

FORM 54

Letter of Request to take Evidence Abroad (Convention Country)

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 competent Judicial Authority ofin the
.....of

Whereas a civil action is now pending in theJudicial Division of the National Industrial Court Nigeria in which.....is Claimant andis Defendant

And in the said action the Claimant claims.....

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

.....and.....of.....

And it is appearing that such witnesses are resident within your jurisdiction.

Now I the President of the National Industrial Court Nigeria have the honour to request , and do hereby request, that for the reasons aforesaid and for the assistance of the said Court, 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 to summon) to

.....at such time and place as you shall appoint before

you or such other person as according to your procedure is competent to take the examination of witnesses, and that you will cause such witnesses to be examined (upon the interrogatories which accompany this letter or request) viva voce touching the said matters in question in 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 permit the agents of both the said Claimant and Defendant or such of them as shall be present to be at liberty to examine (upon interrogatories and viva voce upon the subject matter thereof or arising out of the answer thereto) such witnesses as may, after due notice in writing be produced on their behalf, and give liberty to the other party to cross examine the said witnesses (upon cross interrogatories and viva voce) and the party producing the witnesses for examination liberty to re-examine him or her viva voce.

And I further have the honour to request that you will be pleased to cause (the answers of the said witnesses and all additional viva voce questions, whether on examination, cross-examination, or re-examination) the evidence of such 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 further be pleased to authenticate such examination by the seal of your court or tribunal or in such other way as is in accordance with (the interrogatories and cross-interrogatories, and) a note of the charges and expenses payable in respect of the execution of this request, through the Ministry of Foreign Affairs from whom the same was received for transmission to the National Industrial Court.

And I further beg to request that you will cause me, or the agent of the parties if appointed, to be informed of the date and place where the examination is to take place.

Dated.....day of, 20.....

