

FORM 48

*Summons for Direction*

N.B : Applicants to complete the text of any matter required and to strike out the number opposite any matter not required but not to strike out the text, which must be left for the Judge.

IN THE NATIONAL INDUSTRIAL COURT OF NIGERIA

In the ..... Judicial Division

Suit No..... of.....

Before his Lordship, Hon Justice .....

*Between*

A,B ..... Claimant

*And*

C,D and E,F ..... Defendants

Let all parties concerned attend the Judge in Chambers, National Industrial Court of Nigeria in the .....Judicial Division, on .....day of .....20.....at .....o'clock in the .....noon on hearing of application for directions in this action, that—

1. This action be consolidated with action(s) .....
2. Suit No..... and ..... No.....  
The action be referred to an Official Referee, and that the cost of this application be costs in the cause.
4. The Claimant have leave to amend the Complaint by.....and that service of the Complaint and the Defendant's appearance stand, and that the costs incurred and thrown away by the amendment be the Defendant's in any event.  
The Claimant have leave to amend the statement of claim as shown in the document delivered herewith and to re-deliver the amended of statement of claim in.....days, with leave to the defendant to redeliver an amended defence (if, so advised) in .....days thereafter, (and with leave to the Claimant to redeliver an amended reply (if so advised) in .....days thereafter, (and with leave to the Claimant to redeliver an amended reply (if so advised) in .....days thereafter and that the costs incurred and thrown away by the amendments be the Defendant's in any event.  
The Defendant have leave to amend the defence as shown in (document delivered with) the Defendant's notice under this summons and to redeliver the amended defence in.....days (with leave to the Claimant to redeliver an amended reply (if so advised) in .....days thereafter) and that the costs of and the costs thrown away as the result of the amendments be the Claimant in any event.
7. The Claimant deliver to the defendant within ..... days the further and better particulars of the statement of claim specified in (the document delivered with) the Defendant's notice under this summons.
8. The Defendant deliver to the Claimant within ..... days the further and better particulars of the Defence specified in the document delivered herewith.
9. The Claimant deliver to the Defendant within ..... days the further and better particulars of the reply specified in ( the document delivered with) the Defendant's notice under this summons.
10. The Claimant give security for the Defendant's costs to the satisfaction of the Chief Registrar or Registrar, National Industrial Court in the sum of ..... on the ground..... and that in meantime all further proceedings be stayed.
11. The Claimant within..... days deliver to the Defendant a list (file an affidavit) of documents (limited to the documents relating to the (special damage claimed) (Claimant's industrial) injury, industrial disablement; or sickness benefit rights) (period

from..... to..... ) (issues raised in paragraphs, .....of the statement of claim and

paragraphs..... ) of the defence) (issues of

12. The defendant within ..... days deliver to the Claimant a list (file an affidavit) of documents (limited to document relating to the (period from ..... to.....)(issues raised in paragraphs.....of the statement) (issues of.....)

13. There be inspection of document within ..... days of the delivery of the lists (filing of affidavits).

The Claimant have leave to deliver to the Defendants the interrogatories shown in the document delivered herewith, and that the Defendant answer the interrogatories on affidavit within .....days.

The Defendant have leave to deliver to the Claimant the interrogatories shown in the document delivered with the Defendant’s notice under this summons, and that the Claimant answer the interrogatories on affidavit within..... 90 days.

16. The Claimant (Defendant) (retain and preserve pending the trial of the action) (upon ..... days’ notice to give inspection of ..... ) the subject matter of the action, to the Defendant (Claimant) and to his/her legal adviser and (experts).

17. The statements in ..... be admissible in evidence at the trial without calling as a witness the maker of statements (and, if a copy of that document certified by..... to be true copy is produced, without production of the original document).

18. An affidavit of ..... (in form of the draft affidavit) (delivered herewith)(with the Defendant’s notice under this summons) (to be delivered within ..... days) be admissible in evidence at the trial.

19. Evidence of the following fact(s), namely..... be received at the trial by statement on oath of information and belief (by the production of the following document or entries in books or copy entries in books, namely..... )

20. It be recorded that the parties (Claimant) (Defendant) (refuses to) admit for the purpose of this action that (..... (the truth of the statements in the document delivered herewith) (with the Defendant’s notice under this summons).

21. ....a witness on behalf of the Claimant (defendant) may, upon..... days' notice, be examined before one of the examiners of the Court (as special examiner to be agreed upon by the parties) and that the said witness need not attend the trial.

22. A medical report be agreed, if possible, and that, if not the medical evidence be limited to..... witness for each party.

23. A report by (expert ..... ) be agreed if possible, and that, if not, the expert evidence be limited to .....witness for each party.

A plan of the locus in quo other than a sketch plan be receivable in evidence at the trial.

Photographs and a plan of the locus in quo be agreed if possible.

By consent, (the right of appeal be excluded) (any appeal to be limited to questions of law only).

27. Trial, place ..... mode ..... (Estimated length .....to be set down within .....days (and to be tried immediately after the action No..... of..... , 20..... ).

28. The costs of this application be cost in the cause, dated the ..... day of..... , 20.....

To the Defendant(s) and to his/her/their legal practitioner.

This summons was taken out by .....of.....

29. ....

.....  
*Legal Practitioner for the Claimant*

