*NAME: OLAWUYI MARY TOLUWALASE*

*COLLEGE: LAW*

*LEVEL: 200 LEVEL*

*MATRIC NO.: 18/LAW01/183*

*COURSE TITLE: NLS (LPB 204)*

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***Assignment Question***

1. State clearly the procedure from arraignment to imposition of sentence in a criminal trial in the high court; Comment on the remedy available to the accused after the imposition of sentence
2. Comment on the various methods by which civil proceedings may be commenced in the High Court.

***ANSWERS***

***QUESTION 1***

**ABSTRACT**

**INTRODUCTION**

Criminal procedure is the adjudication process of the criminal law. While criminal procedure differs dramatically by jurisdiction, the process generally begins with a formal criminal charge with the person on trial either being free on bail or Incarcerated, and results in the conviction or acquittal of the defendant. Criminal procedure can be either in form of inquisitorial or adversarial criminal procedure.

Criminal cases involved the commission of acts that are prohibited by law and are punishable by probation, fines, imprisonment-or even death. The attorney representing the state, country or municipal government the formally accuses a person of committing a crime is the prosecutor. The person charged with the crime of the defendants. The judge not only ensures that the rights of the defendants are respected, but also the Constitutional provision and the statutorily required rights afforded to victims of crime.

**PROCEDURE FROM ARRAIGNMENT TO IMPOSITION OF SENTENCE IN A CRIMINAL TRIAL IN THE HIGH COURT**

It should be noted that before Arraignment of a criminal case, there are also important procedures that the court must perform. This writer will like to explain these procedures too.

1. Indictment
2. Proofs of Evidence
3. Arraignment
4. Plea of guilty
5. Plea of not guilty
6. Prosecution
7. Submission of “No case answer”
8. Defense
9. Closing Address
10. Judgement
11. Discharge
12. Finding of guilt
13. Sentence

Each of these stage shall be considered.

1. **INDICTMENT**

This is an accusation of crime brought against an accused for trial in a High Court. An indictment or information, is a criminal charge brought against a person by the Attorney-General or any of his subordinate legal officers on behalf of the States or country and which is for trial at the High Court.

In the High Court, an information of crime is usually prosecuted in the name of the relevant State or in the name of the country, as the case may be.

1. **PROOFS OF EVIDENCE**

The proofs of evidence or evidence in proof means the names, addresses as written statements of then witnesses that the wishes to call and the list of exhibit if any, that the prosecution wishes to put in evidence at the trial photocopies of the list of the witnesses, the written statement they make to the police and the list of exhibit if any, are usually attached to the information filed by the state. The real essence of attaching these proofs of evidence is to put the accused on notice as to the measure of the case against him to enable him take step to prepare and state his defense. This is a fundamental right under the ***Fair Hearing provisions*** under the ***Nigerian Constitution.***

1. **ARRAIGNMENT**

This is the calling of an accused person formally before the court by name at the beginning of a criminal proceedings to read to him the indictment or information brought against him and to ask whether he pleads guilty or not guilty. Arraignment also means the registrar or the other officer of court calling the accused by name while the accused is standing in the Dock and reading over and explaining the charge or information to the accused in a satisfactory way and asking the accused to make his plea thereto instantly. In pleading, an accused person may plead the following:

1. **Autrefois acquit**: This means a plea that he has been tried fir the same offence before and has been acquitted. This plea is an application for the rule against double jeopardy, which states that a person cannot be tried twice for the same offence.
2. **Autrefois convict:** This means that a plea that he has been tried and convicted for th same offence on a previous occasion. He cannot be tried again.
3. **He may stand mute:** When an accused stands mute, that is, without saying anything, a plea of not guilty is usually entered for the accused**.**
4. **Plea of guilty to a lesser offence**: While intending to plead “not guilty” to the offence charged, an accused person may plead guilty to a lesser offence which is not on the information. Where this plea is accepted by the prosecution, the court may pass its sentence accordingly.
5. **Plea of guilty**
6. **Plea of not guilty**
7. **PLEA OF GUILTY**

Where an accused person pleads guilty, the counsel for the prosecution will give the court a summary of the evidence together with details of the accused person’s background, that is, character and his criminal record, if any. After this, the counsel for the defense usually makes his allocutus plea in mitigation.

1. **PLEA OF NOT GUILTY**

Where an accused person pleads not guilty, the trail then proceeds.

