

NLS BAR FINALS · REVISION SERIES

MIDE'S GUIDE TO THE CIVIL LITIGATION

Jurisdiction · Commencement · Pleadings · Injunctions · Enforcement · Appeals · Election Petition
Updated for the 2025 FCT High Court Rules

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Compiled for students of the Nigerian Law School. For educational purposes only. Not a substitute for official study materials. In any conflict between this guide and official materials, official materials prevail. 2025 FCT High Court Rules updates are noted throughout.

How to Use This Guide

This guide distills the highest-frequency topics in the Civil Litigation Bar Finals paper, drawing from sittings 2009 to 2024. It is an intelligence layer on top of your class notes — not a replacement for them. Each chapter tells you where the examiner has returned repeatedly, why those topics matter, and what distinctions consistently cost candidates marks.

Where a topic has appeared 10 or more times in the 2009–2024 window, treat it as near-certain in your preparation. Where it has appeared in every sitting, it is not optional revision.

2025 FCT RULES UPDATE

The 2025 FCT High Court Civil Procedure Rules came into force in March 2025. They make significant changes to writ lifespan, appearance timelines, undefended list procedure, written address formatting, and electronic service. These changes are highlighted throughout with a green box wherever they differ from the 2018 Rules. If you are sitting the Bar Finals after March 2025, these rules apply to your Abuja answers.

Three things separate the high-scoring Civil Litigation candidate from the rest: (1) they know the Lagos/Abuja distinctions cold — timeframes, forms, procedures; (2) they draft on instinct — Notices to Quit, Motions on Notice, Statements of Claim are automatic; (3) they never confuse application types — ex parte from on notice, joinder from third party proceedings, summary judgment from default judgment.

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THE MASTER DIAGNOSTIC MAP

Which Process · Which Court · Which Application · Which Timeline

Before writing any Civil Litigation answer, run this map. The examiner's scenario will tell you the cause of action, the stage, and the location. Those three determine everything else.

Cause of Action	Originating Process	Court with Jurisdiction
Declaration of title, land dispute, defamation, breach of contract, probate, recovery of premises (rent > ₦10m Lagos / > ₦7m Abuja)	Writ of Summons	State High Court / FCT High Court
Liquidated money demand ≤ ₦10m (Lagos) / ≤ ₦7m (Abuja)	Writ of Summons or Claim/Plaint	Magistrate Court (Lagos) / District Court (Abuja)
Interpretation of statute or document; pre-election matters	Originating Summons	Federal High Court (pre-election) / State High Court (interpretation)
Enforcement of Fundamental Rights; prerogative orders	Originating Motion	High Court

(mandamus, certiorari, prohibition, habeas corpus)		
Matrimonial causes; winding up; post-election matters	Petition	High Court / Election Tribunal
Federal agencies, CBN/banks, CAMA matters, revenue, currencies, governor's office	Writ of Summons	Federal High Court only
Labour disputes, trade union matters, sexual harassment in workplace	Writ of Summons	National Industrial Court

Motion Ex Parte — When to Use	Motion on Notice — When to Use
Extreme urgency (interim injunction) Where notice would defeat the purpose (garnishee, Anton Pillar, Mareva injunction) Rules require it: third party proceedings; substituted service; service outside jurisdiction; renewal of writ Lifespan: 7 days, renewable for 7 more days	Third party notice; joinder; misjoinder; substitution; extension of time; interlocutory injunction; default judgment; amendment of pleadings; stay of proceedings; stay of execution; injunction pending appeal Lifespan: duration of the suit

CHAPTER 1

JURISDICTION OF COURTS*Substantive, Territorial & Procedural — The Foundation of Every Civil Action***Appeared in Bar Finals:** 2009, 2010, 2011, 2012, 2013, 2016, 2019, 2020, 2021, 2024

Jurisdiction is where civil litigation begins and ends. A court without jurisdiction is a nullity — and so is every order it makes. The examiner returns to this topic because it is conceptually clean and practically treacherous.

The Three Types of Jurisdiction

Type	What It Covers	When to Object
Substantive (Subject Matter)	Determined by parties, cause of action, and constitution of the court. Where parties and cause of action conflict, cause of action prevails	Any time — even for the first time on appeal
Territorial (Venue)	Contract: where executed. Land disputes: where land is situated. Liquidated money demand: where action arose. Matrimonial causes: anywhere in Nigeria	Timeously — failure to raise = waiver
Procedural	Service of processes (Monday–Saturday, 6am–6pm); filing requirements; pre-action notices and certificates; notice to quit in recovery of premises	Timeously — failure to raise = waiver

Exam trigger: 'When can an objection to jurisdiction be raised?' Substantive = any time, even on appeal. Territorial and procedural = timeously, or the right is waived.

