journals.unizik.edu.ng/jcpl/index ISSN: 2736-0342
NNAMDI AZIKIWE UNIVERSITY, AWKA
JOURNAL OF COMMERCIAL AND PROPERTY LAW Vol. 12(5), October, 2025

ASSESSMENT OF THE PLATEAU STATE SMALL CLAIMS COURT PROCEDURE AS A MECHANISM FOR QUICK DETERMINATION OF COMMERCIAL DISPUTES

Arome Moses OKWORI*

Abstract

The need to secure speedy determination of cases bordering on debt recovery from commercial transactions has a long history. Quick, easy and non-complicated approach to the resolution of disputes undoubtedly promotes the ease of doing business. Globally, efforts have been made overtime to put the mechanism in place to address that need through procedural reforms and measures. The aim of this work is to assess the Plateau State Small Claims Court procedure encapsulated in the District Court Law Practice Direction, 2022. It then becomes pertinent to determine what the procedure seeks to achieve, how best the aspirations of the business community have been met by the law and the bottlenecks, if any, that litigants face. A doctrinal approach was adopted to undertake the study. The work finds that the small claims procedure is quite innovative and, if applied and implemented deliberately, it is capable of revolutionizing the ease of doing business. The work recommends the deployment of adequate personnel and infrastructure to make the court efficient and fully functional for quick disposal of cases pending before the court.

Keywords: Small claims, Liquidated demand, Quick determination, Commercial disputes

1. Introduction

The District Court Law Practice Direction on small claims is a subsidiary legislation enacted deliberately to cure a mischief.[1] That mischief is embodied in the undue delay occasioned in the process of resolving commercial disputes arising from small scale business transactions. It does not make sense to expend much time, energy and resources to recover a debt that emanates from simple and straight forward commercial transactions. It becomes much more compelling to avoid this anomaly in commercial transactions as the ugly scenario hampers the ease of doing business. No right-thinking business person will invest his money to do business in an environment that is unpredictable, unfriendly to business and fraught with avoidable risks. The efficiency of the courts and the justice delivery sector are key to boosting a country's business activities and economic growth.[2]

The Practice Direction created a specialized court with special jurisdiction and a unique procedure from the stage of commencement of action, through the trial, the judgment and the post judgment/enforcement stage of the proceedings underpinned by the fast-track mechanism for speedy attainment of justice.

It is not in dispute that the Nigerian judicial system has acquired an ignoble reputation for inordinate delays in the hearing and disposal of cases. This ugly scenario is antithetical to the basic notions about justice delivery anchored on two Latin maxims. The first maxim is *Lex dilationesabhor ret* literally translated to mean justice delayed is justice denied; and *Lustitianmorariinjusticiaes*t which means to delay justice is injustice.[3]

***Arome Moses OKWORI**, Reader, Department of International Law of Jurisprudence, Faculty of Law, University of Jos. Email: okworia@unijos.edu.ng; aromeokm@yahoo.com Phone No: 08035976292.

[1] Plateau State District Courts Law Practice Directions on Small Claims, 2022 dated and signed on 13th December, 2022 by the Chief Judge of Plateau State, Hon. Justice David G. Mann

[2] E Bosio, 'Improving the Efficiency of Courts Can Boost a Country's Economic Growth,' World Bank Blogs on Governance for Development dated 25/1/2025 <www.worldbank.org>accessed 06 August 2025

[3] Oxford Reference <https://www.oxfordrefrence.com> accessed 07 August 2025

The establishment of the Small Claims Court as a specialized court is primarily aimed at avoiding or ameliorating the injustice inherent by delay in justice delivery. Article 3 of the Practice Directions aptly provides that "the objectives of the small claims procedure are to provide easy access to an informal, inexpensive and speedy resolution of simple debt recovery disputes in the District Court."[4] The underlying philosophy of the small claims procedure is to ensure that such commercial disputes are resolved in no time in order to encourage a more friendly business environment that will in turn promote the ease of doing business.

