



**Civil Procedure in Focus:
Exploring Key Innovations and
Changes in the High Court of
Federal Capital Territory (Civil
Procedure) Rules, 2025**

Introduction

In exercise of his constitutional power pursuant to section 259 of the Constitution of the Federal Republic of Nigeria, 1999, the Chief Judge of the High Court of the Federal Capital Territory (the “**Chief Judge**”) on November 7, 2024 introduced the 2025 High Court of the Federal Capital Territory (Civil Procedure) Rules, 2025 (the “**2025 Rules**”) which took effect on March 3, 2025. The 2025 Rules amended the High Court of the Federal Capital Territory (Civil Procedure) Rules, 2018 (the “**2018 Rules**”). The aim of the 2025 Rules is to bring significant developments in the administration of justice within the Federal Capital Territory, through introduction of contemporary procedural mechanisms designed to enhance efficiency, accessibility and effectiveness in judicial process.

The 2025 Rules introduced several innovations and changes geared towards addressing some procedural challenges, reducing delays in the administration of justice, introducing technological advancement and providing clearer guidelines to litigants approaching the High Court of the Federal Capital Territory, Abuja (the “**Court**”). In this article, we highlight the key innovations and changes introduced by the 2025 Rules while making comparison with the provisions of the 2018 Rules.

Electronic Filing and Virtual Proceedings

Under the 2025 Rules¹, the Chief Judge is empowered to establish an e-filing unit (“**E-Filing Unit**”) to be responsible for maintaining a designated online site for electronic filing of court processes and documents (“**E-Filing**”). Specifically, the 2025 Rules provide that all court processes may now be filed and served electronically under the watch of the E-Filing Unit. The E-Filing system is not a total substitute to the existing filing procedure as both E-Filing and physical filing procedures are to run parallel with each other. Hence, litigants now have the options to opt for E-Filing or the physical filing. However, once an action is commenced by a claimant through E-Filing, the defendant in the action is mandatorily required to adopt the E-filing procedure while filing his defence processes.

In order to make the E-Filing more seamless, the 2025 Rules allow a party to sign documents (including documents made under oath) either (i) electronically; or (ii) manually and then scan the documents. Further, the 2025 Rules recognise the fact that network and technical glitches are inevitable especially where a new technology is deployed. As such, the 2025 Rules provide that where an E-filed process or document is considered filed out of time due a technical glitch on the part of the filing system of the Court, the process or document so filed may be deemed properly filed as the Court may direct. Thus, an application should be made for such process to be deemed properly filed.

Further, there is no much clarity under Order 3 of the 2025 Rules on how a court process may be served electronically. However, Order 9 Rule 1 of the 2025 Rules (Order 7 Rule 1 of the 2018 Rules) limits service by electronic means to be based on mutual agreement of parties prior to the institution of action. Furthermore, by the 2025 Rules,² virtual proceedings are allowed. The Chief Judge is empowered to issue practice direction on the conduct of the virtual proceedings. Upon application of a party or Court’s direction, proceedings may be conducted virtually. The 2025 Rules do not contain detailed stipulation on modalities for the conduct of the virtual proceedings. It is expected that the practice direction that will be issued by the Chief Judge will provide the details.

¹ Order 3, the 2025 Rules.

² Order 3 II, the 2025 Rules.

Pre-Trial/Case Management Procedures

The 2025 Rules ushered in an entirely different procedure for pre-trial conference and case management ("**Pre-Trial Case Management**")³. The 2025 Rules completely dispense with all the extensive provisions for the Pre-Trial Case Management under the 2018 Rules. The 2025 Rules now empower the Chief Judge to, at his discretion, issue a practice direction on the Pre-Trial Case Management.

Further, a judge while managing his case may give directions on Pre-Trial Case Management issues and the judge shall endeavour to adopt contemporary and best Pre-Trial Case Management practices while conducting proceedings. Therefore, we are of the view that the streamlined approach under the 2025 Rules will reduce procedural complexities and grant judges greater discretion in managing cases efficiently for quick dispensation of cases as judges can adopt best Pre-Trial Case Management practices in the conduct of proceedings.