Courts and Their Civil Jurisdiction

Court	Key Civil Jurisdiction	Constitution
Supreme Court	Original: disputes between Federation & States, between States, NASS vs President/States	5 Justices generally; 7 for original jurisdiction, constitutional interpretation, FRE, death penalty, or review of own decisions
Court of Appeal	Presidential/VP election matters; vacancy and determination of office of President/VP	3 Justices; 5 for constitutional interpretation

Federal High Court	Federal agencies, CBN/banks, CAMA matters, pre-election matters, revenue, currencies, governor's office	1 Judge
National Industrial Court	Labour disputes, trade union, sexual harassment in workplace, termination of employment	1 Judge; 3 for trade union matters
State High Court	Land, declaration of title, liquidated money demand, probate, defamation, breach of contract	1 Judge
Magistrate Court (Lagos)	Recovery of premises ≤ ₦10m; liquidated money demand ≤ ₦10m	—
District Court (FCT)	Recovery of premises ≤ ₦7m; liquidated money demand ≤ ₦7m	—
Small Claims Court	Liquidated money demand: ≤ ₦5m (Lagos); ≤ ₦4m (Abuja)	—

How to Raise an Objection to Jurisdiction

1. By Notice of Preliminary Objection accompanied by a Written Address
2. By Motion on Notice supported by an Affidavit and Written Address
3. In the Statement of Defence
4. By Oral Application

THE THING MOST CANDIDATES MISS

The Federal High Court has no jurisdiction over simple contract disputes — these belong to the State High Court. This distinction appears in almost every jurisdiction question. CIL 2009, 2024.

CHAPTER 2

COMMENCEMENT OF ACTION

*Writ of Summons · Originating Summons · Originating Motion · Petition***Appeared in Bar Finals:** Every sitting — 2009 to 2024

The commencement question is the most reliable mark in the Civil Litigation paper. It has appeared in every sitting from 2009 to 2024. It tests which originating process to use for which cause of action, what documents accompany each process, and the crucial Lagos/Abuja distinctions on lifespan and renewal.

Which Process for Which Action

Originating Process	Use For
Writ of Summons	Declaration of title, land dispute, liquidated money demand, defamation, probate, recovery of premises, breach of contract — any contentious matter
Originating Summons	Interpretation of statute or document; application for clerical error in judgment; pre-election matters
Originating Motion (Originating Application)	Enforcement of fundamental rights; prerogative orders (mandamus, habeas corpus, prohibition, certiorari)
Petition	Matrimonial causes; post-election matters; winding up

Documents Accompanying a Writ of Summons

- Pleadings (Statement of Claim)
- List of Witnesses
- Witness Statement on Oath
- Documents to be relied upon
 - Lagos: Pre-Action Protocol Form 01
 - Abuja (2025 Rules): Certificate of Pre-Action Counselling signed by counsel and the litigant — Order 2 Rule 8, 2025 Rules (now expressly required for all originating processes)

Lifespan and Renewal — Lagos vs Abuja

Lagos	Abuja (FCT) — 2025 Rules
Lifespan: 6 months	Lifespan: 12 months — Order 8 Rule 6, 2025 Rules (extended from 6 months under 2018 Rules)
Renewal: 3 months + 3 months (two renewals of 3 months each)	Renewal: application must be made within 14 days after expiry; court may renew for a further 6 months from date of renewal

Total lifespan: 12 months	No fixed total — one renewal available for 6 months after 12-month lifespan expires
Renewal by: Motion ex parte + Affidavit. Kolawole v Abesco — may be done after expiry	Application for renewal may be made after expiration, provided it is within 14 days of expiry

2025 FCT RULES UPDATE

Under the 2025 FCT Rules, the writ lifespan increases from 6 to 12 months (Order 8 Rule 6). Renewal is still available but the window to apply is 14 days after expiry — and only one renewal is permitted, for up to 6 months from the date of renewal. This is a material change from the 2018 Rules and is likely to be tested.

Appearance to Writ of Summons

Lagos	Abuja (FCT) — 2025 Rules
42 days — within and outside jurisdiction	21 days — single flat timeline for within and outside jurisdiction (Order 11 Rule 1, 2025 Rules — the 2018 Rules did not clearly specify a timeline; this ambiguity is now resolved)
Memorandum of Appearance served on claimant within 7 days	Same
Conditional (under protest) or unconditional	Same

Conditional appearance is entered where: the writ is defective (wrong endorsement, franked in firm name rather than legal practitioner's name, parties lack juristic personality, served outside its lifespan); the court lacks jurisdiction; or the process was not duly served.

Documents Filed with Memorandum of Appearance

- Statement of Defence
- List of Witnesses
- Witness Statement on Oath
- List and copies of documents to be relied on
 - Pre-Action Protocol Form 01 (Lagos) / Certificate of Pre-Action Counselling signed by counsel and litigant (Abuja — Order 2 Rule 8, 2025 Rules)

Service Outside Nigeria

Service within Nigeria requires endorsement only — the federation is treated as a single jurisdiction (Adegoke Motors v Adesanya). Service outside Nigeria requires both leave of court (motion ex parte + affidavit) AND endorsement on the writ.

2025 FCT RULES UPDATE

Electronic service of hearing notices — Abuja 2025 Rules: in addition to email and SMS permitted under the 2018 Rules, the court may now serve hearing notices by WhatsApp, Telegram, or any other electronic means as directed by the judge (Order 9 Rule 17, 2025 Rules).

