACCOMPANY FORM SCC 3)**

- NB: 1. Please fill the Form legibly.
2. Please attach copies of the documents (contracts, receipts, expert's 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 PLAINTIFF (S)

FULL NAME.....

WORK ADDRESS.....

RESIDENTIAL ADDRESS.....

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

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

B. PARTICULARS OF DEFENDANT (S)

FULL NAME.....

WORK ADDRESS.....

RESIDENTIAL ADDRESS.....

TELEPHONE NO & E-MAIL ADDRESS.....

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

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

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

.....

ILLITERATE JURAT (if applicable)

The foregoing having been read and interpreted by meto the Deponent in Language he being Illiterate/Blind and he having appeared perfectly to understand before affixing his thumb print impression.

.....

.....

Plaintiff's signature/ Thumbprint

Date

Sworn to at the Small Claims Court Registry this.....day of20...

Before Me

Commissioner for Oaths.

FORM SCC 3

THE MAGISTRATE COURT OF DELTA STATE (SMALL CLAIM)

SUMMONS

(TO BE SERVED WITHIN 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 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 SCC5 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 SCC5.
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 thisday of20...

Registrar

FORM SCC 4

THE MAGISTRATE COURT OF DELTA STATE (SMALL CLAIM)

AFFIDAVIT OF NON-SERVICE

CLAIM

NO.....

BETWEEN:

..... PLAINTIFF

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/Sheriff

**SWORN TO AT THE MAGISTRATE COURT OF DELTA STATE, (SMALL CLAIMS)
REGISTRY.**

This.....day of20...

Before Me

Commissioner For Oaths

FORM SCC 5

IN THE MAGISTRATE COURT OF DELTA STATE (SMALL CLAIMS)

FORM OF ADMISSION, DEFENCE AND COUNTERCLAIM TO ACCOMPANY FORM
SCC3
(TO BE SERVED ON THE PLAINTIFF WITHIN SEVEN DAYS OF SERVICE OF FORM SCC
3)

CLAIM NO.....

BETWEEN:

.....

CLAIMANT(S)

AND

.....

DEFENDANT (S)

(a) **ADMISSION**

I admit the Claimant's claim (or) part of the Claimant's claim FOR
N.....and I ask for permission to pay the sum with costs on that amount
on the.....day of20....(or by instalments of N.....per.....)
because

1

2.....

(State why you cannot pay at once)

b) **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 courts)

c) **COUNTER-CLAIM OR SET-OFF**

I have a counter claim or set-off against the claimant for

N.....

.....
.....

.....
State the particulars of the Counterclaim or set-off

.....
Defendant's Signature/ Thumbprint

.....
Date

Sworn to at the Small Claims Court Registry this.....day of20...

JURAT (if applicable)

The foregoing having been read and interpreted by meTo the Deponent in Language he being Illiterate/Blind and he having appeared perfectly to understand before affixing his thumb print impression.

Before Me

Commissioner for Oaths

Claimant(s) address for service

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

NB: if you fail to file an answer to the claim, you will be held to have admitted the claim

FORM SCC 6

**IN THE MAGISTRATE COURT OF DELTA STATE (SMALL CLAIMS)
AFFIDAVIT OF SERVICE
(PROOF OF SERVICE TO BE FILED WITHIN TWO DAYS OF SERVICE)**

CLAIM NO.....

BETWEEN:

..... CLAIMANT

AND

..... DEFENDANT

I.....

Make Oath and say, that on the.....day of.....20.....

AtO'clock I served upon.....

Summons for small claims a True copy whereof annexed issued out of this court
at..... upon 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.....

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

.....

Bailiff/Sheriff

SWORN TO AT THE SMALL CLAIMS COURT REGISTRY

This.....day.....20.....

Before Me

Commissioner For Oaths.

FORM SCC 7

IN THE MAGISTRATE COURT OF DELTA STATE (SMALL CLAIM)

IN THEMAGISTERIAL DISTRICT

HOLDEN AT.....

CLAIM NO.....

BETWEEN:

..... PLAINTIFF (S)/APPLICANT (S)

AND

..... DEFENDANT (S)/RESPONDENT

(S)

MOTION EX-PARTE

BROUGHT PURSUANT TO ORDER 4 RULE 4 OF THE MAGISTRATE COURT (CIVIL PROCEDURE) RULES, 2006 AND UNDER THE INHERENT JURISDICTION OF THE COURT

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

An Order of the Court granting leave to the Claimant/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 of.....20...

