

SC. 687/2021

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY, 24TH MARCH, 2023
BEFORE THEIR LORDSHIPS

KUDIRAT MOTONMORI OLATOKUMBO KEKERE-EKUN

UWANI MUSA ABBA AJI

MOHAMMED LAWAL GARBA

IBRAHIM MOHAMMED MUSA SAULAWA

EMMANUEL AKOMAYE AGIM

JUSTICE, SUPREME COURT

JUSTICE, SUPREME COURT

JUSTICE, SUPREME COURT

JUSTICE, SUPREME COURT

JUSTICE, SUPREME COURT

SC. 687/2021

BETWEEN:

CHIEF JUDE OKEKE

TheNigeriaLawyer

**APPELLANT/
RESPONDENT**

AND

1. ALL PROGRESSIVES GRAND ALLIANCE (APGA)
2. CHIEF VICTOR IKE OYE
3. ALHAJI RABIU GARBA ALIYU
4. INDEPENDENT NATIONAL ELECTORAL COMMISSION

} **RESPONDENTS**

AND

CHIEF EDOZIE NJOKU

**INTERESTED PERSON/
APPLICANT**



HON. JUSTICE MOHAMMED LAWAL GARBA, JSC

pg. 1

29/3/2023

JUDGMENT

(Delivered by MOHAMMED LAWAL GARBA, JSC)

The interested person/Appellant brought a “Notice of Motion” on the 27th January, 2023 pursuant to Order 8, Rule 16 of the Supreme Court of Rules and under the inherent jurisdiction of the court and prays for the following Orders:

- “1. *An Order granting the Applicant Leave to bring the present Application as an interested Party to the present Appeal.*
2. *An Order, pursuant to Order 8 Rule 16 of the Supreme Court Rules and the Inherent powers of the Court, to correct the following typographical error and an accidental slip in the Lead Judgment of this Honourable Court in the above Appeal presided over by and delivered by Hon. Justice Mary Okaego Peter-Odili (JSC) (now RTD):”*
 - (a) *Correcting the Appeal Number wrongly stated to be “SC/CV/686/2021” to the correct Appeal Number which is “SC/CV/687/2021.”*
 - (b) *Correcting an accidental slip at page 13 lines 3 – 4 of the Judgment where instead of stating the name of “Chief Edozie Njoku” who was alleged to have been removed by the Parties and whom the Learned Trial Judge held to have been lawfully removed from his position as the validly elected National Chairman of APGA at the Party’s Congress held at Owerri; mistakenly stated the name of “Chief Victor Oye” whose name was never mentioned at the Trial Court.*
3. *AND for such further or other Orders as the Honourable Court might deem fit to make in the circumstances.”*

The grounds upon which the motion is predicated are listed as follows:

- "1(a) This Honourable Court decided that it would deliver its final Judgment in Appeal No. SC/687/2021 and that the said Judgment would be binding on the sister Appeal, Appeal No. SC/686/2021.*
- 1(b) In delivering its final Judgment, the Appeal No. was wrongly stated in the Lead Judgment of the Hon. Justice Mary Ukaego Peter-Odili to be "SC/CV/686/2021," but the Parties reflected thereon were the correct parties in "SC/CV/687/2021" and not the parties in "SC/CV/686/2021."*
- 2(a) The 3rd Respondent filed Suit No. JDU/022/2021 against the Appellant, praying the Trial Court to Declare that since the Applicant, Chief Edozie Njoku, had been lawfully removed or suspended from office as the duly elected National Chairman of APGA at the Party's Convention held at Owerri; he was the one entitled as the Deputy National Chairman (North) of the Party to take over as Acting National Chairman; without making Chief Edozie Njoku A Party to the case.*
- (b) The Learned Trial Judge without joining Chief Edozie Njoku as a Party, held that he had been lawfully removed as the duly elected National Chairman of the Party and replaced by the Appellant as Acting National Chairman.*
- (c) On Appeal to the Court of Appeal, Kano Division the Court held that it was the Applicant, Chief Edozie Njoku's position as National Chairman of the Party that was in issue and that failure to join him amounted to a denial of his right to be heard.*
- (d) On further Appeal to the Supreme Court, the Supreme Court in its unanimous Judgment per Hon. Justice Mary Ukaego Peter-Odili (JSC) (now RTD.) in her lead Judgment at Page 13, instead of stating that "... the dispute being who should be the Acting National Chairman of the 1st Respondent, APGA and whether the Chairman, "Chief Edozie Njoku" was validly replaced are within the confines of the internal affairs of the 1st Respondent which is not justiciable..., "erroneously stated that "... the dispute being who should be the Acting National*

of the 1st Respondent, APGA and whether the Chairman, Chief Victor Oye was validly replaced within the confines of the internal affairs of the 1st Respondent which is not justiciable...".