■ **THE THING MOST CANDIDATES MISS**

Service of a writ within Nigeria requires endorsement ONLY. Service outside Nigeria requires leave of court AND endorsement. Candidates regularly omit the leave requirement for international service — *Adegoke Motors v Adesanya*.

CHAPTER 3

PARTIES, JOINDER & THIRD PARTY PROCEEDINGS*Proper, Necessary & Desirable · Joinder vs Third Party · Misjoinder***Appeared in Bar Finals:** 2009, 2010, 2012, 2013, 2016, 2017, 2019, 2022, 2023, 2024

Parties questions test a specific kind of precision. The examiner wants to know whether you can correctly categorise a party, identify who brings which application, and draft accordingly. The classic trap — third party proceedings versus joinder of parties — has recurred persistently across the past 15 years.

Categories of Parties

Category	Definition
Proper parties	Directly involved in the cause of action. Without them, there is no action
Necessary parties	Not directly involved but their presence is necessary to determine the action (vicarious or eventual liability). Often replaces the proper party
Desirable parties	Neither proper nor necessary — a busybody interested in the outcome
Nominal parties	Nominated by law to represent a proper party — e.g. the Attorney-General

Third Party Proceedings vs Joinder of Parties

Feature	Third Party Proceedings	Joinder of Parties
Who brings it?	DEFENDANT only	Any party
Application type	Motion ex parte + Affidavit to court	Motion on Notice + Affidavit + other originating processes
Trigger	Eventual liability of a party OUTSIDE the suit	Eventual liability of an existing or connected party
Time limit	Before judgment ONLY	Any time — pre-trial, trial, or appeal

Appearance to Third Party Notice: Lagos — within jurisdiction: 8 days; outside: 30 days. Abuja — within jurisdiction: 8 days; outside: 35 days. Failure to appear: the third party is still bound by the court's decision.

Misjoinder of Parties

Where a party is wrongly joined, the application for misjoinder is by Motion on Notice supported by Affidavit and Written Address. Two possible outcomes:

1. Striking out of the name only — where subsisting parties remain after the removal
2. Striking out of the entire suit — where no subsisting parties remain after the wrongly joined party is removed

The matter may be relisted once the right party is brought. This is called regularisation.

■ THE THING MOST CANDIDATES MISS

'Claimant + eventual liability = ?' The answer is JOINDER OF PARTIES — not third party proceedings. Third party proceedings belong to the DEFENDANT ONLY. This trap has appeared in CIL 2011, 2014, 2017, 2022, 2024.

CHAPTER 4

INTERLOCUTORY APPLICATIONS & INJUNCTIONS

*Motion Ex Parte · Motion on Notice · Interim & Interlocutory Injunctions · Anton Pillar · Mareva***Appeared in Bar Finals:** 2010, 2012, 2013, 2014, 2016, 2021, 2023, 2024

This chapter tests your mastery of the motion — the workhorse of civil procedure. The examiner wants to know which type of motion is appropriate, what accompanies it, how it is moved, and in injunction questions, which conditions must be satisfied.

Conditions for Injunctions — Compared

Condition	Interim Injunction	Interlocutory Injunction
Extreme urgency	REQUIRED	Not required
Legal right to be protected	Yes	Yes
Serious issue to be tried	Yes	Yes
Irreparable loss or damage	Yes	Yes
Balance of convenience	Yes	Yes
Conduct of parties	Not expressly listed	Yes
Undertaking in damages	Yes	Yes
Application type	Motion ex parte	Motion on Notice

Special Injunctions

Anton Pillar Order	Mareva Injunction
Preserves copyright, trademark, and patent. Brought by motion ex parte at the FEDERAL HIGH COURT ONLY (exclusive jurisdiction). Conditions: (1) property is subject of litigation AND in respondent's possession AND respondent is likely to destroy evidence; (2) undertaking in damages	Prevents respondent from moving property outside jurisdiction pending trial. Motion ex parte. Conditions: (1) property is the subject matter of the dispute; (2) fully described; (3) belongs to the respondent; (4) undertaking in damages

Priority of Motions

General rule: first filed, first heard. Exception: where two motions are pending — one seeking to terminate the matter and the other to regularise it — the court must hear the REGULARISING motion first, regardless of when it was filed. CIL 2009, 2011, 2015, 2017, 2020, 2022, 2023, 2024.

How to Move a Motion

"My Lord, before this court is a motion on notice dated [date] and filed on the same day, accompanied by an affidavit and written address.

This application is brought pursuant to Order 43 Rule 1 of the High Court Civil Procedure Rules.

We adopt the written address as our argument.

I urge this court to grant my application."

■ THE THING MOST CANDIDATES MISS

Where two motions are pending — one to terminate and one to regularise — ALWAYS hear the regularising motion first. This principle recurs so frequently (8 sittings) that it should be treated as automatic.

CHAPTER 5

PLEADINGS

*Statement of Claim · Statement of Defence · Traverse · Counterclaim · Amendment***Appeared in Bar Finals:** Every sitting — 2009 to 2024

Pleadings questions are the most reliably drafted questions in the paper. Every year you will be asked to draft a Statement of Claim or Defence. The marks are in the structure — the examiner is testing what goes in each section and in what order, not whether you know the law of the underlying dispute.