However, will the small claims procedure be a magic wand that offers a one-stop solution to all the disputes pertaining to simple debt recovery in commercial transactions? Perhaps, it is not. As a ground breaking procedure, it has unique attributes and strengths and certainly will not lack its shortcomings and inadequacies. This work brings clarity to what a small claims procedure really means and what it entails. Definitions will be dealt with in the next segment. The second segment examined the historical evolution of the small claims procedure. The historical evolution of the procedure was considered next followed by a searchlight on salient provisions of the Practice Directions. Finally, the concluding segment of the work made recommendations toward efficient and effective justice delivery using the mechanism of the small claims procedure.

2. Definitions

Small claims as the name implies are monetary claims in commercial transactions that do not involve any substantial or huge amount of money. It is a claim for money in any simple debt recovery action based on the monetary value provided in the specific law regulating the small claims procedure. By Article 5(1)(d), of the Practice Directions, a claim in a Small Claims Court must be for a liquidated monetary demand not exceeding ₦5,000,000 (Five Million Naira) excluding interests and costs.[5]Any court before which the small claims action is instituted is invariably called a "Small Claims Court." It could be a Magistrate Court duly established under the relevant Magistrate Court Laws in the Southern parts of Nigeria[6] or a District Court established under any of the District Court Laws in some States in the Northern parts of Nigeria.[7]When a Magistrate Court exercises civil jurisdiction in some states in the Northern parts of Nigeria, it is constituted as a District Court, but when the court exercises its criminal jurisdiction, it is referred to as a Magistrate Court. This dichotomy does not exist in the Southern parts of Nigeria.[8]

A Magistrate or District Court as the case may be is an inferior court to the extent that it is a court of summary jurisdiction.[9] Far fewer formalities are involved in the practice and procedure of the court as opposed to the practice before the superior courts of record, especially in the various High Courts. The High Court is a trial court with the requirement for the filing of pleadings preparatory to plenary trials.[10] The peculiarities of the practice and procedure of the Magistrate and District Courts gives a boost for the courts to naturally become the domain courts for the Small Claims Court proceedings.

This small claim procedure is the method by which a small action claims action is instated and conducted from the stage prior to commencement of action until final determination and enforcement of judgment of the court. The court has unique processes and procedures based on the law/rules that established and regulate the conduct of proceedings before them. In fidelity to the

[4]District Courts Law Practice Directions on Small Claims, 2022
[5]ibid
[6] See Magistrates' Court Law 2009, Ch. M1, Vol. 8, Laws of Lagos State, 2015.
[7]See Kaduna State District Courts (Amendment Law) No. 28, 2018
[8] See M Stanley-Idum & J A Agaba, Civil Litigation in Nigeria, revised 4th ed, (Renaissance Publishers, 2025) 175
[9]Ibid
[10]See Order 15, Lagos State High Court (Civil Procedure) Rules, 2019; Order 17, High Court of Plateau State (Civil Procedure) Rules, 2020

aim of this research, an attempt is made to explore the entire gamut of the Practice Directions applicable to the Small Claims Court being considered in a later segment of this work.

The small claims recovery action must be centered on liquidated money demand which is a demand that is fixed or ascertained**.** It is a claim or demand based on a strict legal interpretation, in which the amount has either been fixed, been agreed upon, or is capable of ascertainment by mathematical computation.[11]A liquidated sum or liquidated money demand has been defined as meaning 'an agreed amount agreed upon by parties, to which the claimant is entitled and which is capable of being ascertained, calculated or fixed by mathematical computation or operation of law.'[12] For a claim to qualify as a liquidated money demand, it must satisfy the following criteria-

i. The amount must be arithmetically ascertainable without further inquiry;
ii. Parties must have mutually agreed on the fixed amount payable upon breach; and
iii. The agreed amount must be known before the breach.[13]

In the case of a debt, when the amount of indebtedness is ascertainable, it is then construed as a liquidated money demand. In *Capital Oil & Gas Ind. Ltd v Oteri Holdings,*[14]the court held that a liquidated debt is a debt whose amount has been determined by agreement of the parties or by operation of law.[15] A debt or indebtedness itself implies monetary indebtedness or something owed, or a debt to another person.[16]

Meanwhile, the Preamble to the Practice Directions states as follows:

> *By reason of the increase in commercial activities, the challenges of urbanization, harsh economic environment with the attendant inflation which has led to an increase in commercial activities, there is a correspondent need for better access to justice and speedy tria*l.[17]

The Small Claims Court is a special purpose vehicle geared towards improving access to justice and expeditious disposal of cases in commercial litigation. The slow pace of justice delivery in Nigeria had been a source of grave concern to all stakeholders in the justice delivery system.[18] Obaseki JSC once held that, "…the task before the court of law is to administer justice speedily and not to allow any denial or miscarriage of justice."[19]A miscarriage of justice will be occasional where undue delay occurs. The money which is the subject matter of a commercial transaction may invariably lose its commercial value due to inflation where inordinate delays occur in the adjudication of the case.

