



## MODERNISING CIVIL PROCEDURE: THE 2025 FCT HIGH COURT (CIVIL PROCEDURE) RULES AND ITS DEPARTURE FROM THE 2018 FRAMEWORK

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### Introduction

The rules governing civil procedure play a critical role in ensuring that the legal system operates effectively and efficiently. The 2018 High Court (Civil Procedure) Rules introduced some remarkable innovations into the civil litigation landscape. However, as with most systems of law, there is always room for further innovations and improvements. The 2025 High Court (Civil Procedure) Rules of the Federal Capital Territory, set to become operational in March 2025, while retaining most of the provisions and practices under the 2018 Rules, have introduced some innovations and modifications, apparently, aimed at achieving a better degree of conformity with contemporary practices, while also seeking to address some substantive and procedural issues which may have existed in civil proceedings/trials in the High Court of the Federal Capital Territory. This article identifies twenty-one (21) areas where the 2025 High Court (Civil Procedure) Rules of the Federal Capital Territory Rules modify the 2018 Rules. The most significant innovations/modifications, as would be discussed herein, are in the areas of electronic filing and virtual proceedings, fast track

proceedings and reviewed timelines for certain procedural steps. We would consider each of these innovations/modifications under twenty-one (21) distinct sub-headings as follows:

#### 1. Sealing of Court Processes

A minor, yet an interesting, variation in the 2025 Rules is as relates to sealing of all processes filed at the registry. Under the 2018 Rules, all processes filed at the Registry were required to bear the stamp of the Counsel filing the process(es) as procured from the Nigerian Bar Association. The 2025 Rules, with a slight modification in this regard, simply requires that all processes filed at the Registry shall bear the seal of the Counsel filing the suit.<sup>1</sup> It does not particularly require the seal to be as provided by the Nigerian Bar Association. This modification may be intended to accommodate the potential emergence of other recognized associations of legal practitioners, thereby allowing for alternative means of verifying a legal practitioner's authenticity or separating qualified legal practitioners from impostors, beyond the exclusive use of the NBA Seal.

## 2. Electronic Filing and Virtual Proceedings

One of the most profound innovations of the 2025 Rules is the emphasis on electronic filings and virtual proceedings, in line with global trends and practices. Unlike the 2018 Rules, the 2025 Rules have an entire Order dedicated to this.<sup>2</sup> Under the 2025 Rules, a party may apply, or the Court may, *suo moto*, direct that proceedings be conducted virtually; and Practice Direction for the conduct of virtual proceedings may be issued by the Chief Judge.

On E-filing, both filing and service of court processes may be effected by electronic means, under the management of the E-filing unit. This E-filing system is required to run parallel with the existing manual filing procedure. The determinant, however, of the filing method to be used is the Claimant. In other words, the filing method adopted by the Claimant in commencing an action shall equally be adopted by the Defendant in response.<sup>3</sup>

This express validation extends to the application of electronic signatures. Thus, under the 2025 Rules, processes and documents signed electronically shall be deemed properly signed.<sup>4</sup>

In pre-empting some of the most likely challenges associated with this practice, the 2025 Rules provide that, where an electronically filed process is considered filed out of time from a technical glitch on the part of the filing system of the Court, such process may be deemed properly filed, as the Court may direct.<sup>5</sup>

## 3. Wider Discretion on Pre-Trial and Case Management Strategies

While the 2018 Rules attempted to largely regulate the procedure for pre-trial and case management,<sup>6</sup> the 2025 Rules allow a Judge wider discretion in pre-trial and case management strategies, subject to the discretion of the Chief Judge to issue a Practice Direction thereon. The Rules only oblige a Judge to take consideration of contemporary and best case management practices in the conduct of such proceedings.<sup>7</sup> Thus, pending the issuance of a Practice Direction on pre-trial conferences, most of the rules under the 2018 Rules on pre-trial matters are relaxed under the 2025 Rules, including timelines which, under the 2018 Rules, were in contemplation of pre-trial conferences.