1. **PROSECUTION**

The counsel for the prosecution always open a criminal proceeding by calling evidence for the prosecution he calls his witnesses and examines each in chief, and tenders any exhibit they may have. The witnesses are in turn cross-examined by the defense counsel and re-examined by the prosecuting counsel as may be necessary and the case for the prosecution closes. The burden of proof on the prosecution in criminal proceedings is ***PROOF BEYOND REASONABLE DOUBT*** which is never lowered or watered down. Where the burden of proof is not discharged, the charge of information is usually dismissed and the accused is legally entitled to be set free and is accordingly usually discharged and acquitted. This is for, for it is better for a guilty person to go scot free and escape justice than for an innocent person to by unjustly punished, due to a lower standard of proof. Stressing the need for the prosecution to discharge the burden of proof required by law in criminal proceedings.

**Chukwunweike Idigbe JSC** in the case of **Ukorah v State** said that**;**

The romans had a maxim that *“it is better for 10 guilty persons to go unpunished than for one innocent person to suffer”*

1. **SUBMISSION OF “NO CASE ANSWER”**

At the close of the case for the prosecution, the defense counsel may submit that the prosecution has not produced sufficient evidence or made out a prima facie case against the accused and consequently, the accused has no case to answer and therefore the case should not proceed further. The defense counsel makes the submission by addressing the court. The prosecuting counsel usually replies. The judge then makes a ruling on this submission. The judge may accept

1. **DEFENCE**

After the close of the case for the prosecution and the failure of a no case submission, if such submission was made, the case for the defense then opens. The accused and his witnesses, if any, are, one after the other, led in evidence-in-chief by the counsel for the defense and are cross-examined by the prosecuting counsel and re-examined by the counsel of the defense as may be necessary. Each witness undergoes the whole process, before another witness is called. It is never mixed up. This is always the procedure. Generally, unless a witness has finished is testimony and undergone necessary cross-examination and re-examination, if any, another witness may not be called, except there are god reasons to do so. Some good reasons to call a witness out of turn includes the need to take the evidence of a witness who is obviously very busy or who may not be readily available to testify, or who lives in a distant town or place, or who is suffering for ill health, traveling to a far place, and so forth, after the witnesses for a defense have testified and tendered any exhibit they have, the case for the defense closes.

1. **CLOSING ADDRESS**

After the close of the case for the defense, the counsel for both sides then make closing speeches by addressing the court from their filed written addresses the prosecuting counsel is always the first to address the court. He sums up or reveals the case on both sides.

He points out the strengths of the case for the prosecution and identifies the witnesses if any of the defense and then urges the court to convict the accuse as charged. However, the general rule of law is the case for the prosecution must succeed on his own. This is so, for in criminal proceedings, the burden of proof on the prosecution is proof beyond reasonable doubt. It must be proved beyond reasonable doubt not beyond the shadow of doubt. The case for the prosecution must succeed on its own strength. Thus the case for the prosecution cannot rely on the witness of the defense to succeed for this reason, an accused person is not bound to put up a defense and may I appropriate circumstances rest his case or defense on the case of the prosecution. The general rule of closing speeches is that the accused or his counsel is entitled to the last word. That is, it is his right to round off his addresses.

1. **JUDGEMENT**

After the closing address by counsel for both sides, the judge fixes the judgement for a date provided that is not a summary trial, and the court raises in adjournment to enable it deliberate, consider, or evaluate the totality of evidence in the case. On the adjourned date the court resumes sitting, the case is called and the judge begins to deliver his judgement on the case, however, where a trial is by summary procedure the judge may deliver his judgement there and then, or he may retire to his chamber to consider judgement and resume sitting to deliver it on that same day, as the case may be, or on an adjourned date.

In the judgement, the judge sums up, weighs, or reviews the evidence for both sides. He sates his reasons for believing and accepting the case of either side and also gives his reason for disbelieving and reject the evidence for the other side, in conclusion, the judge may find the accused not guilty or guilty as the case may be. This must be done according to law

1. **DISCHARGE**

Where an accused person has not been found guilty, on merit, the judge will dismiss the information or charges and accordingly discharge and acquit the accused person as provided under The Criminal Procedure Law. On the other hand, if the prosecution failed on a technicality, the court will usually discharge the accused, but nit acquit him. Where a person has not been found guilty, a court usually makes one or more of the following orders:

1. Dismissal Order; dismissing the information, or charge(s)
2. Order of discharge of the accused on the charge(s)
3. Order of acquittal; and
4. Order of compensation, as the case may be for the false, frivolous, vexatious or malicious prosecution or false imprisonment of the accused, and so forth as may be relevant according to the circumstances of the case.
5. **FINDING OF GUILT AND SENTENCE**

A sentencing hearing is scheduled to determine the punishment a convicted defendant will receive. The judge hears testimony from the prosecution and the defense regarding the punishment that each state feels the convicted defendant should receive. During the sentence phase of a criminal case, the court determines the appropriate punishment for the convicted defendant. in determining a suitable sentence, the court will consider a number of factors, including the nature and severity of the crime, the defendant’s criminal history, the defendant’s personal circumstances and the degree of the remorse felt by the defendants.

b.  **REMEDY AVAILABLE TO THE ACCUSED AFTER THE IMPOSITION OF SENTENCE**

Remedies available to an accused person after sentence has been imposed is also called **POST-CONVICTION REMEDY.**

It is known as a procedure that allows the defendant in a criminal case to bring more evidence or raise additional issues in a case after a judgement has been made (***Post-trial***). With valid grounds, such remedies can help to obtain a fair resolution in the case. It is a general term related to appeals of criminal convictions, which may include, ***Lease, New trial, Modification of sentence,*** and such ***other relief as may be proper and just***. The court may also make supplementary orders to the relief granted, concerning such matters as Rearrangement, Retrial, custody and Release on security.

Post-Conviction remedies are a specific and complicated legal proceeding that challenges the legality of some aspects of the criminal trial or sentencing.

A criminal defendant has limited opportunities to challenge a conviction or sentence. Some of these remedies may include:

1. Direct criminal appeal

2. Sentence modification

3. Clemency

4. Pardon

5. Post-conviction relief proceedings

1. **DIRECT CRIMINAL APPEAL**

Direct criminal appeals are not like trial proceedings, they are completely different, even though they arise out of the same conviction. At the appeal stage, the goal is to convince the appellate court that an error at the trial court made the conviction or sentence unfair or contrary to law, warranting a different outcome. –Order 4 Rule 3 Court of Appeal Rules 2016

1. **SENTENCE MODIFICATION**

Sentence modification is a separate and quite different process from a criminal appeal. Although both may feel like the same, the court involved, the available grounds that can affect a criminal sentence, and the procedures involved are quite different. While criminal appeals must be filed by strict deadlines, a sentence modification petition can be filed any time while an offender is serving a sentence.

1. **CLEMENCY**

Clemency, or the commutation of a sentence, is a form of relief that may reduce or alter a sentence but does not affect the conviction.

1. **PARDON**

A pardon is a type of post-conviction relief that the President or Governor can give an individual serving time in prison, or facing other criminal consequences, that essentially forgives the remainder of the sentence.

**OTHER REMEDIES INCLUDE**

1. **REMISSION:** This is a complete or partial cancellation of the penalty, whilst still being considered guilty of said crime (i.e., reduced penalty). Also known as remand, the proceedings by which a case is sent back to a lower court from which it was appealed, with instructions as to what further proceedings should be had.
2. **RESPITE:** This is the delay of an ordered sentence, or the act of temporarily imposing a lesser sentence upon the convicted, whilst further investigation, action, or appeals can be conducted.
3. **EXPUNGEMENT:** This is the process by which the record of a criminal conviction is destroyed or sealed from the official repository, thus removing any traces of guilt or conviction.

**1**. Appeal to court of Appeal,

**2**. Apply for bail pending Appeal

**3**. Stay of execution of death sentence/ Term of imprisonment

**4.** Modification of term of imprisonment e.g. with hard labor to without hard labor.

**5.** Suspended sentence/ Probation

**QUESTION 2**

**ABSTRACT**

In this paper, the writer discusses civil procedures in the High Court which is basically the methods by which civil proceedings may be commenced, conducted and concluded in the High Court.

**INTRODUCTION** Civil procedure is the method, or procedure of commencing, conducting and concluding civil matters, trials, or claim in Court. The high court civil procedure rules of the various state High Courts make provisions for the conduct of civil procedure for the matters in the high court of each state. The civil procedure rules of the state high Courts are fairly uniform with little or no differences, except for the High Court of Lagos State which operates a multi-door court system, that is, a multi-services court, and a modified civil procedure adapted for that purpose, and the Federal High Court, because of its largely different jurisdiction, in view of this position.

