



**ADEKUNLE AJASIN UNIVERSITY, AKUNGBA-AKOKO, ONDO STATE**

**STUDENTS' JUDICIAL COUNCIL**

# **SJC COURT (CIVIL PROCEDURE) RULES, 2024**



**RULES MADE PURSUANT TO SECTION 58 OF THE STUDENTS' UNION CONSTITUTION  
OF ADEKUNLE AJASIN UNIVERSITY, AKUNGBA-AKOKO, ONDO STATE**

**ENACTED UNDER THE HAND AND SEAL OF HIS LORDSHIP**

**HON. JUSTICE ELEBUTE AANUOLUWAPO PETER**

**THE CHIEF JUDGE, AAUA SU STUDENTS JUDICIAL COUNCIL**

*fiat justitia, ruat caelum*

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**SJC COURT (CIVIL PROCEDURE)  
RULES 2024**

Pursuant to the inherent powers of the Students' Judicial Council, **and** the quasilegislative statutory powers conferred upon him by the provisions of section of the Union constitution, 2016, the Students' Judicial Council forthwith makes the following Rules which shall guide Counsel appearing before the SJC Court of the Adekunle Ajasin University.

**COMMENCEMENT**

These Rules shall come into force and shall be applicable to and in all proceedings before SJC Court as from 15th July, 2024.

Long Title

Commencement

<b>ORDER 1</b>		
<b>1</b>	<p><b>Title, Repeal, Application and Interpretation</b></p> <p>1(a) These rules may be cited as the SJC (Civil Procedure) Rules, 2024</p> <p>(b) The SJC (Civil Procedure), Rules, 2021 is hereby repealed</p> <p>In respect of actions already pending as at the commencement of these rules but which are not part-heard, a Judge may make order(s), requiring any party to file such further processes and or take such further steps as may be necessary to bring the proceedings in substantial conformity with these rules.</p> <p>These rules shall have the full force of law and shall be applicable to all proceedings before the SJC.</p> <p>Application of these Rules shall be directed towards the achievement of equitable, efficacious and expeditious dispensation of justice.</p> <p>These Rules shall be interpreted in accordance with the <b>Interpretation Act, Cap. 23, LFN, 2004</b></p>	<p>Short title</p> <p>Repeal</p> <p>Application</p> <p>Objective</p> <p>Interpretation</p>
<b>2</b>	<p>In the construction of these Rules, unless there's anything in the subject or context or repugnant there to, the several words here mentioned or referred shall have or include the following meanings:</p> <p><b>"Action"</b> means every legal proceeding in the court;</p> <p><b>"Cause"</b> means a civil action in original proceedings;</p> <p><b>"Claimant"</b> shall include a claimant in a counter claim</p>	

	<p><b>"Court"</b> means the Students' Judicial Council Court</p> <p><b>"Court Process"</b> or process includes writ of summons, originating summons, originating motions, notices, pleadings, orders, motions, summons, warrant and all documents or written communication of which service is required</p> <p><b>"Decision"</b> means any decision of a tribunal or court of law and includes judgement, ruling order, conviction, sentence or recommendation</p> <p><b>"Defendant"</b> shall include a defendant to a counter claim</p> <p><b>"Evidence Act"</b> means the 2023 Evidence Act of the Federal Republic of Nigeria and alterations and amendments made thereto by the National Assembly.</p> <p><b>"Faculty of Law"</b> means the Faculty of Law of Adekunle Ajasin University</p> <p><b>"Law Student"</b> means a matriculated student of the Faculty of Law, Adekunle Ajasin University</p> <p><b>"Originating Process"</b> means any court process by which a suit is initiated</p> <p><b>"Registrar"</b> means the Registrar of the SJC, AAUASU</p> <p><b>"Registry"</b> means the Registry of the SJC, AAUASU</p> <p><b>"Suit"</b> means a cause in which there is a claimant who sues and a defendant who is sued in respect of some cause of action and shall include a counter claim, a claim for a prerogative order of mandamus, certiorari, prohibition and claim for the enforcement of fundamental rights</p>	
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	<p><b>"Union Constitution"</b> means the Constitution of the Adekunle Ajasin University, Akungba Students Union and any amendments made thereto by the appropriate legislative authority.</p>	
<p><b>1</b></p>	<p style="text-align: center;"><b>ORDER 2</b></p> <p style="text-align: center;"><b>Composition of the Court and Forms and Commencement of Action</b></p> <p>The following quorum shall apply taking into consideration the real urgency, emergency and expediency of such matter and the overriding principle that the law will not compel the doing of impossibilities.</p> <p>(i) At least 5 Justices shall sit in all matters which this court has original jurisdiction and at least 5 justices shall sit on appeal.</p> <p>(ii) At least 7 Justices shall sit in matters relating to interpretation of the AAUA SU constitution and dispute between the Executive arm of government and the legislative.</p> <p>(iii) On cases of suspension and impeachment. minimum of 7 Justices to sit on the matter.</p>	<p>Composition of the court</p>
<p><b>2</b></p>	<p>Subject to the provisions of these Rules or any applicable law requiring any proceeding to be begun otherwise by a writ, a writ of summons shall be the form of commencing all proceedings where (a) A claimant claims</p> <p>(i) Any relief or remedy for any civil wrong</p> <p>(ii) Damages for breach of duty, whether contractual, statutory or otherwise</p> <p>(iii) Damages for Personal injuries or in respect of damage to property.</p>	<p>Proceedings which must be begun by writ</p>

<p><b>3</b></p>	<p>(b) The claim is based on or includes an allegation of fraud  (c) An interested person claims a ration,</p> <p>(1) All civil proceedings commenced by writ shall be accompanied by the  (i) Statement of Claim  (ii) List of witnesses to be called at the trial  (iii) Written statement on oath of the witnesses and;  (iv) Copies of every document to be relied on at the trial  (2) Where a claimant fails to comply with rule 2(1) above, his originating process shall not be accepted for filing by the registrar.</p>	<p>Modes of commencement of proceedings</p>
<p><b>4</b></p>	<p>The writ of summons shall be in Form with such modification or alteration Form of writ Form as circumstance may require provided the prior permission of the Chief Judge is sought and obtained in writing; and which written permission shall be sealed and stamped by the Chief Judge.</p>	<p>Form of writ: Form 1</p>
<p><b>5</b></p>	<p>Any person claiming to be interested under a deed, enactment or written instrument may apply by originating summons for the determination of any question of construction arising under the instruments and for a declaration of the rights of the person(s) interested.</p>	<p>Proceedings which must be begun by originating summons</p>
<p><b>6</b></p>	<p>Any person claiming any legal or equitable right in a case where the determination of the question whether is entitled to the right depends upon a question of construction of an</p>	<p>Construction of enactments</p>



	enactment may apply by originating summons for the determination of such question of construction and for a declaration to the right claimed	
<b>7</b>	<p>(1) An originating summons shall be in Form 2 as contained in Order 29 of these Rules with such alteration or modification as circumstance may require provided the prior permission of the Chief Judge is sought and obtained in writing and which permission shall be sealed and stamped by the Chief Judge.</p> <p>(2) An originating summons shall be accompanied by the following:  An affidavit setting out the facts to be relied upon;  All the exhibits to be relied upon; and  A written address in support of the application</p>	Forms of originating summons
<b>8</b>	The person filing any process shall leave at the registry sufficient number of copies for the judges and the defendants.	
<b>9</b>	The registrar shall indicate the date and time of presentation for filing on every originating process presented to him and shall arrange for service thereof to be effected	Originating process to be tested by its date
<b>10</b>	An originating process shall not be altered after it is sealed except upon application to the court	Alteration of originating process
<b>11</b>	Electronic filing shall be done by using the AAUA SJC E-Filing system and when inaccessible, all processes are to be sent to the	Electronic Filing

