

Civil Procedure in Nigeria

A decorative flourish consisting of two interlocking loops with horizontal lines extending from their ends.

*A Practice Guide with Legal Precedents
and Formats*

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and Formats*

Basil Momodu Esq.

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Dedication



“But as it is written Eye hath not seen, nor ear heard, neither have entered into the heart of man, the things which God hath prepared for them that love him.”

-1 Corinthians 2:9

Preface



Recently, some legal reforms were carried out by many States in Nigeria to improve access to justice and promote efficient disposal of civil matters. Specifically, the reforms were aimed at helping parties towards expeditious resolution of their disputes, improve their confidence in the court system and reduce the cost of litigation to enhance justice delivery. The efforts culminated in the emergence of new civil procedure rules in many courts. The Federal High Court and Lagos State High Court brought forth their new rules in 2019. The Federal Capital Territory, Abuja, brought forth the 2018 rules. With the 2021 rules and numerous Practice Directions made in 2021, the Court of Appeal was not left out in the legal wind of change.

Needless to say that the changes introduced into the rules of procedure by the new rules rendered many of the existing textbooks on the subject of civil procedure obsolete and useless for nearly all practical purposes. This book, apart from capturing the essence of the recent reforms with its case-law based explanations of new concepts and procedures, provides a graphic picture of the modern civil procedure of courts in Nigeria with the aid of carefully drafted legal precedents and formats.

The book is arranged in bits, section by section contrary to the conventional method of arranging books chapter by chapter. This is to encourage a bit by bit reading for easier understanding in view of the expansive nature of the subject. Relevant issues relating to each topic were examined within the parameters of recent cases decided by the Court of Appeal and the Supreme Court. Relevant statutes, extant rules of courts especially the Federal High Court (Civil Procedure) Rules, 2019, Lagos State High Court (Civil Procedure) Rules, 2019, High Court of the Federal Capital Territory, Abuja (Civil Procedure) Rules, 2018, the Court of Appeal Rules, 2021 and the Supreme Court Rules, 1985 were examined with overflowing abundance of judicial authorities. It is our hope that lawyers in litigation practice, judges and other stakeholders in justice delivery will find the book immensely useful. I am grateful to all who helped in the preparation of this book in one way or another especially my beautiful wife, Iriagbonse Momodu; my son, Osikhe Momodu; my daughter, Osise Momodu and Mrs Grace Amao for her secretarial works. All errors in the book are mine.

Basil Momodu Esq.

March, 2023.

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Abbreviations

Sheriffs and Civil Process Act – S&CPA

Judgement (Enforcement) Rules – JER

Federal High Court (Civil Procedure) Rules – FHCR

Federal Capital Territory, Abuja (Civil Procedure) Rules – HCAR

High Court of Lagos State (Civil Procedure) Rules – HCLR

Supreme Court Rules – SCR

Court of Appeal Rule - CAR