**MODE AND PROCEDURE OF COMMENCEMENT OF ACTION IN THE HIGH COURT**

Commencement of a civil action is the process taken to institute an action before a competent court to determine the issues between parties.

Essentially, there are four different ways or methods of commencing actions in the High Court. These are:

1. By writ of summons (A writ for short)
2. By Petition;
3. By Originating summons
4. By Originating motion (Application)

Each of the above is referred to as ***ORIGINATING PROCESS***

1. **WRIT OF SUMMONS**

A writ of summons is an official document issued by a court stating concisely the nature of the claim of a plaintiff against a defendant, the relief or remedy claimed and commanding the defendant to “cause an appearance to be entered” for him in an action at the suit of the plaintiff within a specific period of time, usually eight days, after the service of the writ on him, with a warning that, in default of his causing an appearance to be entered as commanded, the plaintiff may proceed therein and judgment may be given in defendant’s absence.

Generally, all actions are to be commenced by the writ of summons except where there is any express legislation prescribing another mode ***– Order 3 Rule 1 & 2 Lagos High Court (Civil Procedure) Rules 2019; Order 1 Rule 2, Uniform Civil Procedure Rules (UCPR***

From the cases, writ of summons is the appropriate mode for commencing an action which by its nature is ***contentious.*** Usually, action commenced by a writ of summons requires the filing of pleadings and possibly a long trial ***– Doherty v. Doherty (1968) NMLR 241; NBN Ltd v. Alakija [1978] ANLR 231.***

By virtue of the ***Order 5 rule 2 Lagos High Court (Civil Procedure) Rules. 2019***. All civil actions commenced by writ of summons shall be accompanied by:

a) Statement of claim;

b) List of witnesses to be called at the trial;

c) Written statement on oath of the witnesses; and

d) Copies of every document to be relied upon at every trial – Order 2 Rule 1, Lagos.

Where a claimant fails to comply with the above, his originating process shall not be accepted for filing by the Registry – ***Order 5 Rule 3, Lagos High Court (Civil Procedure) Rules. 2019. Under Order 4 R. 17 Abuja***, a certificate of pre-action counseling signed by counsel and litigant shall be filled along with the writ where proceedings are initiated by counsel, showing that the parties have been appropriately advised as to the relative strength or weakness of their respective cases, and the counsel shall be personally liable to pay the costs of the proceedings where it turns out to be frivolous.

**ENDORSEMENT OF THE WRIT OF SUMMONS**

All writ of summons must have endorsed on it by the claimant (plaintiff) the nature of the claim being made or the relief sought. This endorsement is at the back of the writ of summons. This is to enable the defendant tell at a glance the nature of the action and the relief claimed against him.

If a party types his claims on a separate sheet of paper and affixes to the writ, that will be an improper endorsement and the writ will be invalid and is liable to be struck out. ***In Alatede v. Falode (1996) ANLR 101,*** *it was held that typing on a separate paper and then gumming the same to the writ was an irregularity and not in compliance with the rules*. Therefore, the writ may be struck out as not being properly endorsed; ***Nwonye v. Road Construction Ltd. (1966) NMLR 254.***

However, where there has been a valid endorsement on the writ of summons and the space provided is insufficient to accommodate the claims, a separate paper may be used in addition to the writs. In all cases, the parties to the action should be correctly described and at the back of the writ a concise statement of the nature of the claim must be stated. ***D. J Perera v. Motor & General Insurance Company Ltd. (1971) 1 NMLR 181.***

**ENDORSEMENT OF CLAIM AND PLAINTIFF’S ADDRESS**

*- Order 6 Rule 1,* ***Lagos state High Court (Civil Procedure) Rules. 2019;*** *Order 5 Rule 10 and 12 UCPR*

Plaintiff's address must be endorsed on the writ. If plaintiff is suing by a legal practitioner, the legal practitioner must endorse address of plaintiff and also his own name or firm and his place of business within the jurisdiction of the court – Order 4 Rule 12(1) Abuja.