The word "commercial" is that which relates to commerce or has the characteristics of commerce and activities done or carried out with the sole purpose of salability, profit or success.[20]Disputes that are commercial in nature must be expeditiously determined in order to foster a business-friendly climate that attracts investments, stimulate economic growth and generates employment opportunities. This explains the urgent need for establishment of the Small Claims Court to decongest the High Court dockets. The goal is to accelerate quicker justice delivery in order to

[11] *Alhaji Muktari Uba & Sons Ltd v Lion Bank of Nigeria Plc (*2006) 2 NWLR (Pt 964) 288; *Maja v Samouris* (2002) 7 NWLR (Pt 765) 78; *ASTC Ltd v Quorum Consortium Ltd* (2009) 9 NWLR (Pt1145)1; *Unity Bank Plc. v Rhour& Lue (Nig.) Ltd* (2025) 9 NWLR(Pt1994)1

[12]Stanley-Idum & Agaba, (n 8) 461 - 462

[13] *Wema Securities and Finance Plc v Nigeria Agricultural Insurance Corp.* (2015) LPELR-24833 SC

[14] (2021) 1 NWLR (Pt1758) 483

[15] See *Standard Trust Bank Ltd. v Anumnu* (2008) 14 NWLR (Pt1106)125; *Epe Local Govt v Keshinro* (2009) 4 NWLR (Pt1131) 405

[16]*Barbedous & Ventures Ltd. v FBN Plc* (2018)(Pt 1609) 241

[17]District Court Law Practice Directions on Small Claims, 2022

[18]B E Oniha 'Towards Fast-tracking Justice Delivery in Lower Courts in Nigeria' <https://www.edojudiciary.gov.ng>accessed 16 July 2025

[19] (1984) 1 SCNLR 427 at 469

[20] Dictionary.com <https://www.dictionary.com> accessed 18 July 2025

enhance both domestic and foreign direct investment in Plateau State in tandem with the 3-year programme focus of the Plateau State Action on Enabling Business Reforms (SABER) initiated through the Federal Ministry of Finance and the Presidential Enabling, Business Environment Council (PEBEC) and the World Bank.[21]

3. Historical Development of Small Claims Dispute Resolution

The resolution of commercial disputes arising from simple debts and small claims has had a chequered history and has evolved over the centuries in different jurisdictions. Different court platforms had emerged in an effort to adjudicate the species of commercial disputes arising from small claims. A convenient point of reference is the Court Pie-Powder in the medieval times.[22] This court operated during public market days or fairs in medieval England. The court has been described in the following words-

> *This court had the authority to resolve disputes that arose between merchants and consumers or any issues related to the market activities. The terms "pie powder" is derived from the French phrase "piedpuldreaux," which referred to itinerant traders or alien merchants. The court was designed to provide quick justice, allowing disputes to be settled swiftly, often within an hour to accommodate the needs of those attending the fair from distant locations*.[14]

The court of Pie-Powders exercised jurisdiction over disputes arising from public markets or fairs involving merchants and consumers; and it applied summary procedures for quick resolution of disputes especially for alien merchants or traders from outside jurisdiction. The proceedings of the court of Pie-Powders were informal, devoid of undue bottlenecks and the pronouncements of the court were oral not in written form.[23]

The foregoing developments during the Middle Ages received renewed impetus through Roscoe Pound's advocacy for a People's Court."[24] Pound posited that justice denied through procedural delays equals to justice denied entirely.[25]This is the philosophy on which the small claims procedure was anchored. In the United States of America, the idea of small claims court system emerged in the 1930s in response to the growing yearning for a People's Court to settle small disputes involving individuals, sole proprietorship, partnerships, associations and corporations.[26] The system of Small Claims Court gained traction globally and emerged in South Africa in 1984, Zimbabwe in 1993, Brazil in 1995 and Kenya in 2016.[27]