## 4. Increase in Initial Lifespan of Originating Processes

The 2025 Rules increase the initial lifespan of Originating Processes to 12 months, in consideration of factors which may impede the prompt service of the processes on a Defendant. The 2018 Rules provided for a 6-month initial lifespan of an Originating Process, which may be renewed on two subsequent occasions of 3 months each. By this, the total possible lifespan of an Originating Process under the 2018 Rules was 12 months.<sup>8</sup>

However, the 2025 Rules provide that the initial lifespan of an Originating Process shall be 12 months, subject to a one-time further renewal for 6 months, the implication of which is that the total lifespan of an Originating Process becomes 18 months.<sup>9</sup>

## 5. Modification of Position Regarding Substituted Service by E-mail

The 2025 Rules have removed the proviso under the 2018 Rules that substituted service

by e-mail is only subject to the condition that there was an initial contemplation by parties in a written agreement or a subsequent agreement by Counsel in the course of proceedings that service may be effected by e-mails. The 2025 Rules recognise substituted service by e-mail or other electronic means, and do not contemplate either of those pre-conditions.<sup>10</sup>

## **6. Service of Hearing Notices by Electronic Means**

The 2018 Rules recognised the service of hearing notices via e-mail and/or SMS. However, the 2025 Rules expand the category of electronic means which may be utilised for this purpose to include Telegram, WhatsApp and any other electronic means.<sup>11</sup> This seems to take into consideration the evolving nature of technology and the possibility of other emerging platforms for communications as such.

## **7. Timeline for Filing of Memorandum of Appearance**

The 2025 Rules prescribe that a Defendant entering appearance shall, within 21 days of being served with an originating process, file and effect service of a Memorandum of Appearance on a Claimant's Counsel.<sup>12</sup> The position under the 2018 Rules was that a Defendant entering appearance was required to serve a copy of the Memorandum of Appearance on a Claimant's Counsel within 7 days of service of the originating process on such Defendant.<sup>13</sup>

## **8. Timeline Filing of Reply to Statement of Defence**

The 2025 Rules further extend the period within which a Defendant shall file his Reply to a Statement of Defence from 7 days, as was under the 2018 Rules, to 14 days.<sup>14</sup>

## **9. Setting Aside Default Judgment**

The strict grounds upon which default judgment may be set aside is modified under the 2025 Rules. The 2018 Rules emphasised the validity and finality of default judgment, and further provided that it could only be set aside upon application to the court on either of the three (3) grounds of fraud, non-service and lack of jurisdiction.<sup>15</sup> However the 2025 Rules only provide that default judgment can be set aside upon application made within 14 days of the date of the judgment and upon terms as the court may deem fit.<sup>16</sup> This seems to allow the Judge greater discretion before whom an application for setting aside a default judgment is brought.

## **10. Amendment of Processes**

The 2025 Rules contain a slight variation on the right to amendment of processes. Under the 2018 Rules, an amendment to an originating process and pleadings may be made at any time by a party before the pre-trial conference, and not more than twice before the close of the case.<sup>17</sup>

The 2025 Rules, however adopt a more stringent position to the effect that no party shall be permitted to amend his processes more than twice before judgment, except with the special leave of Court.<sup>18</sup> The implication of this is that, through the entirety of a civil suit, including the pre-trial stages, only two amendments by each party are permissible in the ordinary circumstance.<sup>19</sup>

Notably, however, a different and more stringent consideration applies in Fast Track Proceedings under the 2025 Rules. Amendment of processes are thus not to be entertained after commencement of trial.

This creates an obligation on parties and their

legal representatives to dutifully ensure that processes to be filed are well prepared, with full clarity on the facts involved, before they are so filed. It would also serve to mitigate the situations where delaying tactics are employed by litigants through the instrumentality of applications for amendments to frustrate the progress of proceedings, especially before pre-trial conferences.