1. **BY PETITION**

A petition is a written application in the nature of a pleading setting out a party’s case in detail and made in open court. It is, however, only used where a statute or Rules of court prescribe it as such a process – ***Order 1 Rule 2(3) UCPR.***

For example**,**

1. **section 410(1) of Companies and allied Matters Act (CAMA) 2004** provides that an application to the court for the winding-up of a company shall be by a petition.
2. ***Section 54(1) of Matrimonial Causes Act,*** 1970 provides that proceedings for dissolution of marriage are commenced by petition.
3. ***The Electoral Act*** also states that petitions are the only modes of procedure in election litigations. An election petition has been said to be similar to pleadings in civil matter as it is in that the practitioner sets out all the material facts he relies on for his petition – ***Egolum v. Obasanjo (1999) 5 SCNJ 92*** ***at 125.***

A petition as the Uniform Procedure Rules provides, *shall include a concise statement of the nature of the claim made or the relief or remedy required in the proceedings begun thereby and at the end thereof a statement of the names of the persons, if any, required to be served therewith or, if no person is required to be served a statement to that effect* - Order 7 Rule. 2(1) UCPR.

**ENDORSEMENT OF PETITION**

It shall be endorsed with the names and addresses of the petitioner and his Legal Practitioner, or where the petitioner brings a petition in person and corresponding to those made in the case of a writ, with the endorsements of the name and addresses of the plaintiff and his Legal Practitioner ***– Order 7 Rule. 2(3) UCPR.***

Where a person brings a petition in person, it shall be endorsed with:

a) The address of his place of residence, and if his place of residence is not within the jurisdiction, or if he has no place of residence there, the address of a place within the jurisdiction at or to which the documents for him may be delivered or sent;

b) His occupation; and

c) An address for service – ***Order 7 Rule. 2(4) UCPR.***

The High Court Rules of Lagos stipulate that a petition shall be presented by being left with the Registrar and that the party presenting it shall hand a copy to the Registrar. These Rules further require that the original should be sealed with the seal of the court and filed.

Service is effected in the same manner as a writ of summons. A respondent normally files a reply to the petition and at the trial, oral evidence is taken.

1. **BY ORIGINATING SUMMONS**

Generally, originating summons is used for ***non-contentious*** actions, that is, those actions where the facts are not likely to be in dispute (a question of law rather than disputed issues of facts). When the principal question in issue is or is likely to be one of construction of a written law or any instrument or of any deed or will or contract, originating summons may be used for the determination of such questions or construction – ***Director, SSS v. Agbakoba (1999) 3 NWLR (Pt. 595) 425; NBN Ltd. v. Alakija (supra); Doherty v. Doherty (supra); In Unilag v. Aigoro (1991) 3 NWLR (Pt. 179) 376,*** *it was held that originating summons is used where it is sought to correct errors in a judgment;* ***In Orianwovo v. Orianwovo (2001) 5 NWLR (Pt. 752) 548,*** *it was held that an action for declaration of title to land ought not to be commenced by originating summons.*

***In Fagbola v. Titilayo Plastic Industries (2005) 2 NWLR (Pt. 909) 1 at 19****, it was held that where proceedings are commenced by originating summons, pleadings are not used, that is, no statement of claims or defense are filed. Rather, affidavit evidence in support of originating summons and counter affidavit will take the place of pleadings –* ***Order 3 R. 5 and 6 Lagos; Order 1 Rule 2(2) Abuja; and Order 1 Rule 2(2) Kano.***

**FORMS OF ORIGINATING SUMMONS**

An originating summons shall be in Forms 3, 4 and 5 in the Appendix to the Rules with such variations as the circumstances of the case may require. An originating summons shall be prepared by the applicant or his legal practitioner and shall be sealed and filed in the Court Registry. When it is so sealed and filed, the summons shall be deemed to be issued – ***Order 5 Rule 5(3) Lagos state High Court (Civil Procedure) Rules. 2019.*** In Lagos, an originating summons shall be accompanied by:

a) An affidavit setting out the facts relied upon;

b) All the exhibits to be relied upon; and

c) A written address in support of the application ***Order 5 Rule 5(3c).***

d) Pre-Action Protocol Form 01 with necessary document.

**ORIGINATING MOTION OR APPLICATION**

This is the last of the originating processes. Unlike a petition, this may be used where a statute has not provided for it. Originating application is used when facts are not in dispute and it is used when the action relates to the interpretation of a document. In an application for prerogative orders of ***Certiorari, Prohibition, Mandamus, Habeas Corpus or enforcement of Fundamental Human Rights,*** originating motion may be used. Significantly, *where a state has not provided for a method for enforcing a right conferred by that statute, originating motion should be used* – Order 40 Rule 5(1) Lagos; It is rarely used in the Magistrate Court.