Service of Processes and Hearing Notices

Under the 2025 Rules,⁴ parties may prior to commencement of action agree to be served electronically with originating processes. The 2025 Rules provide that "[S]ervice of originating process shall be ... or by electronic means as mutually agreed to by parties **prior to the institution of the action.**"⁵

The previous provision on substituted service that by "*notice put at the principal courthouse, some other place of public resort...*"⁶ is not contained in the 2025 Rules. Interestingly, the means by which hearing notices can be served has now been expanded by the 2025 Rules⁷ to include "*WhatsApp, Telegram and/or any electronic means as may be directed by the judge*" as opposed to just email and SMS under the 2018 Rules. This expansion reflects the Court's recognition of evolving communication technologies to ensure that parties receive timely notification of court proceedings.

Written Address

Under the 2025 Rules, written addresses to be filed in the Court are conditioned with specifications of font sizes and page limits⁸. All written addresses shall be in Times New Roman font size 14 with 1.5 line spacing and shall not exceed 30 pages, else the court will discountenance the written address. However, where a counterclaim is included, the final address may be up to, but shall not exceed, 35 pages. Additionally, a reply on points of law shall not exceed 10 pages. The limit on page numbers will ensure concise arguments by parties and equally lessen some burden on judges. A party that intends to exceed the page limit may need to seek and obtain leave of the Court to that effect. The grant of leave is at the discretion of the Court.

Life Span/Renewal of Originating Process

By the 2025 Rules, the life span of originating processes has been extended⁹. The 2025 Rules provide that the life span of every originating process shall be twelve (12) months (as opposed to six (6) months under the 2018 Rules) and a claimant can apply within 14 days after the expiration of the originating process for renewal, and the Court may renew the process for a further period of six (6) months from the date of such renewal (as opposed to 3 months under the 2018 Rules). The extended lifespan of

³ Order 5 Rule 3, the 2025 Rules.

⁴ Order 9, the 2025 Rules.

⁵ Order 9 Rule 1, the 2025 Rules.

⁶ Order 7 Rule 11(d), the 2018 Rules.

⁷ Order 9 Rule 17, the 2025 Rules.

⁸ Order 39, the 2025 Rules.

⁹ Order 8, the 2025 Rules.

originating processes is a welcome development as it gives litigants more time to ensure that service of originating processes is effected timely and without clog of its short life span.

Undefended List Procedure

The 2025 Rules¹⁰ allow judges to determine, in chambers, whether a claim is fit to be heard under the undefended suit procedure. The innovation is to the effect that where an application is brought under the undefended list procedure, the judge in chambers upon examining the claimant's claim where satisfied that the claim is not fit to be tried as an undefended suit shall direct that the matter be transferred to the general cause list for trial. This means that Judges now have the discretion to decide in chambers whether a matter qualifies for the undefended list even before the defendant files a notice of intention to defend or hearing it in open court.

Additionally, a defendant now has more period to file his notice of intention to defend. A defendant upon being served with an application under the undefended list procedure now has twenty (21) days before the date of hearing (as opposed to five (5) days under the 2018 Rules) to file notice of intention to defend.

Fast Track Proceedings

Under the 2025 Rules¹¹, fast track proceedings shall be applicable only to actions relating to (i) banker/customer transactions; and (ii) commercial transactions where the monetary claim is not less than ₦100,000,000.00 (One Hundred Million Naira) (as opposed to ₦50,000,000.00 (Fifty Million Naira) under the 2018 Rules). Also, the filing fee has been increased from ₦100,000.00 to ₦500,000.00 (Five Hundred Thousand Naira) and an amendment of processes shall not be entertained after commencement of trial.

Additionally, the timeline for filing and service of final address fast track proceedings is seven (7) days and five (5) days for reply as opposed to fourteen (14) days for under the 2018 Rules. Application for extension of time under fast track proceedings attracts a penalty of Two Thousand Naira (₦2,000) per day.

Therefore, the 2025 Rules have (i) eliminated the other applicable cases of (landlord and tenant, Federal Capital Territory or Area Council Revenue, *etc*) which previously could be instituted under fast track procedure as contained under the 2018 Rules; (ii) increased the threshold of monetary claim that qualifies for fast track; and (iii) reduced some timelines for fast track proceedings and provided that an effective case management procedure should be adopted by the judge.

Trial Proceedings

Upon completion of pleadings, the trial judge shall set a date for hearing and the Registrar shall cause hearing notices to be issued and served on all the parties in the suit¹². The effect of this is that unlike under 2018 Rules¹³ (where parties would apply to the registrar to set down a case for trial) parties can no longer apply to the registrar to set down a case for trial where trial date has not been fixed by the trial judge. Thus, the power to set down a case for trial is now vested in the judge alone and not the registrar.

