C 173 2004 No. High Court of Lagos State (Civil Procedure) Rules

**Forms of Writ of Summons, etc - continued**

The defendant may enter appearance personally or by Legal Practitioner either by handing in the appropriate forms, duly completed, at the Registry of the High Court of the Judicial Division in which the action is brought or by sending them to the Registry by registered post.

Indorsements to be made on the writ before issue thereof:

The claimant’s claim is for etc (b) …………………………………………………………………………..

This writ was issued by G.H.. of …………………………… Whose address for service (c) is

…………………………………………….. agent for ………………………………………………………………

Of ……………………………….. Legal Practitioner for the said claimant who resides at (d)

……………………………………………………………………………………………………………… (mention)

The city, town or district and also the name of the street and number of the house of the claimant’s residence, if any)

Indorsement to be made on copy of writ of forthwith after service.

This writ was served by me at …………………………………………. On the defendant (here insert mode of service) on the …………………………. Day of ………………………. 20 …………

Indorsed the ……………………………… day of ……………………………… 20 …………………………

……………………………………………

(Signed)

………………………………………………………………………………

(Address)

Note:

1. Heading and Title – if the action is for administration the writ must be headed “In the matter of Estate of ………………………………Deceased. “If it is a debenture holder’s action the writ must be headed in the matter of the company and in a probate action. “In the Estate of A.B deceased. “ A writ of summons claiming administration of a trust or settlement may be instituted “in the matter of the (Trust or settlement)”
2. Indorsement of Claim – If the claimant sues, or defendant is seud, in a representative capacity, the indorsement must state in what capacity the claimant sues of the Defendants issued. See 0.4.r.2. if the claim is for a debt or liquidated demand only, the Indorsement, even though not special, must strictly comply with the provisions of 0.4.r.4 including a claim for four days costs.
3. Address for Service – see 0.4.r.6. the address must be within the jurisdiction.
4. Address of Claimant – In the case of a company in liquidation the claimant’s address should run “…………………………………… claimants. Who are a company in liquidation. The liquidator is (name of liquidator), of (address of liquidator)”

In the case of a foreign corporation within the meaning of part 10 of the companies and Allied Matters Act the claimants address should run thus;

“……………………………………………………………………………claimants, who

Are a foreign corporation within the meaning of the companies and Allied Matters Act. The registered name and address of the person to be served are (here add registered name and address)’.

1. Indorsement of Service – See 0.7.r.13
2. Probate Actions – In these actions the indorsement of claim must show the nature of the claimant’s interest, under which he claims (0.4.r.3); and the alleged interest of the defendant.

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

The Registry, High Court of Lagos State

In the …………………………………………………………………Judicial Division

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

……………………………………………………………..

(Signature of Registrar)