



NO MORE SECOND CHANCES: THE SUPREME COURT'S BOLD MOVE TO END ENDLESS TIME EXTENSIONS

INTRODUCTION

The Supreme Court of Nigeria is the highest court in the country. It was established under Section 230 of the 1999 Constitution, and exercises both original and appellate jurisdiction, handling disputes between the Federation and States, as well as appeals from the Court of Appeal. Given the volume of cases in its dockets the Supreme Court has faced a significant caseload, necessitating procedural reforms to enhance efficiency in justice delivery.

To address this issue, the Court introduced the 2024 Supreme Court Rules (**‘the 2024 Rules’**), which came into effect on August 1, 2024. The 2024 Rules repealed and replaced the longstanding 1985 Supreme Court Rules, ushering in several procedural innovations aimed at ensuring the expeditious disposal of cases. This article examines the key provisions of the 2024 Rules, particularly Order 4 Rule 15, its impact on litigants and pending cases, and the transitional measures introduced to mitigate potential disruptions.

The Game-Changer: Order 4, Rule 15 – The End of Endless Extensions

One of the most consequential provisions of the 2024 Rules is Order 4 Rule 15, which imposes strict limitations on applications for extension of time in filing court processes in the Supreme Court. The provision states:

“*The time provided by the Rules for filing of any process shall be automatically extended in the first instance for the same period. In the second instance with payment of penalty for the time the applicant is in default but not exceeding the prescribed time. Thereafter, no application for extension of time shall be entertained except in an appeal against a death sentence.*”

The foregoing provision introduces a three-stage time extension framework, structured as follows:

- 1. First Automatic Extension** – If a litigant fails to meet the initial filing deadline, an automatic extension equal to the original timeframe is granted, with no penalty.
- 2. Second and Final Extension** – If the litigant still defaults, a final automatic extension of the same duration is granted, but this time, a penalty fee must be paid.
- 3. No Further Extensions** – After these two opportunities lapse, the right to file the process is permanently lost, and the Supreme Court will not entertain any further applications for extension, except in appeals involving a death sentence.



Clarification by the Chief Justice of Nigeria

On November 19, 2024, the Chief Justice of Nigeria (CJN), Hon. Justice Kudirat M.O. Kekere-Ekun, GCON, issued a Memorandum addressing concerns about the provision of Order 4, Rule 15. The memorandum reinforced that no application for extension of time will be entertained beyond the two automatic extensions, except for death sentence appeals. In fact, the Supreme Court registry would cease accepting applications for extension of time unless they pertain to capital punishment appeals. It was however made clear that if a process was filed out of time before August 1, 2024, but an application to regularise it was pending, the Court would still consider the application. This directive sent a strong message to litigants and legal practitioners that the era of lax procedural compliance at the Supreme Court was over.

The 30-Day Transitional Period: A Temporary Lifeline

To mitigate the sudden impact of Order 4, Rule 15, the Supreme Court, through a public notice issued by the Chief Registrar on February 4, 2025, announced a 30-day transitional period from February 10 to March 12, 2025. During this grace period, litigants and counsel with pending appeals are allowed to regularise their processes without facing the new stringent restrictions. After March 12, 2025, however, no further applications for extension would be accepted, effectively sealing the fate of non-compliant litigants.

Implications of the New Rules

By eliminating discretionary extensions, the new Rules are designed to streamline the judicial process, reduce the backlog of cases and accelerate the resolution of appeals. With fewer extension applications to process, the Supreme Court can focus more on substantive matters. However, the rigid timeline means that even in cases of unforeseen circumstances, litigants who exhaust the two automatic extensions will lose the opportunity to file processes. This strict approach may result in procedural injustices for parties unable to meet deadlines due to unavoidable reasons.

Legal practitioners must prioritise early filings to avoid the effect of late missing deadlines. Clients or litigants on their part, must be fully informed about the consequences of missing deadlines, as no court discretion will be available to rescue late filings.

Conclusion

The implementation of Order 4, Rule 15 marks a radical shift in Nigerian appellate practice, one that will reshape how cases progress at the apex court. While it promises efficiency and expedited justice, it also places strict responsibilities on litigants and lawyers demanding meticulous adherence to procedural timelines.

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