<p><b>12</b></p>	<p>registrar’s mail, While the court permits for electronic filing, counsel shall provide a copy to be signed and sealed at the registry</p> <p>Where a copy has not been submitted at the registry of the court, filing would not be deemed to have taken place which makes it null and void.</p> <p style="text-align: center;"><b>ORDER 3</b></p>	<p>Nullity of Electronic Filing</p>
<p><b>1</b></p> <p><b>2</b></p> <p><b>3</b></p> <p><b>4</b></p>	<p style="text-align: center;"><b>Endorsement of Claim and of Address</b></p> <p>Every Originating Process shall contain the claim, the relief or remedy sought and the full names and address of the claimant(s)</p> <p>Where a claimant sues; or the defendant or any of the several defendants is sued in a representative capacity, the originating process shall state the capacity. The name of the principal need not be shown on the heading of the writ.</p> <p>In all cases where the defendant or the claimant desire to have an account taken, the originating process shall so state.</p> <p>(a) Where a claimant sues in person, the originating process shall state the claimant's address for services as well as the claimant's constituency.</p> <p>(b)When a claimant sues through a legal practitioner, the legal practitioner shall state his chambers as well as an address, email, and</p>	<p>Endorsement</p> <p>Action in representative capacity</p> <p>Ordinary Account</p> <p>Endorsement of address by plaintiff or by legal practitioner</p>

	<p>or a Whatsapp number for service/electronic service</p> <p><b>5</b> If the originating process does not state a valid address for service, it shall not be accepted and if such address is illusory, fictitious or misleading the process may be set aside by the court upon the application of the defendant.</p> <p><b>6</b> Where the email or WhatsApp phone number address of claimant or that of his legal practitioner or his chamber is provided, claimant may be served through any of these mediums provided if comes from the official email of the court or the Registrar's contact.</p>	<p>Originating process without an address or with fictitious address</p> <p>Service through other mediums</p>
<p><b>1</b></p> <p><b>2</b></p>	<p style="text-align: center;"><b>ORDER 4</b></p> <p style="text-align: center;"><b>Effect Of Non-Compliance</b></p> <p>Where in beginning or purporting to begin any proceeding there has by reason of anything done or left undone, been a failure to comply with the requirements of these rules the failure shall not nullify the proceedings. Such proceedings may however be set aside upon application by a party and with the leave of court.</p> <p>The court may not wholly set aside any proceedings or the writ or other originating process by which they were begun on the ground that the proceedings were required by any of this Rules to be begun by an originating process other than the one employed.</p>	<p>Effect of noncompliance</p> <p>Application to set aside</p>

3	An application to set aside, for irregularity, any step taken in the course of any proceedings may be allowed where it is made within a reasonable time and before the party applying has taken any fresh step after the irregularity.	
1	<p style="text-align: center;"><b>ORDER 5</b></p> <p style="text-align: center;"><b>Issue of Originating Process</b></p> <p>Originating process shall be prepared by a claimant or his legal practitioner and shall be clearly printed on opaque A4 paper of good quality. No originating process shall be handwritten except with the leave of Court.</p>	Preparing of originating process
2	<p>(a) The Registrar shall seal every Originating Process upon payment of necessary fees whereupon it shall be deemed to be issued. No process shall be accepted for filing when all necessary fees have not been paid.</p> <p>(b) A claimant or his legal practitioners shall on presenting any originating process for sealing leave with the Registrar Seven (7) copies for the court and as many copies of the process as there, are defendant to be served and one copy for endorsement of service on each defendant.</p> <p>(c) Each copy shall be signed by the legal practitioner or by a claimant where he sues in person and shall be certified after verification by the Registrar as being a true copy of the original process filed.</p>	Sealing of originating process
3	The Registrar shall after seal an Originating Process, file it and note	What is to be done after sealing

	<p>(d) When a process electronically through the electronic filing system, a copy of the originating process shall be filed by the claimant or his legal practitioner with the registrar and shall supply the phone number or/and the SJC Chamber email address of the defendant.</p> <p>(e) a copy of the originating process duly signed and stamped by the registrar shall then be served via SJC Chamber email or WhatsApp number provided.</p> <p>On it the date of filing and the number of copies supplied by a claimant or his legal practitioner for service on the defendants. The Registrar shall then make an entry of the filing in the cause book and identify the action with a suit number that may comprise chronological number, month and year of filing.</p>	Copies to serve
4	<p>Where the necessary Court Bailiff service fees have been paid by the claimant who filed the action, the Registrar shall promptly directs the court Bailiff to effect personal service on each defendant of a copy of the originating process and accompanying document duly certified. Service may be effected by legal practitioner where authorized in writing.</p>	
5	<p>(a) The life span of every Originating Process shall be two (2) weeks</p> <p>(b) If the Court is satisfied that it has proved impossible to serve an originating process on any defendant within its life span and a claimant applies before its expiration for renewal of the process the court may renew</p>	Renewal of originating process

<p><b>6</b></p>	<p>the original or concurrent process for one (1) week from the date of such renewal. 5 days</p> <p>Where an originating process is lost after issue the court, upon being satisfied of the loss and of the correctness of the process, may order a copy to be filed and sealed in place of the lost Originating Process upon an application by the party involved and upon payment of necessary</p>	<p>Loss of originating process</p>
<p><b>1</b></p> <p><b>2</b></p>	<p style="text-align: center;"><b>ORDER 6</b> <b>Service of Originating Process</b></p> <p>Service of originating process shall be made by the Court Bailiff or other officer of the Court as the Chief Judge may appoint. The Chief Judge may also appoint any other person to serve</p> <p>Court processes and such person shall be called a 'Process Server'. The party suing shall act as pointer to the Court Bailiff or the Process Server as the case may be.</p> <p>(a) Where a party is represented by a legal practitioner, service of court process may be made on such legal practitioner or on a person under his control upon authorization in writing.</p> <p>(b)The process server shall serve an originating process by delivering to the party to be served a copy of the process duly certified.</p>	<p>On whom may effect service of originating process</p> <p>Service of originating process, etc.: How affected</p> <p>Mode of service: When not personal</p>

3	<p>All process in respect of which personal services is not expressly required by any of these Rules or any applicable law shall be sufficiently served if left with the roommate of the person upon whom services is to be effected or pasted on the door of the last known hostel address of the person upon whom service is to be effected. Where the person upon whom service is to be effected does not reside or has never resided in any of the AAUA hostels or within Akungba and its environs, it shall be sufficient substituted service to personally serve President/Vice the process on his incumbent Class Representative/Assistant Class Representative, Department, President / Vice President/ Secretary-General/ HOR Speaker or Faculty President/Secretary-General/HOR Speaker.</p>	
4	<p>Where personal service of an originating process is required by any of these Rules or otherwise and the court is satisfied that prompt personal service cannot be effected, the court may upon application by the claimant make such order for substituted services as may seem just. Every application to the court for substituted or other service, or for the substitution of notice for service shall be supported by an affidavit setting out the grounds upon which the application is made.</p>	Substituted service
5	<p>Where a person to be served whether alone or in concert with others resists service or applies or threatens violence to the process server or otherwise expressly or impliedly refuses</p>	Refusal of Personal service in general and when violence threatened

	<p>personal service to be effected upon him, the process server may leave process within the reach of the person to be served and this shall be deemed good and sufficient service for all purposes.</p>	
<p><b>6</b></p>	<p>(a)After serving any process, the process server shall promptly depose to and file an affidavit setting out the facts, date, time, place and mode of service, describing the process served and shall exhibit the acknowledgement of service.</p> <p>(b) After service the affidavit shall be prima facie proof of service.</p>	<p>Proof of service</p>
<p><b>7</b></p>	<p>The party requiring service of any process shall pay in advance all costs and expenses of and incidental to service.</p> <p>The rate for service shall be as directed by the Chief Judge.</p>	<p>Expenses of service</p>
<p><b>8</b></p>	<p>Service of originating and other processes, pleadings, notices, summons, orders and documents whatsoever shall be effected between the hours of six (6:00 AM) in the morning and ten (10:00PM) in the evening including weekends.</p>	<p>Time of service</p>
<p><b>9</b></p>	<p>A register shall be kept by the Court Bailiff or Process Server for recording service of process by any process server.</p> <p>Where any process was not served the cause of failure shall be recorded in the register. Every entry in such register or certified copy thereof shall be prima facie evidence of the matter stated therein.</p>	<p>Recording of service</p>