In Nigeria, in April 2018, the Lagos State Judiciary took a landmark step by introducing the Small Claims Court system into Nigeria.[28]The objective was centered on providing easy access to an informal, lawyer-less, inexpensive and expeditious resolution of debt recovery disputes in the Magistrate Courts. This positive development triggered the emergence of Small Claims Courts across different jurisdictions in the States galvanized by the drive of the Presidential Enabling Business Environment Council (PEBEC) geared towards promoting speedy resolution of commercial disputes. Other States in the federation that followed suit after Lagos State's success

[21]Nigeria – State Action on Business Enabling Reforms (SABER) Program, <https:///.documents.worldbank.org> accessed 16 August 2025
[22] The Medieval Ages was between AD 500-1500
[23] US Legal, "Exploring the Court of Pie Powder: A Unique Legal Institution," Legal Resources, <https://uslegalforms.com> accessed 31 July 2025
[24] Hon Justice Rahman Oshodi, "Filing and Pre-trial Procedures in Small Claims Court: A Comparative Analysis", paper delivered at a workshop on Small Claims Court for Magistrates, Jos, Plateau State, 3/12/2024
[25] Nathan Roscoe Pound (October 27, 1870- June 28, 1964. He was an astute America Legal scholar of repute)"
[26]Banwo & Ighodalo, 'Lagos State Small Claims Court: A Milestone in Dispute Resolution,' <https://www.banwo-ighodalo.com>accessed 2 August 2025
[27] Ibid
[28] Magistrates Court Law (Practice Direction on Small Claims), 2018

story were Kano, Ogun, Ekiti, Edo, Nasarawa, Jigawa, Abia, Bauchi, Bayelsa, Rivers, Delta[29]and of course Plateau State. Against this backdrop, it is now expedient to consider the salient provisions of the Plateau State District Court Law Practice Directions, on Small Claims, 2022.

4. Salient Provisions of the Practice Direction on Small Claims

The first point to consider is the jurisdictional threshold of the Practice Direction on Small Claims as provided in Article 5 which provides as follows:

Article 5(1)-An action may be commenced in the Court where the:

(a) Claimants or one of the claimants resides or carries on business in the State;
(b) Defendant or one of the Defendants resides or carries on business in the State;
(c) Cause of action arose wholly or partly in the State;
(d) Claim is far a liquidated monetary demand in a sum not exceeding N5,000,0000 (Five Million Naira), excluding interests and cost; and
(e) Claimant has served on the Defendant, a Letter of Demand as in Form SCA 1

The above paragraph clearly states that the only person that can invoke the jurisdiction of the Small Claims Court is a person resident in, or who carries on business wholly or in part within Plateau State. The Court can exercise jurisdiction when at least one of either the Claimants or Defendants resides or carries on business in Plateau State.

Also, the claim must be for a liquidated monetary demand for a sum not exceeding N5, 000,000. Curiously, in respect of a counter claim, the Defendant is at liberty to file a cross action against the Claimant for a liquidated money demand exceeding N5,000,000 but not more than N10,000,000 which is the financial limit of the general jurisdiction of a District Court.[30] This work does not grasp the rationale for this provision.

Jurisdiction is the lifewire and bedrock of any adjudication.[31]Any Claimant that ignores this important consideration before commencing an action in any court whatsoever does so at his peril. Jurisdiction is the authority of a court to decide matters that are litigated before it, or to take cognizance of matters presented in a formal way for its decision.[32] The benchmark for determining the jurisdiction of a court was firmly laid in *Madukolu v Nkemdilim*[33] with the four basic ingredients as follows:

1. The court is properly constituted as regards the number and qualifications of the members of court and no member is disqualified for one reason or the other;
2. The subject matter of the case is within the jurisdiction of the court and there is no feature in the case which prevents the court from exercising its jurisdiction;
3. The case comes before the court initiated by the process of law; and
4. Upon the fulfilment of any condition precedent to the exercise of jurisdiction.

