

FORM 52

*Letter of Request to take Evidence Abroad (where no Convention)
(Heading as in Form 1)*

IN THE NATIONAL INDUSTRIAL COURT OF NIGERIA

In theJudicial Division

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

Between

A.BClaimant

And

C.D and E.FDefendants

To the President and Judges of, etc., (or as the case may be)

Whereas an action is now pending in the
.....Judicial Division of
the National Industrial Court, in which A.B. is Claimant and C.D is
Defendant. And in the said action the Claimant claims-(Endorsement upon
writ)

And whereas it has been represented to the said Court that it is necessary for
the purpose of justice and for the due determination of the matters in dispute
between the parties, that the following persons should be examined as witness
upon oath touching such matters, that is to say—

E.F., of.....

G.H., of.....

I.J., of.....

And it is appearing that such witnesses are resident within the jurisdiction of your Honourable Court.

Now I, the Hon Justiceas the President of the National Industrial Court of Nigeria have the honour to request and do hereby request, that for the reasons aforesaid and for the assistance of theJudicial Division of the National Industrial Court of Nigeria you as the President and Judges of the said.....

.....or some one or more of you, will be pleased to summon the said witnesses (and such other witnesses as the agents of the said Claimant and defendant shall humbly request you in writing so to summon) to attend at such time and place as you shall appoint before some one or more of you, or such other person as according to the procedure of your Court is competent to take the examination of witnesses, and that you will cause such witness to be examined upon the interrogatories which accompany this letter of request (or viva voce) touching the said matters in question in the presence of the agents of the Claimant and defendant, or such of them as shall, on due notice given attend such examination.

And I further have the honour to request that you will be pleased to cause the answers of the said witnesses to be reduced into writing and all books, letters papers, and documents produced upon such examination to be duly marked for identification and that you will be further pleased to authenticate such examination by the seal of your Court or tribunal or such other way as is in accordance with your procedure and to return the same together with such request in writing if any for the examination of other witnesses through the Ministry of Foreign Affairs, for the transmission to the said Judicial Division of the National Industrial Court.

Note.— “due notice given”—This refers to a notice to be given by the legal practitioner having conduct of the action.

For Form of Letter of Request to a Convention Country, as to undertaking by Legal Practitioner, *see* Form 54