**ORDER 7**  
**Appearance**

<b>1</b>	<p>(a) A defendant served with an originating process shall within five (5) days file with the Registrar the original and a copy of a duly completed and signed memorandum of appearance as in Form 3 with such alterations as the Chief Judge may allow in writing.</p> <p>(b) On receipt of the memorandum of appearance, the Registrar shall make entry thereof and the date he/she received as it return the sealed copy to the person making the appearance.</p>	Mode of entry of appearance: Form 3
<b>2</b>	<p>A defendant appearing in person shall state in the memorandum of appearance his address as well as his address for service and mobile telephone number. Where a defendant appears by a legal practitioner, the legal practitioner shall state his chambers and address for service and mobile telephone number or his chamber email address</p>	Defendant appearing in person or represented by legal practitioner
<b>3</b>	<p>The Registrar shall not accept any memorandum of appearance which does not contain an address for service.</p>	Memorandum without address
<b>4</b>	<p>If two or more defendants appear through the same legal practitioner the memorandum of appearance shall include the names of all defendants so appearing.</p>	Defendants appearing through same legal practitioner
<b>5</b>	<p>If a defendant files an appearance after the time prescribed, he shall pay to the, court an</p>	Failure to enter appearance on time

	additional fee of One thousand naira (N1,000.00) only for each day of default.	
	<b>ORDER 8</b>	
	<b>Default of Appearance</b>	
1	Where any defendant fails to appear, a claimant may proceed upon default of appearance under the appropriate provisions of these Rules.	Default of appearance
2	Where the claim in the originating process is a liquidated demand and the defendant or all several defendants fail to appear, a claimant may apply to the Court for judgment for the claim on the originating process or such lesser sum and interest as the court may order.	Liquidated demand
3	Such judgment shall be liable to be aside upon an application to the Court.	Setting aside default judgment
	<b>ORDER 9</b>	
	<b>Summary Judgment</b>	
1	Where a claimant believes that there is no defense to his claim, he shall file alongside his originating process the statement of claim, the exhibit, the deposition of his witnesses and an application for summary judgment which application shall be supported by an affidavit stating the grounds in respect thereof.	Where claimant believes there is no defense to his claim
2	A claimant shall deliver to the Registrar as many copies of all the process and documents referred to in Rule 1 of this Order as there are many defendants.	Delivery of extra copies

<p>3</p>	<p>Service of all process and documents referred to in Rule 1 of this Order shall  documents be effected in the manner provided under Order 6.</p>	<p>Manner of service of processes and</p>
<p>4</p>	<p>Where a party served with the processes and documents referred to in Rule 1 of this Order intends to defend the suit he shall not later than ten (10) days file. A statement of defence; Depositions/statements on oath of witnesses to be called: (c) Exhibits to be used in his defence.</p>	<p>Where defendant intends to defend</p>
<p>5</p>	<p>Where it appears to the Court that a defendant has a good defence and ought to be permitted to defend the claim he may be granted leave to defend upon payment of such costs as may be ordered by the Chief Judge. Where it appears to the Court that the defendant has no good defence the Court may thereupon enter judgment for the claimant.</p>	<p>Where defendant has good or has no good defence</p>
<p>1</p>	<p style="text-align: center;"><b>ORDER 10</b> <b>Application for Account</b></p> <p>Where in an originating process a claimant seeks an account or where the claim involves taking an account if the defendant either fails to appear or after appearance fails to satisfy the court that there is a preliminary question to be tried, the Court shall upon the claimant's application make an order for the proper account with all necessary inquiries and directions.</p>	<p>Order for account</p>

<p>2</p>	<p>An application for account shall be supported by an affidavit filed on a claimant's behalf stating concisely the grounds of his claim to an account. The application may be made at any time after the time prescribed for defence.</p>	<p>Application how made</p>
<p>3</p>	<p>Where an order is made for account under this Order the account may be taken by Referee appointed by the court.</p>	<p>Account may be taken by referee be</p>
<p>1</p>	<p style="text-align: center;"><b>ORDER 11</b> <b>Parties Generally</b></p> <p>All persons may be named claimants in whom any right to relief(s) is alleged to exist whether jointly or severally and judgment may be given for such claimant(s) as may be found to be entitled to relief and for such relief as he or they may be entitled to without amendment.</p>	<p>Persons claiming jointly or severally</p>
<p>2</p>	<p>Where an action has been commenced in the wrong person as claimant or where it is doubtful whether it has been commenced in the name of the right claimant, the court may order the substitution or addition of any other person as claimant on such terms as may be just.</p>	<p>Action in the name of wrong claimant</p>
<p>3</p>	<p>Any person may be joined as defendant against whom the right to any relief is alleged to exist, whether jointly severally or in the alternative, judgment may be given against one or more of the defendants as may be found to be liable according their respective liabilities without any amendment.</p>	<p>Joinder of parties</p>

<p>4</p>	<p>Where an action has been instituted against a wrong defendant or where the name of the defendant has been incorrectly stated the court may upon application strike out or order a substitution or addition of any person as defendant or correction of any such name on any term as maybe just.</p>	<p>Action in the name of wrong defendant</p>
<p>5</p>	<p>It shall not be necessary that every defendant shall be interested as to all the relief prayed for or as to every cause of action included in any proceeding against him.</p>	<p>Defendant need not be interested in all the reliefs sought</p>
<p>6</p>	<p>Where a claimant is in doubt as to the person from whom he is entitled to redress he may join two or more defendants to the intent that the question as to which if any of the defendant is liable and to what extent may be determine as between all parties.</p>	<p>Where a claimant is in doubt as to the defendant</p>
<p>1</p>	<p style="text-align: center;"><b>ORDER 12</b> <b>Pleadings</b></p> <p>(a) A statement of claim shall concisely state the relief(s) or remedy to which a claimant claims to be entitled.</p> <p>(b) A defendant file statement of defence, set off or counterclaim if or any not later than five (5) days after service on him of the claimant's counter-claim: originating process and accompanying documents. A counter-claim shall have the same effect as a cross action so as to enable the Court pronounce a final judgment in the same proceedings. A set off must be specifically pleaded.</p> <p>(c) A claimant shall within three (3) days of the services of the statement of defence and</p>	<p>Filing of pleadings</p> <p>Time within which to file statement of defence, set off or counter-claim</p> <p>Effect of a counterclaim</p> <p>Time within which to file reply to statement of defence or counterclaim</p>

	counter-claim if any, file his reply if any to such defence or counter claim.	
2	Every pleading shall contain a statement in a summary form of the material facts on which the party pleading relies for his claim or defence as the case may be but not the evidence by which they are to be proved and shall when necessary be divided into paragraphs which shall be numbered consecutively. Date sums and numbers shall be expressed in figures. Pleadings shall be signed by a legal practitioner or by the party if he sues or defends in person.	Pleadings to state material facts and not evidence
3	In all cases in which the party pleading relies on any misrepresentation, fraud, breach of trust willful default or undue influence; and in other cases in which particulars may be necessary, such particulars (with dates and items if necessary) shall be stated in the pleading.	Particulars to be given where necessary
4	Every allegation of fact in any pleading if not specifically denied in the pleadings of the opposite party shall be taken as admitted except as against a person under legal disability. A general denial in any pleadings shall not operate as denial of any specific fact in the pleadings of the opposing party.	Denial
5	Each party shall specify distinctly in his pleading any condition precedent, the performance or occurrence of which is intended to be contested.	Condition Precedent