Writ vs Pleadings — Which Prevails?

Conflict Type	Which Prevails
Conflict between Writ and Statement of Claim as to RELIEFS	Pleadings prevail — court is bound by the pleadings
Conflict between Writ and Statement of Claim as to CAUSE OF ACTION	Writ prevails — the writ controls the pleadings

Matters That Must Be Specifically Plead

- Legal maxims
- Exemptions
- Illegality
- Fraud
- Adultery
- Matters that would take the adverse party by surprise

Failure to specifically plead any of the above makes it inadmissible in evidence.

Types of Traverse (Denial)

Type	Effect / When Used	Formula
General traverse	Blanket denial — the first paragraph of every Statement of Defence	"SAVE AND EXCEPT as expressly admitted, the defendant denies each and every allegation of fact..."
Evasive traverse	Defendant cannot admit or deny — leads to ambiguity; claimant not bound to prove such evidence	"The defendant is not in a position to admit or deny paragraph 7..."
Negative pregnant	Unclear denial that invites further investigation — NOT advisable in drafting	"The defendant denies taking 2 million naira from the claimant"

Specific traverse	Corrects negative pregnant — use 'or any other sum/person'; replace 'and' with 'or', 'all' with 'any'	"The defendant denies taking 5 million naira or any other sum from the claimant or any other person"
Admixture	Partial admission with denial of the remainder	"The defendant admits paragraph 3 to the extent that a contract was entered but denies every other content..."

Timeframes for Filing Pleadings

Lagos	Abuja (FCT) — 2025 Rules
Statement of Defence: 42 days	Statement of Defence: 21 days (Order 17, 2025 Rules)
Reply: 14 days	Reply: 14 days (Order 18 Rule 1, 2025 Rules — extended from 7 days under 2018 Rules)
Reply to Counterclaim: 14 days	Defence to Counterclaim: 14 days
Amendment: unlimited at CMC; maximum twice during trial	No more than twice before judgment, except with special leave of court (Order 24, 2025 Rules). Pre-trial conference structure removed — replaced by case-management directions at judge's discretion

2025 FCT RULES UPDATE

Reply timeframe in Abuja extended from 7 to 14 days under Order 18 Rule 1 of the 2025 Rules. The pre-trial conference structure is removed and replaced by case-management directions at the judge's discretion. Written addresses now have mandatory formatting: Times New Roman 14, 1.5 line spacing, maximum 30 pages (35 with counterclaim), reply on points of law maximum 10 pages (Order 39 Rule 2, 2025 Rules).

Counterclaim vs Set-Off: A counterclaim is an independent cross-action — it survives if the main suit is struck out. A set-off is a cross monetary claim only — it dies with the main suit.

THE THING MOST CANDIDATES MISS

Counterclaim **SURVIVES** if the main suit is struck out. Set-off **DIES** with the main suit. This distinction appears every time counterclaims are examined and candidates consistently mix them up.

CHAPTER 6

SUMMARY JUDGMENT PROCEDURE

*Default Judgment · Summary Judgment · Undefended List***Appeared in Bar Finals:** 2009, 2010, 2012, 2015, 2017, 2022, 2023, 2024

The summary judgment question almost always comes with a drafting component. The examiner wants to see not just that you know the procedure, but which procedure applies to which court and which cause of action, and that you can draft the application, affidavit, or written address correctly.

The Three Procedures Compared

Feature	Default Judgment	Summary Judgment (Ord 13 Lagos / Ord 11 Abuja)	Undefended List (Abuja only — Order 34, 2025 Rules)
Trigger	Defendant defaults in appearance or filing pleadings	Claimant believes defendant has no defence	Claimant believes defendant has no defence
Causes of action	Default as to appearance: liquidated demand, recovery of land, detention of goods, mesne profit. Default as to pleadings: liquidated demand ONLY	All causes of action EXCEPT declaration of title	Liquidated money demand ONLY
Defendant's response	Apply for extension of time or apply to set aside	Counter affidavit + written brief: within 42 days (Lagos) or 21 days (Abuja)	Notice of Intention to Defend + Counter Affidavit: within 21 days before the date of hearing (Order 34 Rule 3(1), 2025 Rules — extended from 5 days under 2018 Rules)
Appealable?	No — set aside by same court or judge of same court	Yes, if final and defendant had no good defence	Final — cannot be appealed as of right

Setting Aside Default Judgment

Default as to Appearance — conditions:	Default as to Pleadings — Lagos (grounds):
(1) Prompt application (2) Good reason for the default (3) Good defence on the merits (4) Cost for default (Abuja only)	(1) Lack of jurisdiction (2) Non-service of processes (3) Fraud

2025 FCT RULES UPDATE

The 2025 FCT Rules have removed the specified limited grounds for setting aside default judgments as to pleadings. Under the 2018 Rules, only fraud, non-service, or lack of jurisdiction could found such an application. Under the 2025 Rules (Order 20 Rule 12), the matter is now at the court's DISCRETION — other grounds may be considered. The Undefended List notice period is also extended from 5 to 21 days under Order 34 Rule 3(1).