### **11. Introduction of Counsel List**

Another innovation of the 2025 Rules is the introduction of a daily Counsel List of all Counsel appearing in causes fixed for the day, to include their names and contact.<sup>20</sup> The benefits associated with this practice include improved administrative efficiency, improved communications, reduced errors and improved lawyer-court relations.

### **12. Timeline for Reply on Point of Law**

An Applicant seeking to file a Reply of Point of Law to a Written Address/Counter Affidavit opposing an Application brought by Motion, is expected to do so within 5 days, pursuant to the 2025 Rules.<sup>21</sup> This is a departure from the 2018 Rules which allowed a period of 7 days for such Replies.

### **13. Oral Submission Expatiating on Written Briefs for Summary Judgment**

The 2018 Rules granted liberty to each party to advance oral arguments to expatiate their written brief.<sup>22</sup> The 2025 Rules, however, restrict the provision affording such liberty for oral expatiation on written briefs filed in a summary judgment proceedings. A consideration in this light is that, relative to written addresses generally, opportunities for oral arguments are provided, even in the 2025 Rules,<sup>23</sup> which may be expansively construed as inclusive of briefs in summary

judgment proceedings. However, there is no doubt that there is, in favour of any presiding judge, a discretion on the entertainment of oral submissions to expatiate written briefs in summary judgment proceedings under the 2025 Rules.

### **14. Formats and Page Limit for Applications, Written Address and Reply on Point of Law**

The 2025 Rules introduce some regulations, in terms of fonts, styles and formats, to be adopted for Final Addresses and all processes generally.<sup>24</sup> In addition to the requirement that Written Addresses should be printed on white A4 size paper, as contained in the 2018 Rules,<sup>25</sup> the 2025 Rules stipulate that the font to be adopted shall be Times New Roman of 14 size.<sup>26</sup> Furthermore, the 2025 Rules stipulate that a written address should not exceed 30 pages (and 35 pages in actions where counter-claim is included); and a Reply on Point of Law should in like manner not exceed 10 pages. Notably, non-compliance with these stipulations, particularly as regards page limits, would warrant that such Address is discountenanced in its entirety.<sup>27</sup> Also, the court may require Counsel to supply soft-copies of their Address.

### **15. Fast Track Proceedings**

Fast track procedure was incorporated into the 2018 Rules for dealing with certain categories of matters requiring exceptional urgency, which satisfied certain conditions and which were applied for to be treated as such.<sup>28</sup> The 2025 Rules introduce some modifications to the categories of matters to be considered under the fast track procedure.

First, the 2018 Rules allowed a wide range of matters which may be commenced and heard under the fast track procedure, 'including but

not limited to': banker/customer disputes, commerce and industry, landlord and tenant, FCT or Area Council Revenue, and any other case which the chief judge may approve.<sup>29</sup> The 2025, however, adopt a most restrictive approach by providing that the fast track procedure is applicable to only two causes of civil actions: banker/customer transactions and commercial transactions.<sup>30</sup>

It is also noteworthy that the substantive monetary claim in actions brought under the fast track procedure has been increased to 100 million Naira.<sup>31</sup> This is against the 50 million Naira threshold which was required under the 2018 Rules.<sup>32</sup>

Other innovations under the 2025 Rules are noticeable in terms of the discretion given to the Judge to adopt any effective case management procedure, subject to the provisos that: amendment of processes shall not be entertained after commencement of trial; parties are to file and serve their final addresses within a period of 7 days, and reply within a period of 5 days; final addresses are to be deemed adopted in the absence of parties; daily penalty of two thousand Naira in situations of application for extension of time to file any process under the Order;<sup>33</sup> and increase in fast track initial filing fees from one hundred thousand Naira (N100,000) to five hundred thousand Naira (N500,000).<sup>34</sup>

### **16. Constitution of Court Hearing a Civil Appeal**

The 2018 Rules mandated that all civil appeals from lower courts shall be heard by one judge of the High Court of the FCT.<sup>35</sup> However, the 2025 Rules allow room for more than one judge of the High Court of the FCT to hear such appeals.<sup>36</sup> By implication, the High Court of the FCT, sitting in its appellate

capacity, would rightly be constituted by one or more judges of the Court.