<p><b>6</b></p>	<p>All grounds of defence or reply which makes an action not maintainable or if not raised will take the opposite party by surprise or will raise issues of facts not arising out of the preceding pleadings shall be specifically pleaded.</p>	<p>Pleading of certain facts</p>
<p><b>7</b></p>	<p>No pleading shall raise any new ground of claim or contain any allegation of fact inconsistent with the previous pleadings of the party pleading the Same.</p>	<p>Pleadings to be consistent</p>
<p><b>8</b></p>	<p>A party may by his pleadings join issues upon the pleadings of the opposing party and such joinder of issues shall operate as a denial of every material allegation of fact in the pleading upon which issues are joined except any fact which the party may be willing to admit.</p>	<p>Joinder of issues</p>
<p><b>9</b></p>	<p>Whenever the content of any documents are material, it shall be sufficient in any pleading to state the effect thereof as briefly as possible without setting out the whole or any part thereof unless the precise words of the document or any part thereof are material.</p>	<p>Effect of documents to be stated</p>
<p><b>1</b></p>	<p style="text-align: center;"><b>ORDER 13 Amendment</b></p> <p>A party may amend his originating process and pleadings at any time before trial and not more than once during the trial but before the close of the case.</p>	<p>Time to time amendment of originating process</p>

2	Application to amend may be made to the court; but such application shall be supported by an exhibit of the proposed amendment and may be allowed upon such term as to costs or otherwise as may be just.	Application to amend originating process
3	Where any originating process and or a pleading is to be amended a list of any additional witness to be called together with his written statement on oath and a copy of any document to be relied upon consequent upon such amendment shall be filed with the application.	Amendment of originating process
4	If a party who has obtained an order to amend does not amend within two days, such party shall pay additional fee of three hundred naira (N300) for each day of default.	Failure to amend after order to amend
5	Whenever, any originating process or pleadings is amended, a copy of the ling and service document as amended shall be filed in the registry and additional copies served on all the parties to the action.	Effect of Filing and service of amended processes
6	Whenever any endorsement or pleading is amended, it shall be marked in the following manner. Amended this..... Day of..... Pursuant to order 13 of the SJC Rules (name the Chief Judge and the other judges sitting with him) dated this.....Day of.....	Date of order and amendment to be displayed
7	Subject to the provision of Rule 1 of this Order, the Court may at any time and on such	General powers to amend



	terms as to cost or otherwise as may be just, amend any defect or error in any proceedings.	
	<b>ORDER 14</b> <b>Proceeding at Trial</b>	
<b>1</b>	When a cause or a suit has been called up for hearing and neither party appears, the Court shall, unless there are good reasons to the contrary, strike out the suit.	Non-appearance both parties
<b>2</b>	When a matter is called for hearing and the claimant is in appearance but the defendant is in default of appearance, the claimant may prove his claim so far as the burden of proof lies upon him.	Effect of defendants' lack of appearance
<b>3</b>	When a matter is called up for hearing and the defendant is in appearance but the claimant is in failure of appearance, defendant shall, where he has no counter-claim, be entitled to judgment dismissing the action; but where the defendant has a counter-claim, he may proceed to prove such counter-claim so far as the burden of proof lies upon him.	Non-appearance of claimant
<b>4</b>	(a) Where a cause is struck out under Rule 1 of this order, either party may apply that the cause be relisted in the cause list on such terms as the Chief Judge may deem fit. (b) Any judgment obtained where any party does not appear at the trial may be set aside by the Court upon such terms as it may deem fit. (c) An application to relist a cause or matter struck out or to set aside a default judgment shall be made within three (3) days after the	Relisting a matter  Setting aside a default judgment  Relisting of a matter struck out or setting aside of a default judgment:

	<p>delivery of the order/judgment or such other larger period of time as the Court may allow.</p>	
<p><b>5</b></p>	<p>The Court may, if it thinks it expedient in the interest of equity and Justice adjourn a trial for such time and upon such term if any, as it shall deem fit at the instance.</p>	<p>Adjournment by court</p>
<p><b>6</b></p>	<p>Only two applications for adjournment by either party will be granted in the interest of equity and justice during and throughout the trial of any</p>	<p>Adjournment by parties</p>
<p><b>7</b></p>	<p>The order of proceeding at the trial of a matter shall be as prescribed in Order of the following rules:</p> <p>(a) The party in whom the burden of proof lies by the nature of the issues or question between the parties shall begin.</p> <p>(b) When the party who shall proceed and lead evidence, although present in court either in person or through Counsel, fails to proceed or call his witness the court may suo motu or upon an oral application from the other party close the case for the defaulting party and call upon the other party to proceed with his case so far as the burden of proof lies upon him.</p> <p>(c) Trial of cases shall continue de die in diem until conclusion subject to the convenience of the Court where applicable; and the Chief Judge may insist that the trial of one case shall be concluded before the taking up of another case by the court.</p> <p>(d)The Court may carry on with the trial of two or more cases together on daily basis until</p>	<p>Order of proceedings</p>

	<p>conclusions thereof if convenient to the Court and sanctioned by the Chief Judge.</p> <p>(e) There shall be no long adjournments in between trials. Counsel engaged in a case who is unable to attend Court shall arrange for an associate Counsel to proceed with the trial in his absence in order to avoid undue Delay</p> <p><b>8</b> Documentary evidence shall be put in and may be read or taken as read by consent.</p> <p><b>9</b> (a) A party who desires to call a witness not being a witness whose deposition on oath accompanied his pleading shall apply to the Court for leave to call witness.  (b) An application for leave in sub-rule (a) above shall be accompanied by the deposition on oath of such witness.</p> <p><b>10</b> (a) A party shall close its case when such party has concluded its evidence. Either the claimant or defendant may make oral application to have the case closed.  (b) Notwithstanding the provisions of sub-rule (a) of this Rule, the Court may suo motu close a case for party where the party fails to conclude his case within a reasonable time.</p> <p><b>11</b> (a) The Clerk shall take charge of every document or object put in as an exhibit during the trial of an action and shall mark or label every exhibit with letter or letters indicating the party by whom the exhibit is put in and the chronological order in which the exhibit was brought.</p>	<p>Clerk to take charge of exhibits</p>
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	<p>(b) The Clerk shall cause a list of all exhibits in the action to be made.</p> <p>(c) The list of exhibit when completed shall form part of the record of the trial. For the purpose of this a bundle of documents may be treated and counted as one exhibit.</p>	
<b>12</b>	<p>Upon the close of the case for the parties in a suit, the suit may be adjourned for final address to such day as the Court may direct.</p>	Final address
<b>13</b>	<p>Subject to the provisions of Rule 12 above, when the party beginning has concluded his evidence, the Court shall ask the other party whether he intends to call evidence.</p> <p>Where the other party does not intend to call evidence, the party beginning shall within three (3) days file a final written address.</p>	Procedure as to calling of evidence
<b>14</b>	<p>Upon being served with the written address, the other party shall not address more than three (3) days file his own address. Where the other party calls evidence he shall within three (3) days after the close of evidence file a written address. Upon being served with the other party's written address the party beginning shall within two (3) days file his own written address.</p>	Filing of written address
<b>15</b>	<p>The party who files the first written address shall have a right of reply on points of law only. The reply shall be filed within two (2) days.</p>	

<p><b>16</b></p> <p><b>17</b></p> <p><b>18</b></p>	<p>The Court may suo motu or on application by either party strike out any proceeding not being prosecuted diligently</p> <p>In a exception circumstance where it is impossible for the court to sit and hear matters physically, the court shall order for a virtual hearing</p> <p>For a Virtual hearing to be valid:</p> <ul style="list-style-type: none"> <li>• Parties to the suit must be duly notified 48hrs before the virtual hearing</li> <li>• All Judges must be dressed in official wears i.e White top and bib with or without Judges robe</li> <li>• Notice of hearing must be served publicly</li> <li>• The Medium for the Virtual hearing must be agreed to by both parties</li> <li>• The medium to be used is either Zoom or Google meet</li> <li>• The proceeding must be recorded and evidence of such proceeding kept for reference purpose</li> <li>• Only Oral Evidence can be given in virtual hearing andno other type of Evidence can be presented</li> </ul>	<p>Application to strike out a suit for want of diligent prosecution</p> <p>Virtual hearing</p> <p>What makes a virtual hearing valid</p>
<p><b>1</b></p> <p><b>2</b></p>	<p style="text-align: center;"><b>ORDER 15</b></p> <p style="text-align: center;"><b>Filing Of Written Address</b></p> <p>This order shall apply to all applications and final address.</p> <p>A written address shall be printed on white opaque A4 paper and set out in logical paragraphs numbered serially.</p>	<p>Application address</p>