■ THE THING MOST CANDIDATES MISS

Summary judgment CANNOT be granted for declaration of title — the matter must go to full hearing. The Undefended List procedure is ABUJA ONLY. Confusing these two, or applying Undefended List in Lagos, costs marks every year.

CHAPTER 7

RECOVERY OF PREMISES

Notice to Quit · Owner's Intention · Courts with Jurisdiction · Drafting

Appeared in Bar Finals: 2009, 2010, 2011, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2023

Recovery of premises is one of the highest-frequency topics in the entire Civil Litigation paper — 13 of 16 sittings reviewed. The examiner tests procedure, drafting of the two statutory notices, the applicable law by location, and the distinction between types of tenancy.

Applicable Law by Location

Location	Applicable Law
Lagos (general)	Tenancy Law of Lagos State — applies everywhere in Lagos EXCEPT Apapa, GRA Ikeja, Ikoyi, and Victoria Island
Apapa, GRA Ikeja, Ikoyi, Victoria Island (Lagos)	Recovery of Premises Law of Lagos State
FCT Abuja	Recovery of Premises Act

When Tenancy Terminates

Tenancy Law of Lagos State	Recovery of Premises Law (Lagos excl. areas) and Recovery of Premises Act (Abuja)
Terminates ON OR AFTER the anniversary Example: commences 6 Aug 2023 → terminates on or after 6 Aug 2024	Terminates ON THE EVE OF the anniversary Example: commences 27 Apr 2023 → terminates 26 Apr 2024

Service of Notice to Quit

For a yearly tenant, Notice to Quit must be served at least 6 months before expiration — that is, within the FIRST SEMESTER (first 6 months) of the tenancy year. Service in the second semester (last 6 months) is ineffective: the tenancy will only terminate at the end of the following year.

Service hours: Monday to Saturday, 6am to 6pm. Service after 6pm on a weekday takes effect from 6am the following day. Service after 2pm on Saturday or any time on Sunday takes effect from 6am Monday.

Steps in Recovery of Premises

1. Written authorisation from landlord to the agent
2. Agent prepares and serves Notice to Quit personally or by substituted means. This is NOT a court process — do not apply court substituted service rules

3. On expiration of the tenancy, if tenant remains: serve the Owner's Intention to Recover Premises (7 days' notice)
4. On expiration of the 7-day notice: issue proceedings at the appropriate court

Courts with Jurisdiction

Lagos	Abuja (FCT)
Magistrate Court: annual rent ≤ ₦10m — commenced by Claim	District Court: annual rent ≤ ₦7m — commenced by Plaintiff
High Court: annual rent > ₦10m — commenced by Writ of Summons	High Court FCT: annual rent > ₦7m — commenced by Writ of Summons

Notice to Quit — Drafting Requirements

The Notice to Quit must state: name of the landlord or agent; name of the tenant; brief description of the premises; order to give up possession; type of tenancy (e.g. yearly); duration (commencement to determination date); and signature of the issuing authority. It is in letter format — NOT a court process.

THE THING MOST CANDIDATES MISS

The Notice to Quit must be served in the **FIRST SEMESTER** of the tenancy year — not any time before expiration. A notice served in the last 6 months of the tenancy year is ineffective and the earliest termination will be at the end of the **FOLLOWING** year. This is the most common error in recovery of premises answers.

CHAPTER 8

ENFORCEMENT OF JUDGMENT

Fi.Fa · Garnishee · Judgment Summons · Sequestration · Applications Pending Appeal

Appeared in Bar Finals: 2010, 2011, 2012, 2016, 2017, 2018, 2020, 2022, 2023, 2024

Enforcement questions test your ability to match the correct mechanism to the type of judgment and the circumstances of the judgment debtor. The garnishee question is the most frequently drafted — know the parties, the process, and the critical rule that the judgment debtor is NOT a party.

Money Judgment — Four Enforcement Options

Mechanism	When to Use	Application Type
Writ of Fi.Fa	Attach and sell debtor's property. Movables first (after 5 days); immovables after 15 days. Sale absolute after 21 days — court issues certificate of title	Motion on Notice
Garnishee Proceedings	Judgment debtor has money with a third party (usually a bank). Debtor is NOT a party — CBN v Intestella Communications Ltd	Motion ex parte (Garnishor vs Garnishee)
Judgment Summons	Examine debtor on oath as to means of livelihood. Court may order instalment payments, term of committal, Fi.Fa, or discharge	Praecipe in Form 13 → Court issues Form 14 or 15
Writ of Sequestration	Debtor is absconding, in prison, or frustrating enforcement. Court appoints 2 sequestrators — possessory right only, cannot sell	High Court only — Form 69

Garnishee Proceedings — Step by Step

1. Judgment Creditor (Garnishor) files Motion ex parte + Affidavit against the bank (Garnishee)
2. If granted, bank is served Order Nisi in Form 26
3. Bank has two options: (a) pay within 8 days; or (b) state reasons for refusal
4. If reasons are unsatisfactory: court attaches bank's assets
5. If reasons are satisfactory: bank is discharged from liability

THE THING MOST CANDIDATES MISS

The Judgment Debtor is NOT a party to garnishee proceedings — CBN v Intestella Communications Ltd. The parties are the GARNISHOR (Judgment Creditor) and the GARNISHEE (Bank). Writing the judgment debtor as a party in a garnishee drafting question is a marking error.

