

## **R. S. L. NO. 1 OF 2020**

### **HIGH COURT OF RIVERS STATE PRACTICE DIRECTIONS NO. 1 OF 2020**

#### **1. PREAMBLE:**

These Practice Directions are made pursuant to Section 274 of the Constitution of the Federal Republic of Nigerian 1999 (as amended).

#### **2. APPLICABILITY**

- a) These Practice Directions shall, unless otherwise ordered or directed in writing by the Honourable Chief Judge, apply to all case before Judges in all the Judicial Divisions of the High Court of Rivers State.
- b) These Practice Directions shall, unless otherwise ordered or directed in writing by the Honourable Chief Judge, apply to all cases before Magistrates in all Magisterial Districts in Port Harcourt City Local Government Area and obio/Akpor Local Government Area of Rivers State and any other Local Government Area in the State as the Chief Judge may direct.
- c) FOR THE AVOIDANCE OF DOUBT, these Practice Directions shall also apply to all new and or pending suits/cases before any judge judicial Division or before any Magistrate in any Magisterial District with Port Harcourt City Local Government Area and Obio/Akpor Local Government Area of Rivers State and any other Local Government Area as the Chief Judge may direct.

#### **3. OBJECTIVES AND GUIDING PRINCIPLES:**

The purpose of these Practice Directions is in the main to bring about ease in doing business with the Judiciary in Rivers State in relation to the filing, assignment and management of suits/cases and easy access to information with respect to suits/cases; particularly in relation to land related suits/cases and probate matters.

#### **4. DIRECTIONS:**

##### **a) COMMENCEMENT OF E-FILING:**

- (i) With effect from Monday the 13<sup>th</sup> January 2020, all suits/cases may be commenced either via e-filing or regular filing at the Registry and all other processes including Affidavits may be filed either E-filing via RIVCOMIS or regular filing and thereafter, all other processes related to the suit/case may be filed by either e-filing or regular filing until the 31<sup>st</sup> day January 2020.
- (ii) With effect from Monday the 3<sup>rd</sup> day of February 2020, all suits/cases shall be commenced via e-filing only and all other processes including Affidavits shall be filed by e-filing only via RIVCOMIS and thereafter, all other processes relating to the suit/case shall be filed by e-filing via RIVCOMIS.
- (iii) FOR THE AVOIDANCE OF DOUBT, with effect from the 3<sup>rd</sup> of February 2020 all processes relating to any new or pending suit/case shall be filed by E-FILING only via RIVCOMIS.

**b) LIS PENDENS:**

- (i) With effect from Monday the 13<sup>th</sup> day of January 2020, a Claimant in any suit/case relating to land in any manner whatsoever shall in addition to the processes to be filed with respect to the commencement of such suit, also by e-filing via RIVCOMIS file a Certificate to be known as LIS PENDENS CERTIFICATE in relation to the suit/case.
- (ii) With effect from Monday the 13<sup>th</sup> day of January 2020, the claimant and or the defendant in any pending suit/case relating to land in any manner whatsoever shall by e-filing via RIVCOMIS file a certificate to be known as a LIS PENDENS CERTIFICATE and no further step shall be taken by the Court with respect to the proceedings in such Suit/Case until after the filing of the said Certificate.
- (iii) With effect from Monday the 13<sup>th</sup> day of January 2020, upon the delivery of judgement in any suit/case relating to land in any

manner whatsoever or the withdrawal or discontinuance of same, a LIS PENDENS CERTIFICATE shall by e-filing via RIVCOMIS also be filed by the Claimant and or Defendant in such suit/case.

- (iv) With effect from Monday 13<sup>th</sup> of January 2020, an Appellant in any suit/case relating to land in any manner whatsoever shall in addition to the Notice of Appeal, by e-filing via RivCoMiS also file a Certificate to be known as a LIS PENDENS CERTIFICATE in relation to the appeal.
- (v) Searches may be carried by e-filing via RIVCOMIS with respect to any land subject to litigation or any pending case relating to land and there shall be a Search Report with respect to such search known as LIS PENDENS SEARCH REPORT.

**c) PROBATE:**

- (i) With effect from the 2<sup>nd</sup> of March 2020, all applications with respect to Letters of Administration or Grant of Probate/Letters of Probate shall be made by e-filing via RIVCOMIS.
- (ii) With effect from the 2<sup>nd</sup> of March 2020, all searches and any other process relating to Probate Registry shall be by e-filing via RIVCOMIS.

These Practice Directions shall be referred to as Practice Directions No. 1 of 2020 and shall come into force with effect from the 13<sup>th</sup> January 2020.

Dated 10<sup>th</sup> day of January 2020.

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A.I.Iyayi-Lamikanra  
Chief Judge, River State