<p><b>3</b></p>	<p>The written address shall contain:</p> <p>(i) The claim or application on which the address is based.</p> <p>(ii) A brief statement of the facts with reference to the exhibits attached to the application or tendered at the trial</p> <p>(iii) The issues arising from the evidence.</p> <p>(iv) A succinct statement of argument of each legal issue raised; and incorporating the purport of the authorities referred to together with the full citations thereof.</p>	<p>Content of written address</p>
<p><b>4</b></p>	<p>All written address shall be concluded with a numbered summary of the point raised and the party's prayer(s). A list of all authorities referred to shall be submitted with the written address.</p>	
<p><b>5</b></p>	<p>Oral argument of not more than thirty (30) minutes may be allowed to each party.</p>	<p>Time allowed for address</p>
<p><b>6</b></p>	<p>Where a party fails to file a written address, he shall be deemed to have nothing to urge the court and shall not be heard in oral argument.</p>	<p>Failure to file written address</p>
<p><b>7</b></p>	<p>Each party shall file his written address at the Registry together with his statement of claim/defence and cause a copy thereof to be served on the adverse party before the date slated for hearing. The doctrine of frontloading shall apply to every action or defence thereto filed at the Registry of the court.</p>	<p>Doctrine of frontloading to apply in all proceedings before the AAUASU, SJC.</p>

<p><b>8</b></p>	<p>Where a defendant to suit intends to raise preliminary objections or otherwise enter conditional appearance, he shall nevertheless file his statement of defence alongside his preliminary objections in his memorandum of defence. Where the defendant fails to file his statement of defence but proceeds to file his preliminary objections alone in his memorandum of defence and the preliminary objections fails at the hearing of the suit; the court shall, upon the application of the claimant or suo motu, be entitled to enter default judgment against the defendant on the substance of the suit and may refuse his application for an adjournment.</p>	<p>Effect of a defendant's failure to comply with the doctrine of frontloading.</p>
<p><b>9</b></p>	<p>When a preliminary objection is upheld by the court and it goes to the root of the action and which can cause a substantial injustice or occasion miscarriage of justice, the court shall order the case to be struck out</p>	<p>Handling Preliminary objection</p>

<b>ORDER 16</b>		
<b>EVIDENCE GENERALLY</b>		
<b>1</b>	<p>(a) Subject to these rules and any enactment relating to evidence as applicable in the SJC Court of AAUA, any fact required to be proved at the trial of any action shall be proved by written disposition and oral examination of witness in open court.</p> <p>(b) All agreed documents or other exhibit shall be tendered from the Bar or by the party where he is not represented by a legal practitioner.</p> <p>(c) The oral examination of witness during his evidence -in- chief shall be limited to confirming his written deposition and tendering in evidence all disputed documents or other exhibit referred to in the deposition</p> <p>(d) Real evidence shall be tendered during the trial.</p>	Facts, how proved
<b>2</b>	Save where the court- for special reasons- otherwise orders or directs during or before trial, no document, plan, photograph, or model shall be receivable in evidence at the trial of an action unless it has been filed a long with the pleadings of the parties under these Rules.	Limitation to use documentary evidence
<b>3</b>	Certified true copies (not office copies) of all writs, processes, records, pleadings and documents filed at the Registry of the SJC shall be admissible in evidence in all matters to the same extent as the original would have been admissible, and it shall not be necessary for the Registrar or any other officer of the Court to attend the trial proceedings solely for the purpose of tendering copies of the document.	Certified copies admissible in evidence
<b>4</b>	The Court may at any stage of any proceedings order the attendance of any person for the purpose of being	Subpoena ad testificandum and subpoena ad duces tecum



	examined or of producing any writing or other document named in the order.	
<b>5</b>	Any person willfully disobeying any order requiring his attendance for the purpose of being examined or producing any document shall or be in contempt of court and may be dealt with accordingly.	Disobedience of subpoena: When amounts to contempt.
<b>6</b>	Any person required to attend for the purpose of being examined or of producing any document shall be entitled to payment for expenses and loss of time and occasioned by his attendance	A person subpoenaed: When entitled to expenses.
<b>7</b>	A party may by subpoena ad testificandum or subpoena ad duces tecum require the attendance of any witness before an officer of the court authorized by the Chief Judge for the purpose of using his evidence upon any proceeding in the matter in like manner as such.	Attendance of witness under subpoena before an officer of the court.
<b>8</b>	Witness would be bound to attend and be examined at the hearing or trial and any party or witness having made an affidavit to be used in any proceeding in the matter shall be bound on being so subpoenaed to attend before such officer or person for cross examination.	Witness under subpoena: When conduct amounts to contempt of court.
<b>9</b>	Where any person duly summoned by subpoena to attend for examination refuses to attend or if having attended refuses to be sworn in or to answer any lawful question shall be in contempt of court and may be dealt with accordingly.	Subpoenas to either being Form 4 or 5.
<b>10</b>	A subpoena shall be in one of Form 4 or 5 with such variations as circumstance may require, provided	

	such variations are authorized by the Chief Judge upon an application to him in writing.	
<b>11</b>	A subpoena shall be served personally unless a substituted service has been ordered by the Court in a case where a party persistently evades services. The provision of order 6of these Rules shall so far as possible apply to service and proof of service of subpoena.	Personal service of subpoena
<b>ORDER 17 AFFIDAVIT</b>		
<b>1</b>	Upon any motion, petition, summons or other applications evidence may be given by affidavit but the Court may have to suo muto or upon an application order the attendance for cross examination of the deponent and where after such an order has been made the person in question does not attend, his affidavit shall not be used as evidence save by special leave and upon such terms as the Court may deem fit.	Evidence of motion
<b>2</b>	Every affidavit shall bear the title in the matter in which it is shown but in every case in which there is more than one claimant or defendant, it shall be sufficient to state the full name of the first claimant or the defendant respectively.	Use of defective affidavit
<b>3</b>	Subject to the provision of the Evidence Act, the Court may receive any affidavit sworn for the purpose of being used in any cause or matter notwithstanding any defect by mis-description of parties or otherwise in the title or any irregularity in form thereof.	

<p><b>4</b></p>	<p>The provisions of Section 107-120 of the Evidence Act, 2011 which set out provision governing the admissibility of affidavit shall be applicable under these Rules.</p>	
<p><b>ORDER 18</b></p> <p><b>NON SUIT</b></p>		
<p><b>1</b></p>	<p>When satisfactory evidence is not furnished to entitle the claimant or defendant to the judgment of the court, the court may suo motu or on application of non-suit by the claimant Order a non-suit, but the parties' legal practitioners shall have the right to make submissions about the propriety or otherwise of making such order.</p>	<p>Power of the court to order a non-suit.</p>
<p><b>2</b></p>	<p>The Court may upon a motion for a new trial or review of judgment, order a non-suit or judgment to be entered although no leave has been reserved at the trial.</p>	
<p><b>ORDER 19</b></p> <p><b>MOTIONS AND OTHER APPLICATIONS</b></p>		
<p><b>1</b></p>	<p>(a) Every application shall be by way of motion on notice.  (b) Unless otherwise provided by the Rules in every situation where an application is authorized to be made, such application shall be made by way of motion on notice.  (c) Except with the leave of Court, no oral application shall be heard  (d) When the other party intends to oppose the application, he shall within two(2) days of the service</p>	<p>Commencement of actions by the way of motions:  How done.</p>

	<p>on him on such application file in the Registry his opposing and may accompany it with affidavit</p> <p>(e) The application may in being served with the written address of the opposing party file and serve an address in reply of point of law within 2 days. An affidavit may file better affidavit where a counter affidavit is served.</p>	
<b>2</b>	<p>(a) Subject to these rules interlocutory applications may be made at any state of action.</p> <p>(b) Motions may be made either ex parte or no notice to the parties to be affected thereby</p>	
<b>3</b>	<p>(a) Every motion shall be supported by an affidavit setting out the grounds on which the party moving intends to rely on at the hearing and shall be deemed not duly filed where it fails to contain an affidavit as provided under this Rule.</p> <p>(b) Every action shall be supported by a written address.</p>	
<b>4</b>	A motion may be heard at any time while Court is sitting.	Hearing of motion
<b>5</b>	A motion may only be made ex-parte where the Court is satisfied that to delay the motion until notice is given to the parties affected would entail irreparable damage or serious mischief to the party moving the motion.	Ex-Parte motion
<b>6</b>	A motion ex-parte shall be supported by an affidavit which in addition to the requirement of Rule 3 of this order shall state sufficient grounds why delay in granting the order sought would entail irreparable damage or serious mischief to the party moving the motion.	