Applications Pending Appeal

Application	Preserves	When Used
Stay of Proceedings	Ongoing trial — suspends trial pending interlocutory appeal	Interlocutory appeal — trial still pending
Stay of Execution	Executory judgment (monetary claims or damages)	After final judgment, pending appeal
Injunction Pending Appeal	Declaratory judgment or dismissal order	After final judgment, pending appeal

All three applications are filed at the TRIAL COURT FIRST by Motion on Notice + Affidavit. If refused, take to the Court of Appeal with: (1) CTC of the refusal order; (2) CTC of the judgment; (3) the application as a NOTICE OF MOTION (not Motion on Notice) under Order 6 Rule 1 Court of Appeal Rules; (4) Notice of Appeal.

■ THE THING MOST CANDIDATES MISS

At the Court of Appeal, the application is a NOTICE OF MOTION — not a Motion on Notice. Motion on Notice is for trial courts. Notice of Motion is for the Court of Appeal. This distinction costs marks every time the enforcement chapter is examined.

CHAPTER 9

APPEALS

Notice of Appeal · Extension of Time · Leave · Brief of Argument

Appeared in Bar Finals: 2010, 2011, 2012, 2016, 2017, 2018, 2020, 2021, 2022, 2023, 2024

The appeal chapter is one of the highest-scoring in the paper for candidates who have the structure memorised. The examiner tests timeframes, the distinction between appeal as of right and with leave, the trinity prayers for extension of time, and the content of the brief of argument.

Timeframes for Filing Appeal

Route	Timeframe
Magistrate Court to High Court	30 days
High Court to Court of Appeal (final judgment)	3 months
Court of Appeal to Supreme Court	3 months
Interlocutory appeal (pending trial)	14 days

Appeal as of Right vs With Leave

Appeal as of Right — s.241 CFRN	Appeal With Leave
Final decision from the High Court Point of law only Interpretation of the Constitution Enforcement of Fundamental Rights Custody of infants Decree nisi in matrimonial causes	Final decision from Magistrate Court (double leave required) Consent judgment — s.241(2) CFRN Interested parties joining at appeal stage Mixed law and facts Interlocutory appeal (pending trial)

Extension of Time — The Trinity Prayers

Where the appeal is WITH LEAVE and the timeframe has elapsed, file a Notice of Motion at the Court of Appeal containing three prayers:

1. Extension of time within which to seek leave to appeal
2. Leave to appeal
3. Extension of time within which to file the Notice of Appeal

Where the appeal is AS OF RIGHT and the timeframe has elapsed, only one prayer is needed: 'Extension of time within which to file Notice of Appeal.'

At the Court of Appeal, the application is a NOTICE OF MOTION — not Motion on Notice, which is for trial courts. Brought pursuant to Order 6 Rule 1, Court of Appeal Rules 2021.

Brief of Argument — Filing Timeframes

Brief	Who Files	When
Appellant's Brief	Appellant	45 days after the record is transmitted
Respondent's Brief	Respondent	30 days from service of Appellant's Brief
Reply Brief	Appellant only	14 days after service of Respondent's Brief

Oral argument: 15 minutes per party. The registrar must transmit the record within 60 days; if not done, appellant's counsel transmits within 30 days. The appeal is deemed entered at the point of transmission.

THE THING MOST CANDIDATES MISS

The trinity prayers must be in the correct order and correct number. Wrong appeals (with leave, time elapsed): 3 prayers. Right appeals (as of right, time elapsed): 1 prayer. Candidates either apply the trinity to right appeals or omit one of the three prayers for leave appeals.

CHAPTER 10

ELECTION PETITION

Pre-Election & Post-Election · Jurisdiction · Procedure · Timeframes

Appeared in Bar Finals: 2011, 2012, 2013, 2014, 2018, 2019, 2020, 2021, 2022, 2023, 2024

Election petition questions are long, mark-heavy, and heavily procedural. The examiner tests jurisdiction by office, timeframes that cannot be extended, the content of the petition, and the documents that must accompany it.

Jurisdiction by Office

Office Contested	Court / Tribunal	Appeal Lies To
President / Vice President	Court of Appeal	Supreme Court
Governor / Deputy Governor	Governorship Election Tribunal	Court of Appeal → Supreme Court
National / State House of Assembly	National/State Election Tribunal	Court of Appeal — FINAL (no further appeal to Supreme Court)
Local Government Chairman / Councillors	Local Government Election Tribunal	High Court
Area Council (FCT)	Area Council Election Tribunal	High Court

Pre-election matters (nomination, substitution, sponsorship of candidates, party primaries) are commenced at the FEDERAL HIGH COURT ONLY, by Originating Summons.

Critical Timeframes — None Are Extendable

Step	Timeframe
File petition after results are declared	21 days — cannot be extended (ANPP v Goni)
Respondent files reply	21 days
Petitioner replies to respondent's notice	5 days
Tribunal must conclude proceedings	180 days — judgment invalid if exceeded
Appeal filed after judgment	21 days — Awuse v Odili
Appeal must be concluded	60 days

Documents Filed with the Petition

- Petition
- List of Witnesses
- Witness Statements on Oath
- List of Documents to be relied upon
- Evidence of payment of security for cost
- Evidence of payment of filing fees

Failure to pay filing fees means the petition will not be accepted. Failure to pay security for cost may not void the petition but can operate as a stay of proceedings.