The term jurisdiction is varied and ubiquitous. In essence, jurisdiction denotes a court's power to decide a case or issue a decree.[34] Any defect in the essential elements of adjudication is fatal as the defect is extrinsic to adjudication.[35]A challenge to jurisdiction of a court can be raised at any stage of adjudication on any of the following grounds:

i. Territorial jurisdiction;
ii. Subject matter jurisdiction;

[29] Hon. Justice Rahman Oshodi: Ibid at Note
[30]Art. 10(2) Practice Directions on Small Claims, 2022
[31] *UBA Plc. v Triendent Consulting Ltd.* (2023) 14 NWLR (Pt 1903) 95; *Ode v Uzor* (2023) 13 NWLR (Pt 1900)1; *Dangote v AP Plc* (2012) LPELR-7981; *Musaconi Ltd. v Aspinal* (2013) 14 NWLR (Pt 1375)435
[32] Halsbury's Laws of England, Vol. 10, 4thed, para 715
[33] (1962) SCNLR 341
[34] *RSHA v Govt., Rivers State* (2025) 7NWLR (Pt1990) 591 at 677
[35]*Madukolu v Nkemdilim* (1962) 2 SCNLR 341

iii. Financial jurisdiction;
iv. Personal jurisdiction; or
v. Procedural jurisdiction.[36]

Article 5(1) of the Practice Directions ought to be strictly complied with to determine the competence of the court, the parties and the subject matter of the litigation. The financial boundaries set by the Practice Directions must also be strictly adhered to. Any defect in the jurisdictional realm would be a set-back as valuable time would have been lost pursuing a worthless cause. Where the court finds that it lacks jurisdiction, the entire cause or matter is bound to be voided. It must be clearly shown at the time of commencement of action, or in the course of proceedings, that the court has jurisdiction to entertain a suit, otherwise, such proceedings no matter how well conducted and any judgment arising therefrom, no matter how well considered or beautifully written, will be a nullity and a waste of time.[37]Bello CJN in the famous case of *Utih v Onoyivwe*[38] stated as follows:

> *Moreover, jurisdiction is the blood that gives life to the survival of an action in a court of law and without jurisdiction; the action will be like an animal that has been drained of blood. It will cease to have life and any attempt to resuscitate it without infusing blood into it would be an abortive exercise.*

For a Small Claims Court to even entertain any claim, an important condition precedent is contained in the Practice Directions, namely, that the Claimant had served on the Defendant a Letter of Demand as in Form SCA 1.[39] A Small Claim Summons shall only be issued by the Registrar if he is satisfied that Article 5(1) has been complied with.[40]The law is well settled that for a court to properly assume jurisdiction over a cause or matter, it must be satisfied that "due process" has been followed in the commencement of the suit. If there is evidence of non-compliance with any condition precedent, that evidence is fatal to the competence of the action. If the condition is not satisfied, the legal effect is that it will rob the court of jurisdiction because the action will be deemed to be incompetent and liable to be struck out.[41]

The other dimension is that if a demand letter is front-loaded and served on a Defendant, it has the benefit of fast tracking the hearing of the claim. A Defendant served with a business letter, otherwise also known as demand letter, is obliged to respond to the letter either by admitting the claim, or denying the allegations contained in the demand letter. Where the Defendant fails to respond to the contents of a demand letter, the failure is regarded as an admission of the contents of the demand letter.[42]

At this juncture, the work discussed below, the essential attributes of a small claims procedure designed primarily to promote speedy trial as contained in the Practice Direction.

1. Every claim and counter-claim initiated in a Small Claims Court must be for liquidated money demand. In *Maja v Samounis*,[43] the Supreme Court defined the term liquidated money demand as follows:

[36] Stanley-Idum & Agaba, (n 8) 92
[37] *President, FRN v National Assembly* (2023) 3 NWLR (Pt1870) SC. 1; *Dongtoe v Civil Service Commission* (2001) FWLR (Pt 50) 1659.
[38] (1991) NWLR (Pt166) 214 at 325
[39]See Article 5(1) (e) of the Practice Directions
[40] Article 5(3) of the Practice Directions
[41] *Ibrahim v Sarham* (2024)4 NWLR (Pt1927) at 47-48; *Nnaji & Anor v Ndubisi* (2024)5 NWLR (Pt 1930) 163; *Odu'a Investment Co. Ltd. v Michael* (2024)12 NWLR (Pt 1952) 349
[42] *Advanced Coating Technology (Nig) Ltd v Express International Plant Hire (Nig) Ltd* (2019) LPELR-47833 (CA); *UBA Plc v Vertex Agro Ltd* (2019) LPELR-48742 (CA); *Rematon Service Ltd v NEM Insurance* (2020) 14 NWLR (Pt 1744) 281; *Bagobiri v Unity Bank Plc* (2016) LPELR-41161 (CA); *Gumau v Abdullahi* (2022) LPELR-57429 (CA)
[43] (2002) 7 NWLR (Pt 765) 78 at 102