<p><b>7</b></p>	<p>Any party moving the Court ex-parte shall support his motion by argument addressed to the court on the facts put in evidence and no party to the suit (although present in court) other than the party moving the motion, shall be entailed to be heard by the court. The court may also hear a motion ex-parte in chambers where the prevailing circumstances demand.</p>	
<p><b>8</b></p>	<p>Where a motion is made ex-parte, the Court may make or refuse to make the order sought; or may make an order to show the Court why the order should be made; or may direct the motion to be made on notice to the parties to be affected thereby.</p>	<p>Order to show cause</p>
<p><b>9</b></p>	<p>(a) Where an order is made on a motion ex-parte, any party affected thereby may within two (2) days after notice of the order apply to the Court by motion to vary or discharge it and the court may on notice to the party obtaining the order either refuse to vary or discharge it or may vary or discharge it with or without terms as to cost.</p> <p>(b) No motion ex-parte shall be granted unless it is filed simultaneously with a motion on notice. Any motion so granted shall be null and void.</p>	
<p><b>10</b></p>	<p>(a) No order made on a motion ex-parte shall last for more than seven (7) working days.</p> <p>(b) An order as referred to in Sub-Rule (a) above may be renewed for another three (3) working days by the Court upon the application of the party in whose favor the order was made.</p>	
<p><b>11</b></p>	<p>An order to show cause as envisaged in Rule 8 shall specify a day when cause is to be shown and which</p>	

	day shall be called the return day to the order which shall ordinarily be not less than two (2) days after service.	
<b>12</b>	A person served with an order to show cause may before the return day to contradict the evidence used in obtaining the order.	
<b>13</b>	If the person served appears or the Court is satisfied that services has been duly effected, the Court may proceed with the matter.	
<b>14</b>	On the return day if the person served does not appear and it appears to the court that the services on all proper parties has not been effected the Court may make an order that it seems necessary.	
<b>15</b>	Unless the Court gives special leave to the contrary, there shall be at least two (2) clear days between the service of a motion and a day named in the motion for hearing the motion.	
<b>16</b>	Notice of motion may be by counsel to counsel service or may be served by another person notwithstanding that such person is not an officer of the court provided that proof of such service is tendered in court.	Service of motion
<b>17.</b>	There shall be served along with the notice of motion a copy of any affidavit upon which the party moving the motion intends to rely at the hearing of the motion.	
<b>18.</b>	There shall be served along with the notice of motion a copy of any affidavit upon which the party moving	Examination of witness

<p><b>19.</b></p> <p><b>1</b></p> <p><b>2</b></p>	<p>the motion intends to rely at the hearing of the motion.</p> <p>The court may in addition to or in lieu of affidavit, if it thinks it's very expedient, examine any witness upon summoning any person to attend in order to produce document(s) before the court or to be examined or cross-examined before the Court in like manner as at the hearing of the suit.</p> <p style="text-align: center;"><b>ORDER 20 COMPUTATION OF TIME</b></p> <p>Where by any written law or any special order made by the Court in the course of any proceedings, any limited time from or after any date or event is appointed or allowed for the doing of any act or for the taking of any proceeding and the time is not limited by hours, the following Rules shall apply:</p> <p>(a) The limited time does not include the day of the happening of the event but commences at the beginning of the day next following that day.</p> <p>(b) The act or proceeding shall be done or taken at latest on the day of the limited time.</p> <p>The parties may by consent enlarge or abridge any of the times fixed by the provisions of these Rules for taking any step, filing any document or giving any notice. Such enlargement or abridgment is however subject to the approval of the Court and shall be limited to two (2)days after the explanation thereof.</p> <p>(b) Provided that parties shall not be entitled to enlargement where such enlargement is sought to be filed outside or beyond the limited time.</p>	<p>Calculation of Time.</p> <p>Extension of time by consent of parties.</p>
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<p><b>3</b></p>	<p>(a) The Court may in the interest of learning and justice by order extend or abridge the period within which a person is required or authorized by this provisions or by a judgment order or direction to do any act in any proceedings.</p> <p>(b) The court may extend any such period referred to in Sub-Rule (1) above although the application for extension is not made until after the expiration of that period.</p> <p>(c)Such extension shall be done upon payment of such penalty or cost as may be prescribed by the Court.</p> <p>(d) An application of the court for extension of time shall set forth cogent reasons for failure to complete that act within the stipulated time.</p>	<p>Extension of time by the court</p>
<p><b>ORDER 21</b></p> <p><b>WITHDRAWAL AND DISCONTINUANCE</b></p>		
<p><b>1</b></p>	<p>An application of the court for extension of time shall set forth cogent reasons for failure to complete that act within the stipulated time.</p>	<p>Withdrawal of appearance.</p>
<p><b>2</b></p>	<p>(a) The claimant in an action way may without the leave of the Court discontinue the action or withdraw any particular claim made by him therein as against any or all of the defendants at any time not later than three (3) days after service of the defense on him; or where there are too or more defendant (s), within three (3) days of the defense last served by filing in the Court Registry a notice to that effect. The Registrar shall cause a copy of that notice to be served on the defendant within two (2) days of the receipt thereof.</p> <p>(b) A defendant may without leave of the court: Withdraw his defense or any part of it at any time.</p>	<p>Withdrawal of claim by plaintiff</p>



	<p>or discontinue a counter claim or any claim made by him.  (c) The condition in Sub-Rule 1 shall apply in the rule.</p>	<p>Withdrawal of defense by defendant</p>
<p><b>3</b></p>	<p>(a) Except as provided in Rule 2 of this order, a party may not discontinue an action without leave of the Court.  (b) An application for the grant of leave under this Rule shall be made by motion.</p>	
<p><b>4</b></p>	<p>The fact that a party has discontinued an action or counter-claim or withdrawn a claim made by him shall not be a defense to a subsequent action for the same or substantially the same cause of action.</p>	<p>Withdrawal of action by claimant: not sufficient to</p>
<p><b>5</b></p>	<p>A party who has taken out a summons or filed a motion in a pending cause or matter may not withdraw it without leave of the court.</p>	<p>continue estoppel</p>
<p><b>ORDER 22</b>  <b>INTERLOCUTORY AND INTERIM INJUCTION</b></p>		
<p><b>1</b></p>	<p>(a)An application for the grant of an injunction may be made by a party to an action before or a Interlocutory and Interim Injunction after the trial in an action whether or not a claim for injunction is included in that parties relief.  (b)Where the applicant is the claimant and the case is one of urgency the application may be made ex-</p>	<p>Application for injunction</p>