¹⁰ Order 34(1)(1), the 2025 Rules.

¹¹ Order 41, the 2025 Rules.

¹² Order 38, the 2025 Rules.

¹³ Order 32, the 2018 Rules.

Costs/Penalties

Several provisions in the 2018 Rules relating to costs and penalties have been amended.¹⁴ For instance, the provision under the 2018 Rules¹⁵ that provides “*cost when ordered becomes payable within 7 days of the order and failure to comply attracts the sum of 100 Naira daily. However, the Court may further deny the defaulting party or his legal practitioner further audience in the proceedings*” are not in the 2025 Rules.

Further, the provision under the 2018 Rules¹⁶ that requires a party who files an application to relist a cause struck out of time to pay a fee of 200 Naira for each day of default has been deleted under the 2025 Rules.

The 2025 Rules¹⁷ have now increased the amount of daily penalty for failure to perform an act within the prescribed period under the 2025 Rules to five hundred (₦500) Naira from ₦200 recognized under the 2018 Rules.

Withdrawal of Case

Under the 2025 Rules¹⁸, a claimant is not required to pay cost to defendant(s) for withdrawing or discontinuing a suit at any time before or after receipt of defence as opposed to what was applicable under the 2018 Rules¹⁹. Where a suit is now withdrawn or discontinued after the party withdrawing has called evidence, the suit shall be liable to be dismissed²⁰. The new provision will encourage litigants to discontinue their cases without the concern of facing penalties as that will also reduce the burden on the docket of the Court.

Timelines

The 2025 Rules made several changes with respect to timelines for carrying out different actions during the course of proceedings. These changes are mentioned below:

a) Timeline For Entering of Appearance

A defendant upon being served with an originating process now has 21 days to file its memorandum of appearance²¹ as opposed to 7 days under the 2018 Rules²².

b) Timeline For Filing Reply

The timeline for filing a reply where a claimant desires, is now within 14 days²³ from the date of service of defence (as opposed to 7 days under the 2018 Rules²⁴).

c) Amendments of Processes

The position on amendment of originating process and pleadings under the 2018 Rules was that “*a party may amend his originating process and pleadings at any time before the pre-trial conference*

¹⁴ Order 49, the 2025 Rules.

¹⁵ Order 56 Rule 9(2), the 2018 Rules.

¹⁶ Order 32 Rule 5(3), the 2018 Rules.

¹⁷ Order 50 Rule 5, the 2025 Rules.

¹⁸ Order 23, the 2025 Rules.

¹⁹ Order 24, the 2018 Rules.

²⁰ Order 23 Rule 3, the 2025 Rules.

²¹ Order 11, the 2025 Rules.

²² Order 9 Rule (3), the 2018 Rules.

²³ Order 18 Rule 1, the 2025 Rules.

²⁴ Order 18 Rule 1, the 2018 Rules.

and not more than twice during the trial but before the close of the case.” However, under the 2025 Rules²⁵, *“except with the special leave of Court, no party shall be permitted to amend his processes more than twice before judgment”*. Thus, a party can only apply to amend his pleadings before judgment provided that such party has not amended more than twice.

d) Motions and Other Applications

The 2025 timeline for filing reply affidavit and reply on points of law by an applicant who files a motion, is now five (5) days of being served with a written address and counter affidavit by a respondent²⁶. This is a reduction on the timeline of seven (7) days provided under 2018 Rules²⁷.

e) Final Written Address

The twenty-one (21)-day timeline provided under the 2018 Rules²⁸ for filing of final written address by a party beginning where the other party does not call evidence has now been reduced to fifteen (15) days²⁹. The rule now is, after a beginning party has closed his case and the other party does not to call evidence, the beginning party shall within 15 days after close of evidence file a final written address and upon being served with the final written address, the other party shall within 15 days file his final written address.

f) Time to Initiate Grant of Probate

The timeline for grant of probate to be initiated has been extended. The 2025 Rules³⁰ provide that no grant of probate or letter of administration with Will annexed shall be initiated within fourteen (14) days of the death of the deceased and no grant of administration without Will annexed shall be initiated within 21 days (these timelines were hitherto 7 and 14 days respectively under the 2018 Rules³¹) of the death.

g) Settlement Out of Court

The 2025 Rules³² provide that *“in the course of proceedings, the judge may grant the parties time within which they may explore possibilities for settlement of disputes”* thereby deleting the 30 days timeline provided under the 2018 Rules³³.

