

**YOBE STATE EASE OF DOING BUSINESS
COUNCIL**

**SMALL CLAIMS PROCEDURE
ARTICLE 1: OBJECTIVES**

The objectives of the small claims procedure is to provide enduring access to an informal, inexpensive equitable, just, fair, easy and speedy resolution of simple debt recovery disputes in the small claims courts.

**ARTICLE 2: COMMENCEMENT
OF ACTION**

(1) An action may be commenced in the small claims courts where:

(a) The Plaintiff or one of the Plaintiffs resides or carries on business in Yobe State;

(b) The Defendant or Defendants resides or carries on business in Yobe State;

(c) The cause of action arises wholly or in part in Yobe 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 in the Defendant

or Defendants a LETTER OF DEMAND or a Demand Notice as in Form SCC 1.

(e) The Plaintiff has served in the Defendant or Defendants a LETTER OF DEMAND or a Demand Notice as in Form SCC 1.

(2) The action shall be commenced by Claim upon the filling of a Small Claims Complaint Form as in Form SCC 2

(3) The Summons shall be issue as in Form SCC 3 upon the Registrar being satisfied that the requirements of Article 2 above have been met.

ARTICLE 5: ASSIGNMENT OF SMALL CLAIMS FILES

Upon the marking of the claim, the Registrar shall within twenty-four (24) hours forward the case files to the court judge of that division or to the administrative division judge for assignment to a judge (s) of his division within 24 hours of the receipt of the case file.

ARTICLE 6: SERVICE OF PROCESS

(1) The Summons and the other process shall be served by the Sheriff of the Small Claims Court within (7) days of filing.

(2) Service shall be effected between the hours of 6am and 6pm on week days and Saturday

(3) Upon service, the Sheriff/Bailiff of the Small Claims Court shall file an Affidavit of service as in form SCC 6 within (2) days of service.

(4) The provision of the District's 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.

(5) Where the Sheriff/Bailiff of the Small Claims Court is unable to serve the Summons and other process 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

summons on the Defendant by filling and
filling Form SCC 7

7) Upon receipt of a duly completed Form
CC 7 the judge shall make an

order for substituted service of the Summons.

8) Substituted service may be effected by
whatever means applied to the court

or by electronic email. If substituted service is

to be effected by services at the electronic mail
address of a party, the following provisions

shall be applicable:

I. The application in terms of Article 5 (5)

above must be accompanied by an affidavit

confirming the identity of the respondent ,

postal/physical address and the electronic mail

address at which the defendant will receive

service of the Summons.

ii. A copy of any electronic mail

correspondence including attachments

between the parties may be attached as proof of

the validity of the electronic mail address.

III. The Sheriff/Bailiff of the Small Claims Court shall serve the Summons, annexures and pleading by the way of electronic mail address as if ordered by the court, indicating what process have been served by way of electronic mail and the number of pages that were mailed.

**ARTICLE 6: FILLING OF DEFENCE/
ADMISSION/ COUNTER AFFIDAVIT
TO APPLICATION FOR SUMMARY
JUDGEMENT**

(1) Upon service of the Summons, the Defendant shall file his Defense/Admission or Counterclaims within six (6) days by completing Form SCC 5 as appropriate.

(2) A defendant who has been served with an application for summary judgement shall file (along with forms SCC 5 and within 6 days stipulated for him to enter defense) a counter-affidavit as in form SCC 5A stating why summary judgement should not be entered against him.

(3) The provision of article 5 on service of summons shall apply to service of a counter claim.

(4) Where a defendant fails to file an answer to the claim of a counter affidavit to the application for summary judgement such as defendant may be held to have admitted the claim.

SMALL CLAIMS COURT OFFICERS OF YOBE STATE

MAGISTRATE: DAMATURU DIVISION

08030944468

Ambahuya31@gmail.com

REGISTRAR:

08065196859

barmabulama@gmail.com

MAGISTRATE POTISKUM DIVISION

08032828222

barmabulama@gmail.com

REGISTRAR

08032339292

abbamohammedmaina@gmail.com

MAGISTRATE GASHUA DIVISION

08060432268

badamasimuhammad52gmail.com

REGISTRAR

Musaka167@gmail.com

MAGISTRATE NGURU DIVISION

0803440062

ynsufmalo@gmail.com

REGISTRAR

08037040608

MAGISTRATE GEIDAM DIVISION

08068391945

harunaabubakar917@gmail.com

REGISTRAR

aminuyabubakar1@gmail.com