	<p>parte on affidavit but except as aforesaid, the application shall be made by motion on notice.</p> <p>(c) The claimant may not make such application before the issue of the process by which the action is begin, except where the case is one of urgency and in that case the injunction applied for may be granted on terms providing for the, issue of the process and services together with the ex-parte order obtained on the defendant.</p> <p style="text-align: center;"><b>ORDER 23</b></p> <p style="text-align: center;"><b>APPLICATION FOR JUDICIAL REVIEW</b></p> <p><b>1.</b> An application for an order of mandamus or prohibition; or an injunction restraining a person from acting in any office in which he's not entitled to act shall be made by way of an application for judicial review in accordance with provisions of this Order.</p> <p><b>2</b></p> <p>(a) No application for judicial review shall be made unless the leave of the Court has been obtained in order to this Rule.</p> <p>b) An application for leave shall be made ex-parte to the court and shall be supported by :</p> <p>i)A statement setting out the name and description of the applicant, the relief(s) sought and the grounds on which it is sought and</p> <p>ii) An affidavit to be filed with the application verifying the facts relied upon.</p> <p>c)The application may be filed and heard the same day.</p> <p><b>3</b> When leave has been granted to make an application for judicial review, the application shall be made by way of originating motion.</p>	<p>Proceedings which must be commenced by way of an application for judicial review</p> <p>Originating motion</p>
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<p><b>4</b></p>	<p>The notice of motion shall be served on all persons directly affected thereby.</p>	<p>Service of motion</p>
<p><b>5</b></p>	<p>(a) Unless the Court granting leave has otherwise directed, there shall be at least three( 3) working days between the notice of the motion and the day named therein for the hearing.  (b) Where upon the hearing of the motion the court is of opinion that any person who ought to have been served has not been served that court may adjourn the hearing on such term as it may direct in order that the notice may be served.</p>	
<p><b>6</b></p>	<p>(a) Copies of the statement in support of an application for leave under Rule 2 shall be served with the notice of the motion.  (b) The Court may in the hearing of the motion allow the applicant to amend his statement.  (c) Where the applicant intends to apply for leave to amend his statement or to use other affidavits, he shall give notice of his intention and any proposed amendment to any other party.</p>	
<p><b>7</b></p>	<p>(a) On the hearing of any motion under Rule 23, any persons who desires to be heard in opposition to the motion and appears to the Court to be a proper person to be heard, shall be heard notwithstanding that he has not been served with the notice of the motion and such person shall apply to be heard by way of motion on notice  (b) Where the relief sought is a declaration, an injunction or damages and the Court considers that it should not be granted on an application for judicial review, but might have been granted if it had been sought in an action begun by writ by the applicant at</p>	

	<p>the time of making his application, the court may instead of refusing the application order the proceeding to continue as if they had begun by writ.</p> <p><b>8</b> (a) No action or proceeding shall be begun or prosecuted against any person in respect of anything done in obedience to an order of mandamus.  (b) Any person who knowingly and willfully institute an action or proceeding against any person who has done everything in obedience to an order of mandamus shall be made by the court to pay a fine, and the cost of litigation of the party who had done an action in obedience to the order of mandamus .</p> <p><b>9</b> In any application under this order the person making the application shall be described as the applicant and the person or persons against which the relief or the reliefs are sought shall be described as the respondent or respondents as the case may be.</p> <p style="text-align: center;"><b>ORDER 24  JUDGEMENT</b></p> <p><b>1</b> The decision or judgment in any suit shall be in writing and shall be delivered in court at the conclusion of the evidence and final address either in the same day or to be reserved for a future date not exceeding one (1) week .</p> <p><b>2</b> Where the court reserves judgment at the hearing; parties to the suit shall be given notice to attend and hear judgment provided the court at the hearing states the date on which judgment will be delivered In which case there shall be no further notice</p>	<p>Judgment: How made.</p>
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<p><b>3</b></p>	<p>The Court shall not order the successful party in a suit to pay to the unsuccessful party the cost if the whole suit.</p>	
<p><b>4</b></p>	<p>The court may in special circumstances beyond its control transmit judgment electronically through its website by uploading the judgment and notifying the parties through an official medium and notifying the students populace through a memo. Special circumstance in this case refers to strike, unforeseen closure of the university or an act of God</p>	
<p><b>ORDER 25</b> <b>FEES</b></p>		
<p><b>1</b></p>	<p>The fees prescribed in the second schedule shall be payable by the third party prosecuting a proceeding or asking for a service as therein provided for in respect of the proceedings.</p>	<p>When fees can waived</p>
<p><b>2</b></p>	<p>Fees may be waived in extreme cases by the Chief Judge on the ground that the person chargeable is not able to pay. Fees may be waived upon an application setting out the ground and facts justifying such waiver provided however that the court may where it thinks fit order any party to pay any fees so waived.</p>	<p>Filing fees not payable where is to be instituted <i>pro bono</i></p>
<p><b>3</b></p>	<p>No fees are to be taken in respect of any proceedings where the Chief Judge is satisfied that such proceedings are to be instituted <i>pro bono</i> by the counsel handling the brief of the claimant.</p>	
<p><b>4</b></p>	<p>Fees shall be paid to the registry of the court and shall be receipted for on the process.</p>	

5	No process on which any fees is payable shall except by special order of the court be issued until all fees payable thereon shall have been paid.	On when payment of filing fees breathes life into a process
6	Every document including copies thereof for or in respect of which any fees shall have been paid shall bear the official seal, stamp and signature of the Chief Judge and an endorsement of the Registrar showing the amount of the fee so paid.	
7	No document in respect whereof a fee is payable shall be used in any legal proceeding unless it shall have been endorsed as aforesaid by the Registrar and bears the official seal, stamp and signature of the Chief Judge.	
8	The chief Judge may from time alter the fees as contained in the second schedule to these Rules as deem fit.	
<b>ORDER 26 COSTS</b>		
1	In fixing the amount of costs, the principle to be observed is that the party who is in the right shall be indemnified for the expenses to which he has been necessarily put in the proceeding as well as compensated for his time and effort in coming to court. The court may take into account all the circumstances of the case including filling fees payable in the registry and professional fees payable to the legal practitioner of the successful party. Where costs are ordered to be paid, the amount of such costs shall, if practicable, be summarily	Principles guiding the fixing of the amount of costs

	determined by the Judge at the time of delivering the judgement or of making the order.	
2	In any case or matter in which security for costs is required, the security shall be if such amount and be given at such times and in such manner and form as the court direct.	Security for costs; how made
3	Where the court orders to be paid or security to be given for cost by any party , the court may order all proceedings by or on behalf of that party in the same suit or proceedings or connected therewith, to be given accordingly, but such order shall not supersede the use of any other lawful method of enforcing payment.	
4	Cost may be dealt with by the court at any stage of proceedings. Cost when ordered by the court, becomes payable forthwith and shall be paid within two days of the order or other time-frame specified by the court, otherwise the defaulting party or his legal practitioner may be denied further audience in the proceedings.	
5	Where the court makes orders as to costs regarding contempt, such costs shall be paid to the Registrar before the end of that day's proceedings, and where this is not paid, such costs shall increase by 100 naira for each day the defaults continues. The court may at a time it considers the default of payment unreasonable, stop the legal practitioner from appearing before any student court and the party may be denied further audience.	Costs for contempt
6	In addition to any penalty payable for default under these Rules the costs of and occasioned by any	Applicant to bear certain costs unless

<p>7</p>	<p>application to extend the time fixed by the Rules or any directions or order thereunder, for delivering or filing any document or doing any other act, including the costes of any order made on the application, shall be borne to the party making the application unless the court order otherwise.</p> <p>(a) Where in any cause or matter anything is done or omission is made improperly or unnecessarily by or on behalf of a party, the court may direct that any cost to that party in respect of it shall not be allowed to him and that any cost occasioned by it to other parties shall be paid by him to them.</p> <p>(b) Without prejudice to the generality of Sub-Rule (a) of this Rule, the court shall for the purpose of that Sub-Rule have regard in particular to the following matter, that is to say:</p> <p>(i) The omission to do anything the doing of which would have been calculated to save costs;</p> <p>(ii)The doing of anything calculated to occasion</p> <p style="text-align: center;"><b>ORDER 27</b></p> <p style="text-align: center;"><b>DRAWING UP OF ORDERS</b></p> <p>1 Every order shall bear the date on which it was made, unless the court otherwise directs and shall take effects accordingly.</p> <p>2 Where an order has been made not embodying any special terms nor including any special direction, by simply enlarging time for taking any proceeding or doing any act or giving leave.</p>	<p>court orders otherwise</p> <p>Punitive costs</p>
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<p>3</p>	<p>(a) For the issue of any writ other than a writ of attachment;  (b) For the amendment of any writ or pleading;  (c) For the filing of any document; or  (d) For any act to be done by any officer of the court other than a legal practitioner, it shall not be necessary to draw up such order unless the court otherwise directs; but the production of a note or memorial of such order signed by the chief Judge shall be sufficient authority for such enlargement if time issue, amendment, filing, or other act.</p> <p>An order or judgement of the court shall bear the seal, stamp and signature of the Chief Judge, it shall in addition be signed and marked with the name of the Judge by whom it was made.</p> <p style="text-align: center;"><b>ORDER 28</b>  <b>Miscellaneous Provisions Court Sitting and Vacation</b></p>	<p>Indorsement of a Judgment order</p>
<p>1</p>	<p>Subject to the provisions of any applicable law, the Chief Judge may, at his discretion, appoint any day(s) and any place(s) from time to time for the hearing of causes as circumstance may require.</p>	<p>Time of hearing</p>
<p>2</p>	<p>The sitting of the Court for the hearing of causes shall ordinarily be public</p>	
<p>3</p>	<p>Subject to the directions of the Chief Judge, sittings of the SJC court for the dispatch of matters will be held on every week day including Saturdays except On any public holiday, during any vacation of the court, during any general vacation period of the University unless the Chief Judge say otherwise.</p>	