.....

Claimant's signature

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

APPEAL NO SCCA/.....

BETWEEN:

..... **APPELLANT**

AND

..... **RESPONDENT**

**NOTICE OF APPEAL
TO BE FILED WITHIN 14 DAYS (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 thebydo hereby appeal to the High Court of Delta 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 Honour held that.....

.....

.....

PARTICULARS OF ERROR

(a).....
.....
.....

(b)
.....
.....
.....

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

a. An order of the Honourable Court
.....

b.....

4. PERSONS DIRECTLY AFFECTED BY THE APPEAL

NAMES

ADDRESS

.....

.....

.....

.....

.....

.....

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

.....
Appellant's Signature

ADDRESS FOR SERVICE

.....

.....

.....

FORM SCC 9

IN THE MAGISTRATE COURT OF _____STATE (SMALL CLAIMS)

IN THEMAGISTERIAL DISTRICT

HOLDEN AT

CLAIM NO.....

BETWEEN:

..... JUDGMENT

CREDITOR

[INSERT A NAME]

AND

..... JUDGMENT

DEBTOR

[INSERT A NAME]

AND

..... GARNISHEE

(S)

[INSERT A NAME]

MOTION EX-PARTE

SECTIONS 83 AND 84 OF THE SHERIFFS AND CIVIL PROCESS ACT AND ORDER IV
RULE 1 (2), ORDER VIII RULES 3 (1), (2), 4, 5, AND 8 OF THE JUDGMENT
(ENFORCEMENT) RULES AND UNDER THE INHERENT JURISDICTION OF THIS COURT

TAKE NOTICE that this Honourable Court shall be moved on theday of 20... at 9 O'clock in the forenoon or so soon thereafter as the judgment creditor praying for the following reliefs:

1. An Order attaching the funds standing to the credit of the judgment debtor in the custody of the garnishee(s) to the outstanding judgment sum of [state the judgment debt] ("**the judgment debt**").
2. An Order directing the garnishees to appear before this Court within fourteen (14) days of service of the order to show cause why an order should not be made for payment to the judgment creditor of the judgment debt accruing to the judgment debtor or so much thereof as will satisfy the judgment debt.
3. An Order directing the garnishees to respectively disclose forthwith funds standing to the credit of the judgment debtor with the garnishee(s) as at the date of the service of the order of Court, and that such disclosures be made on oath and verified by an affidavit sworn and filed before the Court within eight (8) days of the service of the order of this Court.

And for such order or orders as the Court may deem fit to make.

Dated..... day of20.....

.....
Judgment Creditor's signature

FORM SCC 9A

IN THE MAGISTRATE COURT OF _____ STATE (SMALL CLAIMS)

IN THEMAGISTERIAL DISTRICT

HOLDEN AT

CLAIM NO.....

BETWEEN:

..... JUDGMENT

CREDITOR [INSERT A NAME]

AND

..... JUDGMENT

DEBTOR [INSERT A NAME]

AND

.....

GARNISHEE (S) [INSERT A NAME]

AFFIDAVIT IN SUPPORT

I, _____ of _____

[state name of judgment creditor] [state address of judgment creditor]

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

1. I am the judgment creditor in this case.

2. The judgment debtor is _____ of

[state name of judgment debtor] [state address of judgment debtor]

3. On _____ judgment was entered against the judgment debtor in the sum of (N) _____ [state date judgment was delivered] [state judgment sum] [If the judgment debt is payable by instalments, the amount of any instalments which have fallen due and remain unpaid].

4. I know that the _____
[State name of garnishee]
of _____[state address of garnishee]
has to its credit sums belonging the judgment debtor by way of _____

[state particulars of funds held with the garnishee, if the garnishee is a bank state – (i) the branch at which the judgment debtor's account is believed to be held; and (ii) the account number].

5. To the best of my knowledge or belief the said garnishee (a) is within the jurisdiction of this court, and (b) owes money to or holds money to the credit of the judgment debtor.

4. To the best of my knowledge or belief no other person other than _____ [state name of judgment debtor] has any claim to the money owed by the garnishee

5. I have not obtained or instituted any other garnishee application against the judgment debtor in respect of the same judgment debt.

6. I depose to this affidavit conscientiously, believing all the depositions contained herein to be true and correct by the Oaths Law of State.

DEPONENT

SWORN TO at the Registry of the Small Claims Court Registry,
State..... this..... day of20...

BEFORE ME

COMMISSIONER FOR OATHS