- (e) Chief Victor Oye was not claimed to have been validly elected at the Owerri Convention of the Party and lawfully removed or suspended and was equally not held by the Trial Court to have been lawfully removed as the National Chairman of APGA thus making it clear that his name was erroneously stated at Page 13 of the Lead Judgment instead of the name of the Applicant, Chief Edozie Njoku.*
- (f) Their Lordships, Hon. Justice Olukayode Ariwoola J.S.C. (now CJN) and Hon. Justice Dattijo Mohammed J.S.C. in their Ruling on 30th September, 2021 and 10th October, 2021 held that from Chief Edozie's Application to be heard in the two Appeals (SC/686/2021 and SC/687/2021), "it is clear that not all necessary parties are before this Court who will be affected by any order of the Court" and went on to direct the Parties on Record "... to ensure that all necessary Parties to be affected by an Order of the Court in the matter are brought before the Court; and directed the Applicant who came as an interested Party/Applicant to proceed to file his Brief of Argument as a Cross-Appellant in Appeal No. SC/CV/687/2021 and his Preliminary Objection to the Appeal in Appeal No. SC/CV/686/2021" so that he would be heard.*
- (g) The Applicant filed his Preliminary Objection and Brief in Appeal No. SC/686/2021 and the Appellant filed his Brief in response; and equally filed his Cross-Appellant's Brief in Appeal No. SC/CV/687/2021 to which the Appellant equally responded by filing his Cross-Respondent's Brief.*
- (h) On 14/10/2021, all the Parties were heard in argument on the merit of the two substantive Appeals with the Applicant fully canvassing arguments on his said Preliminary Objection and Cross-Appeal.*

- (i) *This Honourable Court decided to deliver on one Judgment in Appeal No. SC/CV/687/2021 to be binding on Appeal No. SC/CV/686/2021; but in delivering the said Judgment, the Appeal Number was wrongly stated; while the name of "Chief Victor Oye" wrongly stated instead of the name of Chief Edozie Njoku" at Page 13 as above stated.*
- (j) *The Applicant, Chief Edozie Njoku, without getting proper legal advice, applied by way of a Letter to the Presiding Justice, Hon. Mary Ukaego Peter-Odoli (JSC) who cross-checked the records and corrected the error by replacing the name of "Chief Victor Oye" erroneously stated at Page 13 of her Lead Judgment with the name of "Chief Edozie Njoku".*
- (k) *Chief Victor Oye (the 2nd Respondent) got the Inspector-General of Police to arrest the Applicant, Chief Edozie Njoku and charged him before a Bwari High Court for "Forgery of a Supreme Court Judgment"; and in spite of the letter from Ho. Justice Mary Ukaego Peter-Odili (JCS) (RTD.) clearly exculpating the Applicant who was the victim of the above accidental slip, remanded in Prison Custody by the Bwari High Court pending ^{The Nigerian Lawyer} on his Bail Application with the Social Media making scandalous and defamatory publications that the National Chairman of APGA, Chief Edozie Njoku, had been sent to prison for forgery of a Supreme Court Judgment in collusion with Officers of the Supreme Court.*
- (l) *The above has led to a great Political upheaval within the All Progressives Grand Alliance (APGA) and Has resulted in a very heavy dent on the character, reputation and political career of the Applicant and equally sought to falsely impugn the integrity of this Honourable Court and its Officers.*
- (m) *Following the above development, the Applicant applied by a fresh Letter dated 12th October, 2022, through his Solicitors to the Honourable C.J.N, Hon. Justice Kayode Ariwoola for the said Error or Accident Slip in the said Judgment to be corrected, but the Chief Registrar of the Supreme Court upon the direction of the Honourable C.J.N., by a Letter dated 19th January, 2023, notified the Applicant that he ought to have*

come by way of a formal Application under Order 8 Rule 16 of the Supreme Court Rules praying for a correction of the said Accidental Slip in the Judgment and advised him to file the necessary Application, hence the present Application.