> *A liquidated demand is a debt or other specific sum of money usually due and payable and its amount must be already ascertained or capable of being ascertained as a mere matter of arithmetic without any or further investigation*.

This means the claim or counter-claim must almost certainly be for a debt and the amount claimed is fairly straight forward and ascertainable without complex contestations. This class of action is referred to as "summary judgment procedure" in the High Court. It is designed to save time and cost where the Defendant obviously has no defence to the action.[44] The procedure is for plain and straight forward cases, not the devious or crafty.[45] The essence of the summary judgment procedure, also known as "undefended list procedure" is to ensure that a Claimant recovers a debt timeously where it appears that there is no defence to the action. The main aim is to avoid unnecessary delays and expenses and costs associated with a full plenary trial and to ensure speedy disposal of cases.[46] In a summary judgment procedure, a Defendant is expected to disclose a defence on the merit, otherwise judgment will be entered against him.[47] A defence that is merely a technical defence and not one of substance will be jettisoned by the Court.[48] In the circumstance, it is envisaged that in a Small Claims Court, fidelity to the principles of summary judgment procedure must be amply demonstrated in the determination of the causes or matters before court.

2. The claim of the Claimant and any counter-claimant and other relevant forms and processes must front loaded by the parties as required by the following statutory forms:
   i. Form SCA 1 – Letter of Demand.[49]This was fairly discussed in the earlier segment of this work.
   ii. Form SCA 2 – Small Claims Complaint Form.[50]This form contains the particulars of the Claimant, that of the Defendant and the particulars of the claim made by the Claimant, including interest and costs.
   iii. Form SCA 3 –The Summons.[51]This is the process that compels the appearance of the Defendant before the court and directs the Defendant on the steps he needs to take in response to the suit and the particulars of the claim against him.
   iv. Form SCA 5.[52]This form is for filing of Defence, Admission or Counter- Claim by the Defendant and is filed in response to Form SCA3.Where a Defendant fails to answer to the claim; such a Defendant is deemed to have admitted the claim.[53]

The essence of the above is to fast track the proceedings/hearing. There is no room for "hide and seek" and no room for springing of surprises. In the case of *George & Ors v Dominion Flour Mills Ltd*,[54] the Supreme Court held as follows:

> *… a party cannot be expected to prepare for the unknown, and the aim of pleading is to give notice of the case to be met which enables either party to prepare his evidence and arguments upon issues raised by the pleadings and saves either side from being taken by surprise. Incidentally, it makes for economy. The plaintiff will and indeed, must confine his evidence to those issues but the cardinal point is the avoidance of surprised.*

[44]Stanley-Idun & Agaba (n 8) 455
[45] *Macgregor & Associates v NMB* (1996) 2 SCNJ72 at 81
[46] *UBA v Jargaba* (2007) II NWLR (Pt 1045)247 at 263; *Surf Oil and Gas &Anor v Ecobank (Nig)Plc* (2023) LPELR-60240
[47]*Julius Berger (Nig) Plc v A.P.I Ltd* (2022) 11 NWLR (Pt 1841)201; *NPA v Aminu & Co.* (2018) 12 NWLR (Pt 163)62 *Jipreze v Okonkwo* (1987) 3 NWLR (Pt 62)737; *Sodipo v Lamminkainen* (1986)1NWLR (Pt 15)220.
[48]*Abia State Government v Achoru Associates* (2023) 5 NWLR (Pt1878)557; Me. *Investment Ltd & Anor v C.I.&C.M. Ltd* (2012)12 NWLR (Pt 1313)1
[49] Article 5(1)(e)
[50] Article 5(2)
[51] Article 5(3)
[52] Article 9(1) and 10(1) of the Practice Directions
[53] Article 9(3)
[54](1963) 1All NLR 71 at 77

