

## PRACTICE DIRECTION

IN THE HIGH COURT OF JUSTICE, EDO STATE OF NIGERIA HIGH  
COURT LAWS CAP. 65 VOL. III, LAWS OF BENDEL STATE OF  
NIGERIA 1976, APPLICABLE IN EDO STATE BY VIRTUE OF  
SECTION 4 OF ACT NO. 41 OF 1991

MADE PURSUANT TO ORDER 58 RULE 3 OF THE EDO  
STATE HIGH COURT (CIVIL PROCEDURE) RULES 2012

Pursuant to the provisions of **Order 58 Rule 3** and in order to effectuate the smooth hearing of all causes/matters filed and or pending before the coming into force of these Rules this practice direction is hereby issued by the **Honourable the Chief Judge of Edo State**.

### MOTIONS

- 1.00. In any cause or matter where there are pending motions that are contentious, but have not been argued, the parties shall comply with the new Rules by filing addresses.
- 1.01. In any cause or matter where there are pending motions that are not contentious, the court may deal with such motions as it deems fit.

- 1.02.** Where in a cause or matter, a contentious motion has been heard, the court shall proceed to deliver its ruling.

### **TRIALS**

- 2.00.** Where in a cause or matter the court has been addressed by Counsel on both sides, the court may proceed to deliver its judgment.
- 2.01.** Where however only one Counsel has addressed the court, the other Counsel, shall file an address in accordance with the new Rules.
- 2.02.** Where in a cause or matter the defence has closed its case, Counsel shall proceed to address the court in accordance with the new Rules.
- 2.03.** Where in a cause or matter, the defence has not closed its case, witness(es) deposition(s) of the outstanding witness(es) together with a list of exhibits and copies thereof, (if any) to be tendered through those witnesses shall be filed in accordance with the new Rules.

- 2.04.** Where the claimant has closed its case and defence has not commenced, then the defence shall comply with the new Rules.
- 2.05.** Where the claimant has commenced but not closed its case, the claimant shall file witness(es) deposition(s) thereof on the outstanding witness(es) and a list of exhibits, and copies (if any) to be tendered, in accordance with the new Rules.
- 2.06.** Where the claimant has not commenced its case, all parties shall comply with the new Rules of Court.
- 3.00.** In any cause or matter commenced by way of originating summons, parties shall comply with the new Rules by filing their addresses.
- 4.00.** In any cause or matter already fixed for hearing under the undefended list, such matter shall be heard in accordance with **Order 11** of the **High Court (Civil Procedure) Rules 2012**, and parties shall comply with the new Rules accordingly.

This **Practice Direction** shall come into force on the 24<sup>th</sup> day of Oct 2012.

**ISSUED** at Benin City this 24<sup>th</sup> day of Oct, 2012.



A handwritten signature in black ink, appearing to read "Idahosa", with a long horizontal flourish extending to the left.

**HON. JUSTICE CROMWELL OSAMWONYI IDAHOSA**  
HONOURABLE CHIEF JUDGE  
EDO STATE.