### **17. Increased Penalty for Default**

The penalty for default in performing an act within the time prescribed under the 2025 Rules has been increased to five hundred Naira (N500) for each day of default, from the two hundred Naira (N200) which was operational under the 2018 Rules.<sup>37</sup> Moreso, at the point of filing, every application for enlargement of time is required to be accompanied by proof of compliance with the payment of the penalty for default. It is expected that the stiffer measures would sanction timely compliance, and serve as deterrence to litigants and counsel who hitherto employ unnecessary delay tactics in their case managements to frustrate the quick dispensation of justice.

### **18. Re-engagement of Legal Practitioner after Withdrawal of Appearance**

The 2025 Rules, just as the 2018 Rules, recognise the possibility of the re-engagement by a party of the same legal practitioner after withdrawal of appearance in a cause or matter.<sup>38</sup> The 2018 Rules required leave of the court for such re-engagement; however, the 2025 Rules substitute notice to the court for such leave. In other words, under the 2025 Rules, leave of the court is no longer required for re-engagement as such. A simple notice of re-engagement to the court suffices.<sup>39</sup>

### **19. Time to Initiate and Grant Probate**

The 2025 Rules provide that no grant of Probate or Letters of Administration with Will annexed shall be initiated within 14 days of the death of the deceased, and no grant of administration without Will annexed shall be initiated within 21 days of the death.<sup>40</sup> This is

a departure from the 7 and 14 days respectively applicable to both situations under the 2018 Rules.<sup>41</sup>

## **20. Liability for Unauthorised Possession of or Dealings with Property of a Deceased**

The liability of a person, other than the named executor, administrator, officer of the court or other person appointed by the court, for taking possession of or dealing with the property of a deceased person was limited to a fine not exceeding five thousand Naira ( N5,000), under the 2018 Rules.<sup>42</sup> However, the limitation is excluded under the 2025 Rules.<sup>43</sup> By implication, the judge has wider discretion on the imposition of such liability, as may be determined on the peculiarity of each independent case.

## **21. Circumstances for the Revocation of Grant of Probate or Letters of Administration**

The wide discretion which was accorded the Probate Registrar to revoke a grant of probate or Letter of Administration under the 2018 Rules is restricted to definite circumstances under the 2025 Rules, videlicet:

- a) The proceedings to obtain the grant were defective in substance;
- b) The grant was obtained fraudulently by making false claim, or by concealing from the Court something material to the application;
- c) The grant was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant, though such allegation was made in ignorance or inadvertently;
- d) The grant has become useless and inoperative through circumstances; or
- e) The person to whom the grant was made has wilfully and without

reasonable cause omitted to exhibit an inventory or account as necessary to assist the probate registry, or has exhibited an inventory or account which is untrue in a material respect.<sup>44</sup>

## **CONCLUSION**

It is quite remarkable that the changes introduced under the 2025 Rules will have far-reaching effect in the administration of justice at the FCT High Court. The above analysis has highlighted the key innovations and improvements introduced under the 2025 Rules. We particularly note that these reforms demonstrate a commitment to modernising the system of civil adjudication, and addressing some concerns of the courts, litigants and legal practitioners alike. As we look forward to the commencement and full implementation of the 2025 Rules, we note that it is important to continue monitoring its impacts, while exploring opportunities for further innovations and improvements. On the whole, we believe that the 2025 Rules offer a promising framework for the future of civil litigation/procedure in the Federal Capital Territory.

## **End Notes**

<sup>1</sup> High Court (Civil Procedure) Rules of the FCT 2025, Order 2 Rule 9.

<sup>2</sup> Ibid, Order 3.