The parties have all been put on notice from the outset of the case set up against them by the adversary and each party must be prepared ahead of time to meet the case. All cards must be put on the table. This is the essence of pleadings filed before the High Court in proceeding commenced by Writ of Summons.[55]

In this respect, the frontloading of the relevant forms and documents in the Small Claims Court aids in accelerating the hearing of the cause or matter as the issues in controversy between the parties are narrowed down for quick determination. The Claimant and the Defendant are bound by the forms completed just as it is in the case of pleadings.[56] Unsurprisingly, the Practice Direction alluded to close of pleadings.[57]

3. The time bound nature of proceedings before a Small Claims Court. It ought to be re-echoed clearly that every procedural step before the commencement of the action; after the commencement of the action until the final judgment and appeal, is strictly time bound. The sequence is as follows-
   i. Letter of Demand; the Defendant is expected to respond to this letter of demand within fourteen (14) days after service on him;
   ii. The assignment of a small claims file by the Registrar shall be done within 24 hours;[58]
   iii. The Judge shall fix a date for mention of the case within 24 hours;[59]
   iv. The Small Claims Summons shall be served within seven(7) days of filing;[60]
   v. The Sheriff upon service shall file an Affidavit of Service (Form SCA 6) within two (2) days of service;[61]
   vi. Upon service of the summons, the Defendant shall file Form SCA 5 (Defence, Admission or Counter Claim) within seven (7) days;[62]
   vii. The Claimant's Reply to Defence and the Defence to Counter-Claim by the Claimant shall be filed within five(5) days, where necessary;[63]
   viii. A party may not be granted more than one adjournment during the entire proceedings except in unforeseen or exceptional circumstances;[64]
   ix. The entire period of hearing shall NOT exceed 30 days including the seven (7) days for ADR;[65]
   x. After hearing, the Judge is obliged to deliver judgment within fourteen(14) days of the completion of hearing;[66]
   xi. The entire period of proceedings shall not exceed 60 days from the date of filing till the date of judgment;[67]
   xii. Authenticated copies of the judgment must be made available immediately after the judgment but not exceeding seven(7) days from the date of delivery of the judgment;[68]
   xiii. The Defendant or Defendant to a Counter-Claim, as the case may be, shall comply with the judgment within fourteen(14) days of the delivery of the judgment;[69]

[55] *Emodi v Emodi* (2015) 2 NWLR (Pt 1443) 323 at 343, *A.G. Abia State v A.G. Federation* (2022) 16 NWLR (Pt 1856) 205 at 498- 499.
[56] *Atolagbe v Shorun* (1985) 1 NWLR (Pt 2) 360; *Anthonio Oil Co. Ltd v AMCON* (2024)15 NWLR (Pt 1961)115
[57] Article 10(12)
[58] Article 7(1)
[59] Article 7(2)
[60] Article 8(1)
[61] Article 8(2)
[62] Article 9(1)
[63] Article 10(6)
[64] Article 12(5)
[65] Article 12(6)
[66] Article 15(1)
[67] Article 15(2)
[68] Article 15(4), see also Section 294 (1) CFRN, 1999 (as amended)
[69] Article 16(1)

xiv. Appeal by an aggrieved party vide Notice of Appeal (Form SCA 8) shall be within fourteen(14) days after delivery of judgment;[70]
xv. The Registrar of the small claims registry shall compile the Record of Appeal within fourteen (14) days of the filing of the Notice of Appeal;[71]
xvi. The whole appellate process from the assignment of the appeal to judgment must not exceed thirty (30) days; and
xvii. The Judge shall note in the Small Claims Record of Proceedings the date when the proceedings commenced and ended.[72] This underscores the fact that time is of essence in the entire proceedings.

The implication of the time bound provisions is simply that time is extremely of the essence in the entire process from start to finish. There is no room for delays and tardiness on the part of litigants. Lame excuses, laziness and dilatory tactics are forbidden. The Judge, the Registry of the court and all the parties must be on their toes to ensure the success of each procedural step before commencement of action, during the proceedings and after final determination of the action.