This amendment appears to recognize the practical challenges faced in the previous regime, where it proved nearly impossible for litigants particularly government agencies and large corporations with complex internal bureaucratic structures to settle disputes out-of-court within the restrictive 30-day timeframe. The 2025 flexible approach allows judges to consider the specific circumstances of each case and grant appropriate time for meaningful settlement discussions.

Change of Legal Practitioner

As opposed to the 2018 Rules³⁴ that require application for change of counsel to be made not less than three (3) clear days before the date fixed for hearing, the three (3)-day timeline requirement is not

²⁵ Order 24, the 2025 Rules.

²⁶ Order 30 Rule 1(4), the 2025 Rules.

²⁷ Order 43 Rule 1 (4), the 2018 Rules.

²⁸ Order 32 Rule 14, the 2018 Rules.

²⁹ Order 38, the 2025 Rules.

³⁰ Order 56(4), the 2025 Rules.

³¹ Order 62 Rule 1 (3), the 2018 Rules.

³² Order 28, the 2025 Rules.

³³ Order 26, the 2018 Rules.

³⁴ Order 55, the 2018 Rules.

applicable under the 2025 Rules³⁵. Additionally, a counsel who has withdrawn appearance for a party may be re-engaged by the same party by notice to the Court, as opposed to leave of court under the 2018 Rules.

Conclusion

The 2025 Rules represent a significant shift toward technological modernization and flexibility in the administration of justice in the Federal Capital Territory High Courts. The changes introduced from electronic filing of processes to virtual hearing of cases are welcoming, as it demonstrates commitment to addressing practical challenges that have hampered efficient justice delivery by embracing technological advancements and removing rigid procedural requirements.

The widening of the discretion of a judge on pre-trial issues, limitation of matters that qualify under the fast-track procedure and many other innovations are quite remarkable in quickening justice delivery. Legal practitioners should proactively adapt their practices to leverage the opportunities presented by these reforms, particularly the virtual proceedings option which may significantly reduce costs and increase access to justice. It is with utmost expectations that these innovations will meet the end for which they were made.

³⁵ Order 52, the 2025 Rules.

Authors



Abdurrahman Salis

Associate

abdurrahman.salis@gelias.com

Abdurrahman Salis is an Associate in the firm. He is a member of the Nigerian Bar Association and holds an LL.B. from Bayero University. His practice focuses on Projects, Energy, Capital Markets and Disputes.



Uchenna Ezeagu

Associate

uchenna.ezeagu@gelias.com

Uchenna Ezeagu is an Associate in the firm. His practice areas cover Energy, Corporate, Finance, and Capital Market. Uchenna advises clients (domestic and foreign) on a wide range of transactions in various industries including oil and gas, electric power, mining, private equity and telecommunications.



Hakeemah Ishola

Associate

hakeemah.ishola@gelias.com

Hakeemah Ishola is an Associate with the firm. She is a member of the Nigerian Bar Association. She holds a Bachelor of Laws degree from Afe Babalola University, Ado-Ekiti where she graduated with First Class Honours and was recognized as the Best Graduating Student in health law.



G. Elias

Lagos Office: 6 Broad Street, Lagos, Nigeria

Abuja Office: 2nd Floor, Abia House, Plot 979, First Avenue, Off Ahmadu Bello Way, Central Business District, Abuja.

Practices: ● Arbitration ● Capital Markets ● Competition ● Compliance ● Corporate ● Data Protection ● Derivatives ● Employment ● Environmental ● Foreign Investment ● Insolvency ● Intellectual Property ● Investigations and Hearings ● Lendings ● Litigation ● Mergers and Acquisitions ● Tax ● White Collar ●

Sectors: ● Agribusiness ● Commercial Banking ● Commodities ● Construction ● Development Finance ● Electric Power ● Entertainment ● Fintech ● Foreign Trade ● Healthcare ● Infrastructure ● Insurance ● Investment Banking ● Manufacturing ● Media ● Mining ● Oil and Gas ● Pensions ● Private Equity ● Real Estate ● Retail and Distributorship ● Services ● Technology ● Telecommunications ● Transport ● Venture Capital ●

www.gelias.com