4	<p>(a) Notwithstanding the provision of Rule 3 above, any matter may be heard by the Court during a vacation of the SUG High Court where such matter is urgent.</p> <p>(b) An application for accelerated hearing shall be made by motion exparte and the decision of the Court on such an application shall be final and shall not be subject to appeal.</p>	
5	The time for filing and service of pleadings shall not run during vacation period unless otherwise directed by the Court.	No filing and service of pleadings during vacation
6	The Forms in the First Schedule may be used in matters, causes or proceedings to which they are applicable with such variations as circumstance may require, provided that such variations shall be subject to a written approval of the Chief Judge pursuant to an application made to him in writing by the party concerned.	Forms
7	The vacation of the court and of all judicial officers shall commence a week to the semester examinations and shall end on the final day of examinations of the officers' respective faculties.	
<b>GENERAL</b>		
8	Pre-trial conference may be used in some proceedings before the court. The Chief Judge shall, in such proceedings, issue practice directions as to the manner it shall be conducted.	
9	(1) A document shall not be filed unless it has undivided on it the name and number of the cause,	

	<p>the date of filing and whether filed by claimant or defendant; and on being filed such Endorsement shall be filed by the Registrar and recorded in the process register.</p> <p>(2) The Chief Judge may from time to time issue practice directions not inconsistent with the provisions of these Rules for the purpose of effectual compliance with these Rules and the general administrative functions of the Students' Judicial Council. Such directions may be Uploaded on the council's website</p> <p>(3) Where no provision is made by these Rules or by any other applicable written law, the court shall adopt such procedure as will in its opinions facilitate substantial justice between the parties concerned.</p>	
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**GENERAL FORM OF WRIT OF SUMMONS**  
**(0, 2, R, 3)**  
**IN THE COURT OF THE STUDENT'S JUDICIAL COUNCIL, IN THE**  
**ADEKUNLE AJASIN UNIVERSITY JUDICIAL DIVISION**  
**HOLDEN AT AKUNGBA AKOKO**

SUIT NO.....

**Between:**

A.B.....claimant

And

C.D.....Defendant

To C.D of.....in the.....you are Hereby commanded that within five(5) days after the service of this writ on you inclusive of the lay of such service do cause an appearance to be entered for you in an action at the suit of A.B; and take notice that in default of your so doing the claimant may process therein and default judgement may be entered against you in your absence.

DATED this.....day of....20.....

.....  
Registrar

**NOTE:**

This writ is to be served within two weeks from the date thereof, or if renewed, within 1week from the from the date of renewal, including the day of such date, and not afterward.

The defendant may enter appearance personally or by legal practitioner by the appropriate forms duly completed at the registry of the SJC's Court in which the action is bought

Endorsement to be made on the writ before issue thereof: The claimant's claim is for..... The writ was issued by G.H of ..... whose address for service is.....or through his agent who address for service is.....legal practitioner.

**FORM 2**  
**GENERAL FORM OF ORIGINATING SUMMONS**  
**(0,2,R,6)**

**IN THE COURT OF STUDENT'S JUDICIAL COUNCIL, IN THE**  
**ADEKUNLE AJASIN UNIVERSITY JUDICIAL DIVISION HOLDEN**  
**AT AKUNGBA AKOKO**

Suit no.....

Between:

A.B.....claimant

And

C.D.....Defendant

Let.....of.....in..... within five 5 days after service of this summons on him, inclusive of the day of such service, cause an appearance to be entered for him to this summons which is issued upon the application of AB who claims to be (state the nature of the claim) for the determination of the following question:(state the questions)

DATED this.....day of.....20.....

This summons was taken out by .....legal practitioner for the above named.....

**MEMORANDUM OF APPEARANCE**  
**(0,7, R,1)**

**IN THE COURT OF THE STUDENTS' JUDICIAL COUNCIL, IN**  
**THE ADEKUNLE AJASIN UNIVERSITY JUDICIAL DIVISION**  
**HOLDEN AT AKUNGBA AKOKO**

Between:

A.B.....claimant

And

C.D.....Defendant

..... defendant(s)

Please enter an appearance for..... sued as....in this action

DATED the....day of....20....

Signed.....

Whose address for service is.....

NOTE: The defendant must give his or her full name;

Give name by which the defendant is described in the writ if this differs from defendant's full name, otherwise delete word "sued as" and

A defendant appearing in person must give address and state his constituency where he appears by a legal practitioner's address and chambers

**SUBPOENA DUCES TECUM**

**(0,16, R, 9)**

**IN THE COURT OF STUDENT'S JUDICIAL COUNCIL, IN THE  
ADEKUNLE AJASIN UNIVERSITY JUDICIAL DIVISION HOLDEN  
AT AKUNGBA AKOKO**

Between:

A.B.....Claimant

And

C.D.....Defendant

To E.E of .....in the ..... you are Hereby required to attend the Court on....day of.....to tender a document that affect the suit above. Take note that failure to appear on the said date, you shall be in contempt of court.

.....

Registrar

**HEARING NOTICE**

In the case between

.....

And

.....

To:.....

.....

.....

TAKE NOTICE that the above named suit is fixed for hearing on.....the  
.....day of....By the hour of.....O'clock in the.....

DATED this .....Day of.....20.....

.....

Registrar



**AFFIDAVIT OF PERSONAL SERVICE**

This writ was served by me .....on the defendant (state mode of service) on the.....day of.....20.....

.....

(Signed)

.....

Address

Before the writ is issued the following certificate must be indorsed on it :

The Registry,SJC Court, AAUASU

A sufficient affidavit in verification of the endorsement on this writ to authorize the sealing thereof has been produced to me this.....day of .....20.....

.....

(Signature of Registrar)

**ACKNOWLEDGEMENT OF SERVICE**

I,..... acknowledge that on the.....day of.....20.....at(time and place)  
received the following documents

.....

I also acknowledge that I am the person referred to in the sealed copy of the  
originating process.

DATED this.....day of.....20.....

.....

Signature

## **FIRST SCHEDULE**

### **LIST OF FORMS TO THE SCHEDULE**

Writ of summons

Originating summons

Memorandum of Appearance

Subpoena ed Testificandum

Hearing Notice

Affidavit of Service

Acknowledgement of Service

**SECOND SCHEDULE**

**FEES PAYABLE IN THE AAUASU SJC**

**(ORDER 27)**

Filing of any originating process at the Registry .....	1,000
Filing of any motion on notice at the registry .....	1,000
Filing of any motion Ex-parte at the Registry .....	1,000
Swearing of any Affidavit at the Registry .....	300
Tendering of any Exhibit (per exhibit) .....	200
Endorsement of any Subpoena at the Registry .....	200
Certification of a Copy of any documents as True Copy Thereof ....	1,000
Service within AAUA CAMPUS.....	500
Service within AKUNGBA.....	1,000
Payment to a witness on Subpoena.....	1,000

SIGNED UNDER THE HAND AND SEAL OF:

**HON. JUSTICE ELEBUTE AANUOLUWAPO PETER**