4. Proceedings at the hearing: The Practice Directions has laid down rules to be strictly followed at the hearing in order to expedite the quick disposal of the claim. At the hearing, the District Judge is expected to strike out the claim for non-appearance of both parties when the case is called for hearing, in the absence of any cogent reason for their nonappearance.[73]However, if the Defendant fails to appear, and there is proof of service on him, the Judge shall proceed with the hearing and enter judgment for the Claimant. The absence of the Claimant at the hearing also has attendant consequences.[74]Hearing is expected to be conducted from day to day as far as practicable and may only be adjourned as a last resort and for the shortest possible time.[75]

The Judge is expected to take specific steps at the hearing stage to fast track the case. For example, the Judge is expected to encourage, promote and facilitate amicable settlement between the parties by mediating and providing settlement options to the parties as he deems fit.[76] The parties are also encouraged to discuss among themselves with a view to amicable settlement, or to narrow down the issues in controversy between them. If the parties amicably resolve their dispute, consent judgment will be entered by the Judge accordingly.[77] This ADR process must not exceed seven (7) days as it is expected to be a simple, quick and uncomplicated process.

Also, the Judge is expected to hold a Preliminary Hearing in the event that parties are unable to settle their dispute amicably. This is meant to give a sense of direction on how the case is to proceed at the hearing in order to promote and secure a just, expeditious and speedy disposal of the claim or counter- claim. This case management strategy involves developing a hearing time table, state the length of trial, ensure exchange of list of witnesses by the parties, the formulation and settlement of issues, etc. The Judge is mandated to hold Case Management Hearing immediately issues are joined.[78]Effective case management is meant to facilitate smooth and quick trial by clearing any issue that would delay or impede the full trial.

Furthermore, except where anex-parte application for substituted service of the summons (Form SCA 7) becomes necessary, any interlocutory application filed by any of the parties which raised various issues for determination in the course of the proceedings must be determined at the time

[70] Article 17(2)
[71] Article 17(3)
[72] Article 18(2)
[73] Article 11 (1) – (3)
[74] Ibid
[75] Article 12(4)
[76] Article 12(1)
[77] Article 12(2)
[78] Article 12(8)

final judgment is delivered by the Judge.[79] This is geared towards speeding up case disposal and to reduce delays. In order to ensure that Lawyers do not constitute themselves into an obstacle in the wheel of quick disposal of cases, the parties may represent themselves in the proceeding and testify in their own behalf and tender all necessary documents and have the liberty to call other witness to give evidence.[80]

Meanwhile, in order to ensure compliance with the Practice Directions and performance improvement, provisions are made requiring Small Claims Registrars to forward a report on the number of cases disposed to the High Court from time to time.[81] In addition, the Chief Registrar of the High Court is expected from time to time, to generate and publish a Report on the number of disposed cases before the Small Claims Court in two (2) national dailies.[82] The essence of the case disposition report and their publication is to ensure proper monitoring and performance evaluation to ensure speedy disposal of cases by the Small Claims Court.

5. Conclusion and Recommendations

This paper examined the *raisond'etre* for the establishment of the Small Claims Courts. The court is a special purpose vehicle at the Magistrate/District Court level with unique procedures for easy, simple and quick disposal of cases. This court is designed to fill the huge gap that exists in the speedy disposition of small claims in commercial transactions.

However, it ought to be noted that as lofty as the ideals of this court are, it may not make the desired impact in Plateau State and in other States of the federation that have established similar courts except the following steps are taken:

1. Training of personnel in the Court Registry to acquaint with them with the requisite knowledge and skills to enable the court to function optimally;
2. Training of Magistrates, District Court Judges and Lawyers to enable them properly grasp the philosophy and unique procedures of the Small Claims Court in order to achieve the objectives for setting up the Court;
3. The recruitment of adequate staff to man the courts in order to cope with the volume of cases filed in the Small Claims Court and to ensure that the timelines bench-marked are achieved and are not mere paper tigers;
4. The deployment of technology for digitization of the Registry of the Court is extremely important because it will ensure that speed is attained with the level of efficiency required; and
5. Given the diminished value of the Naira, it is recommended that the sum of N10, 000,000 which is the limit of the monetary jurisdiction of a District Judge applicable to a counter-claim should be made applicable to the claim, instead of the N5, 000,000 limit embodied in the Practice Directions.

[79] Article 15(1)
[80] Article 13 and 14
[81] Articles 18(3)
[82] Article 18(4)