Its use was highlighted in the case of ***Chike Arah Akunna v. A-G of Anambra State & Ors (1977) 5 SC 161,*** it *was held that the appropriate method of making an application to the court, where a statute provides that such an application may be made but does not provide for any special procedure, is an originating motion;* ***Fajinmi v. Speaker, Western house of Assembly (1962) 1 All NLR (Pt. 1) 206.***

**THE CONCEPT OF FRONTLOADING**

This is the requirement of filing the statement of claim together with all other documents along with the writ.

It should be noted that in frontloading, processes are not to be accepted for filing and if wrongly accepted for filing, the court shall strike it out but in Abuja Rules, there is no provision as to the effect of not frontloading.

**ISSUING OF ORIGINATING PROCESSES**

A writ of summons in Lagos and other originating processes shall be deemed to be issued when the Registrar seals it. All writs of summons must be duly signed by a legal practitioner or by the claimant where he is not represented. At the time of presenting the document for filing, the legal practitioner or claimant, as the case may be, is expected to leave as many copies as possible with the Registrar for service on the defendant.

**SERVICE OF WRIT**

The aim of this service is to give notice to the defendant, so that he may be aware of, and be able to resist, if he may, that which is sought against him – ***United Nig. Press Ltd & Anor. v. Adebanjo (1969) 1 All NLR 431 at 432.*** The issue of service is fundamental and where a writ of summons or other originating processes are not served, the Court would lack jurisdiction to entertain the matter.

It is the duty of the **Sheriff** or the **Bailiff** of Court or a **Police** constable or any other person so appointed to serve the writ of summons or other originating processes. There are two modes of service:

1. Personal service; and

2. Substituted service.

**PERSONAL SERVICE**

This is the delivery of the originating process to the person to be served personally – ***Order 9 Rule 2 Lagos High Court (Civil Procedure) Rules. 2019***, in some cases, personal service may not be required where the defendant has authorized his legal practitioner in writing to accept service and such a legal practitioner enters appearance on his behalf.

**SERVICE OF A WRIT ON A LUNATIC OR DETAINEE**

If a lunatic or a detainee in prison is to be served with a writ of summons or other originating process, services should be effected on the head of the asylum or prison, as the case may be – ***Order 11 Rule 10 Abuja, and Order 12 Rule 10 Kano.***

**SERVICE OF A WRIT ON PARTNERSHIP**

Where a partnership is sued, the originating process may be served on any of the partners or at the principal place of business within the jurisdiction

**SERVICE OF A WRIT ON COMPANIES**

***Section 78 of the Companies and Allied Matters*** Act provides for service of processes on companies registered under the Act. It states that such service should be in accordance with the rules of Court that is applicable.

**SERVICE OF WRIT ON AN UNINCORPORATED BUSINESS ENTERPRISE**

The process may be served on a partner or a person apparently in control of the management of the business – ***Iyke Medical Merchandise v. Pfizer Incorporated (2001) 10 NWLR (Pt. 722) 540,*** where it was held that *service on an unincorporated business enterprise is effected by service on a partner or on the person having de facto control or management of the business using the business and its principal place of business*

**SUBSTITUTED SERVICE**

Where a party attempts unsuccessfully to effect personal service, he is entitled to bring an application *ex parte* for leave of court to effect substituted service. Such an application will be supported by an affidavit disclosing the various attempts made at personal service. When an order is granted upon satisfaction by the court, then the other party would be served by the substituted means.

**APPEARANCE**

Once a writ of summons or other originating process has been duly served, the defendant is required to enter appearance either in person or through a legal practitioner of his choice within the time allowed under the rules.

**JUDGMENT THEREOF**

A judgment obtained pursuant to such an application for default of appearance is called a “**Default Judgment**”.

Since a judgment which a plaintiff or claimant obtains by reason of failure to enter appearance is a default judgment, that is, not a judgment on the merit, then the court has jurisdiction to set aside or vary such a judgment – ***Order 12 Rule 9 Lagos High Court (Civil Procedure) Rules. 2019***.,

**CONCLUSION**

In conclusion, some legislations/rules require the compliance of certain conditions for initiating a civil action in court. For instance, ***The High Court of Lagos State (Civil Procedure) Rules 2019*** and provide that for any person to institute an action in Lagos such person must have complied with the pre-action action steps stipulated in the pre-action protocol directives.

In order to successfully initiate a civil action in court, the lawyer and the litigant must ensure that this factors that may be determined and considered by the court are strictly adhered to in order to undertake smooth ad successful litigation.

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