Prayers in an Election Petition: you may pray for either (1) a declaration that the petitioner is the duly elected winner, OR (2) nullification and order for re-run. You CANNOT make both prayers at the same time.

■ THE THING MOST CANDIDATES MISS

Election petition timeframes CANNOT be extended — not by agreement, not by the court, not by any order. The 21-day filing period runs from the date results are declared. Miss it by one day and the petition is gone — ANPP v Goni. This is the highest-stakes procedural rule in the entire paper.

TWENTY WAYS CANDIDATES LOSE EASY MARKS

Read This the Night Before the Exam

These are the marks that well-prepared candidates drop not because they do not know the law, but because they moved too fast, applied the wrong jurisdiction, or confused two procedures that look similar.

Mistake	The Correct Answer
1. Federal High Court — simple contract	The FHC has NO jurisdiction over simple contract disputes. Those belong to the State High Court. Writing 'Federal High Court' in a breach of contract question is a first-paragraph error that taints everything that follows.
2. Third party proceedings — wrong applicant	Third party proceedings are brought by the DEFENDANT ONLY. If the claimant has a claim involving a new party, the mechanism is JOINDER OF PARTIES. Claimant + eventual liability = joinder. Never third party.
3. Writ lifespan — Lagos vs Abuja 2025	Lagos writ: 6 months lifespan, renewable twice by 3 months each (total 12 months). Abuja writ (2025 Rules): 12 months lifespan, renewable once for up to 6 months within 14 days of expiry. Applying Lagos rules to an Abuja question loses all lifespan marks.
4. Appearance period — Lagos vs Abuja 2025	Lagos: 42 days to enter appearance. Abuja (2025 Rules): 21 days — a single flat timeline for within and outside jurisdiction. The 2018 Abuja ambiguity on this is now resolved.
5. Notice to Quit — wrong semester	Notice to Quit for a yearly tenant must be served in the FIRST 6 MONTHS (first semester) of the tenancy year. A notice served in the last 6 months is ineffective — the tenancy continues for another full year.
6. Garnishee — judgment debtor is not a party	The judgment debtor is NOT a party to garnishee proceedings. The parties are the Garnishor (Judgment Creditor) and the Garnishee (Bank). Writing the debtor as a party in the garnishee draft is a marking error — CBN v Intestella.
7. Notice of Motion vs Motion on Notice	At the Court of Appeal: NOTICE OF MOTION (Order 6 Rule 1 CoA Rules). At the trial court: MOTION ON NOTICE. Using the wrong term at the Court of Appeal costs marks every time it is examined.
8. Trinity prayers — wrong number	Left appeal (as of right) + time elapsed: ONE prayer (extension of time to file Notice of Appeal). Leave appeal + time elapsed: THREE prayers (extension of time to seek leave; leave to appeal; extension of time to file Notice of Appeal). Wrong number = wrong marks.
9. Summary judgment vs declaration of title	Summary judgment is UNAVAILABLE for declaration of title. The matter must go to full hearing. This is the most common summary judgment error.
10. Undefended List — Lagos only? No — Abuja only	The Undefended List procedure is ABUJA ONLY. It does not exist in Lagos. And under the 2025 FCT Rules, the notice period for filing intention to defend has changed from 5 to 21 days.
11. Counterclaim vs set-off	Counterclaim: independent — SURVIVES if the main suit is struck out. Set-off: dependent — DIES with the main suit. These are tested together and candidates regularly swap the outcomes.

12. Tenancy termination — on vs eve of anniversary	Tenancy Law of Lagos State: terminates ON OR AFTER the anniversary. Recovery of Premises Law (Lagos excl. areas) and Recovery of Premises Act (Abuja): terminates ON THE EVE of the anniversary. One day's difference, full marks' difference.
13. Anton Pillar — wrong court	Anton Pillar orders are at the FEDERAL HIGH COURT ONLY. They protect copyright, trademark, and patent — which are federal matters. Filing an Anton Pillar application in a State High Court is wrong.
14. Service outside Nigeria — missing leave	Service within Nigeria: endorsement only. Service outside Nigeria: leave of court (motion ex parte + affidavit) AND endorsement. Candidates regularly omit the leave requirement — Adegoke Motors v Adesanya.
15. Regularising motion heard first	Where two motions are pending — one to terminate the suit and one to regularise it — the regularising motion is ALWAYS heard first, regardless of when it was filed. This applies even if the terminating motion was filed first.
16. Originating Summons for pre-election matters	Pre-election matters are commenced at the FEDERAL HIGH COURT by ORIGINATING SUMMONS only. Using a writ of summons or any other process is wrong. Wrong originating process = wrong court jurisdiction.
17. Election petition — non-extendable 21 days	The 21-day period to file an election petition runs from the date results are declared and CANNOT be extended by any means. Not by consent, not by court order, not by anything. Miss it and the petition is statute-barred — ANPP v Goni.
18. Interim vs interlocutory injunction — extreme urgency	Interim injunction REQUIRES extreme urgency — it is the trigger condition. Interlocutory injunction does NOT require extreme urgency. Candidates state urgency as a condition for both, or omit it as a condition for interim.
19. Writ vs pleadings conflict — cause of action	Where the writ and statement of claim conflict on RELIEFS — pleadings prevail. Where they conflict on CAUSE OF ACTION — writ prevails. The writ controls the pleadings. Candidates apply one rule to both situations.
20. Written address formatting — Abuja 2025 only	The mandatory written address formatting requirements (Times New Roman 14; 1.5 spacing; max 30 pages; max 10 for reply) apply to the FCT High Court under the 2025 Rules ONLY. They do NOT apply in Lagos. Applying them in a Lagos answer is wrong.