<sup>3</sup> Ibid, Order 3 Rule 6.

<sup>4</sup> Ibid, Order 3 Rule 9.

<sup>5</sup> Ibid, Order 3 Rule 11.

<sup>6</sup> High Court (Civil Procedure) Rules of the FCT 2018, Order 27.

<sup>7</sup> Ibid, Order 5.

<sup>8</sup> High Court (Civil Procedure) Rules of the FCT 2018, Order 6 Rule 6.

<sup>9</sup> High Court (Civil Procedure) Rules of the FCT 2025, Order 8 Rule 6.

<sup>10</sup> Ibid, Order 9 Rule 11(3)(d).  
<sup>11</sup> Ibid, Order 10 Rule 17.  
<sup>12</sup> High Court (Civil Procedure) Rules of the FCT 2025, Order 11 Rule 1.  
<sup>13</sup> High Court (Civil Procedure) Rules of the FCT 2018, Order 9 Rule 1.  
<sup>14</sup> High Court (Civil Procedure) Rules of the FCT 2025, Order 18 Rule 17.  
<sup>15</sup> Ibid, Order 21 Rule 12  
<sup>16</sup> Ibid, Order 20 Rule 12  
<sup>17</sup> High Court (Civil Procedure) Rules of the FCT 2018, Order 25 Rule 1.  
<sup>18</sup> High Court (Civil Procedure) Rules of the FCT 2025, Order 24 Rule 1.  
<sup>19</sup> Ibid, Order 41 Rule 5(a).  
<sup>20</sup> Ibid, Order 29.  
<sup>21</sup> Ibid, Order 30 Rule 1(4).  
<sup>22</sup> High Court (Civil Procedure) Rules of the FCT 2018, Order 11 Rule 7.  
<sup>23</sup> High Court (Civil Procedure) Rules of the FCT 2025, Order 39 Rule 4.  
<sup>24</sup> Ibid, Order 39 Rule 2  
<sup>25</sup> High Court (Civil Procedure) Rules of the FCT 2018, Order 33 Rule 2.  
<sup>26</sup> High Court (Civil Procedure) Rules of the FCT 2025, Order 39 Rule 2.  
<sup>27</sup> Ibid.  
<sup>28</sup> High Court (Civil Procedure) Rules of the FCT 2018, Order 37.  
<sup>29</sup> Ibid, Order 37 Rule 4.  
<sup>30</sup> High Court (Civil Procedure) Rules of the FCT 2025, Order 41 Rule 2.  
<sup>31</sup> Ibid, Order 41 Rule 3.  
<sup>32</sup> High Court (Civil Procedure) Rules of the FCT 2018, Order 37 Rule 4(f).  
<sup>33</sup> High Court (Civil Procedure) Rules of the FCT 2025, Order 41 Rule 6.  
<sup>34</sup> Ibid, Order 41 Rule 7.  
<sup>35</sup> High Court (Civil Procedure) Rules of the FCT 2018, Order 50 Rule 8.  
<sup>36</sup> High Court (Civil Procedure) Rules of the FCT 2025, Order 46 Rule 8.  
<sup>37</sup> Ibid, Order 50 Rule 5.

<sup>38</sup> High Court (Civil Procedure) Rules of the FCT 2025, Order 52; High Court (Civil Procedure) Rules of the FCT 2018, Order 55.

<sup>39</sup> High Court (Civil Procedure) Rules of the FCT 2025, Order 52 Rule 3.

<sup>40</sup> Ibid, Order 56 Rule 4.

<sup>41</sup> High Court (Civil Procedure) Rules of the FCT 2018, Order 62 Rule 1.

<sup>42</sup> High Court (Civil Procedure) Rules of the FCT 2018, Order 62 Rule 3.

<sup>43</sup> High Court (Civil Procedure) Rules of the FCT 2025, Order 56 Rule 8.

<sup>44</sup> High Court (Civil Procedure) Rules of the FCT 2025, Order 56 Rule 22.



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