KEY NUMBERS AT A GLANCE

Every Specific Figure in This Guide

Civil Litigation is the most number-heavy paper in the Bar Finals. Timeframes, monetary limits, and page limits are all tested precisely. These are the figures that separate prepared candidates from those who know the law but drop the marks.

Figure	Lagos Rule	Abuja Rule	Context
6 months	Writ lifespan	12 months (2025 Rules — up from 6)	Writ of Summons
3+3 months	Two renewals of 3 months each	6 months (one renewal; apply within 14 days of expiry)	Writ renewal
42 days	Appearance to writ	21 days (2025 Rules — single flat timeline)	Appearance
42 days	Statement of Defence	21 days (2025 Rules)	Pleadings
14 days	Reply to Statement of Defence	14 days (2025 Rules — up from 7 days under 2018 Rules)	Pleadings
7 days	Serve Memorandum of Appearance on claimant	Same	Appearance
6 months	Substantive jurisdiction: objection any time	Same	Jurisdiction
≤ ₦10m	Magistrate Court (Lagos) monetary limit	≤ ₦7m (District Court)	Jurisdiction thresholds
≤ ₦5m	Small Claims Court (Lagos)	≤ ₦4m (Abuja)	Small Claims
6 months	Recovery of premises: Notice to Quit period for yearly tenant (first semester)	Same	Recovery of premises
7 days	Owner's Intention to Recover Premises notice period	Same	Recovery of premises
5 days	Fi.Fa — movables attached after 5 days	Same	Enforcement
15 days	Fi.Fa — immovables attached after 15 days	Same	Enforcement

21 days	Fi.Fa — sale absolute after 21 days	Same	Enforcement
8 days	Garnishee bank must pay or object within 8 days	Same	Garnishee
8 days	Third party notice (within jurisdiction)	8 days	Third party proceedings
30 days	Third party notice (outside jurisdiction)	35 days	Third party proceedings
7 days	Interim injunction lifespan (motion ex parte)	Same	Injunctions
30 days	Appeal: Magistrate Court to High Court	Same	Appeals
3 months	Appeal: High Court to Court of Appeal (final)	Same	Appeals
3 months	Appeal: Court of Appeal to Supreme Court	Same	Appeals
14 days	Interlocutory appeal timeframe	Same	Appeals
45 days	Appellant's brief of argument	Same	Appeals — brief
30 days	Respondent's brief of argument	Same	Appeals — brief
14 days	Reply brief	Same	Appeals — brief
60 days	Registrar transmits record of proceedings	Same	Appeals — record
15 minutes	Oral argument per party	Same	Appeals — hearing
21 days	Election petition filing period (non-extendable)	Same	Election petition
21 days	Respondent's reply in election petition	Same	Election petition
5 days	Petitioner's reply to respondent's notice	Same	Election petition
180 days	Election tribunal must conclude proceedings	Same	Election petition
21 days	Appeal after election tribunal judgment	Same	Election petition
60 days	Appeal in election petition must be concluded	Same	Election petition

21 days	Undefended List — notice of intention to defend (2025 Rules — up from 5 days)	Abuja only	Undefended List — 2025 change
30 pages	—	Written address max length (2025 Rules — 35 with counterclaim)	Written address — Abuja 2025 only
10 pages	—	Reply on points of law max length (2025 Rules)	Written address — Abuja 2025 only

A Final Word

The Bar Finals Civil Litigation paper rewards structure above all else.

The examiner knows you studied. What he is testing is whether you can deploy what you studied under pressure, in the right sequence, with the right distinctions — Lagos or Abuja, ex parte or on notice, joinder or third party, right appeal or leave appeal.

The three things that separate the candidates who pass comfortably from those who barely make it:

- They know the Lagos/Abuja distinctions without looking them up — the 2025 FCT Rules changes are a new layer on top of those distinctions and will be tested. Know them.
- They draft on instinct — they have written a Notice to Quit, a Motion on Notice, and a Statement of Claim enough times that the format is automatic.
- They never confuse the type of application — ex parte from on notice, joinder from third party proceedings, summary judgment from default judgment, Notice of Motion from Motion on Notice.

Use this guide as your final pass. The Key Numbers table and the Twenty Ways chapter are your exam-eve targets. The Master Diagnostic Map at the front is your first read before every question.