- (n) It will be in the interest of Justice for this Honourable Court to exercise inherent powers by granting the Applicant leave to apply; and to correct the said Typographical Error and/or Accidental Slip which has caused a lot of embarrassment to both the Court and the Applicant.*
- (o) A grant of the said Application will not be prejudicial to the 2nd Respondent, Chief Victor Oye, whose name was neither mentioned nor was the subject of any dispute before the Trial Court, but whose name was accidentally or mistakenly mentioned at Page 13 of the above Lead Judgment instead of the name of the Applicant.*

The motion is supported by an initial Affidavit of 19 paragraphs deposed to by the Applicant to which are attached as Exhibits, among others, a copy of the Lead Judgment in the Appeal No. "SC/CV/686/2021" delivered by the court on the 14th October, 2021. The Applicant also deposed to a further Affidavit of 14 paragraphs on the 17th February, 2023 in answer to the 1st to 2nd Respondents' Counter-Affidavit to the motion and copies of document are attached to it as Exhibits.

On their part, the 1st and 2nd Respondents/Respondents to the motion, a 45 paragraphs initial counter affidavit was deposed to by the 2nd

SC. 687/2021

Respondent on the 13th February, 2023, to which were annexed, among other, copies of the Lead Judgment in Appeal No. "SC/CV/686/2021" delivered on 14th October, 2021 by this Court and concurring decisions in Appeal "SC/CV/687/2021 by other members of the panel that sat for the hearing of the Appeals Nos. SC/CV/686/2021 and SC/CV/687/2021. A further counter affidavit of 30 paragraphs, deposed to by Ifeanyi Mbaeri, was filed on the 20th February, 2023 in reaction to the further affidavit, filed in support of the motion. Copies of documents are attached to the further counter affidavit.

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In the Address in support of the motion, two (2) issues are said to call for determination as follows:-

- "(i) Whether the interested Person/Applicant has made out a case for this Honourable court to grant him leave to bring an application praying the court to correct a typographical error and an accidental slip in the Lead Judgment of the Supreme Court in the appeal, delivered on 14/10/2023 by Hon. Justice Mary Ukaego Peter Odily (JSC) (Rtd).*
- (ii) Whether the interested party/Applicant has made out a case for this Honourable Court to exercise its powers by correcting a typographical error and an accidental slip in the Lead Judgment of the Supreme Court in this appeal, delivered on*

14/10/2023 by Hon. Justice Mary Ukaego Peter-Odili (JSC) (Rtd)."

For the 1st and 2nd Respondents/Respondents, two (2) issues are also, said to be the crucial questions for determination in the motion thus:-

- "a) Whether the Honourable Court has jurisdiction to entertain the instant Application.*
- b) Whether the instant Application is incompetent and a gross abuse of process, liable to be dismissed."*

The respective issues are argued together by the parties in their Addresses.

In my view, the germane issues that require decision by the court in the motion, first, are the 1st and 2nd Respondents/Respondents' issues and then, the Applicants' issue 2, depending on the outcome of these issues. Since the 1st and 2nd Respondents/Respondent's issues challenge the jurisdiction of the court to entertain the motion, the law requires that they be determined first before a consideration of the other issues in the motion. See *Modukolu v. Nkemdilim* (1962) 2 SCNLR, 341, *Adeyemi v. Apeyori* (1976) 9 – 10 SC, 31 (1976) 1 NWLR, 149, *Utih v. Onyirwe* (1991) 1 SCNJ, 25, *Ajayi v. Adebisi* (2012) 11 NWLR (pt. 1310) 137 (SC). That is what I intend to do.

SC. 687/2021

1st and 2nd Respondents' Submissions:

After setting out the parties as contained on the face of the Lead Judgment delivered by the court on the 14th October, 2021 in the Appeal No. SC/CV/687/2021 and a portion thereof, it is submitted that the Applicant not being a party to an (the) appeal lacks the locus standi to intermeddle in the outcome of the appeal.

The cases of Bello v. INEC (2010) 8 NWLR (pt. 1196) 342 at 413. Edilcon Nig. Ltd. v. UBA, Plc (2017) 18 NWLR (pt. 1596) 74 at 92 – 93 and PDP v. Asadu (2016) 17 NWLR (pt. 1541) 215 at 224 are cited and **TheNigeriaLawyer** it is contended that since the Applicant does not seek to be joined in the already determined appeal or seek to set aside the order dismissing/ striking out the earlier application and to relist the appeal, the motion is incompetent and the court without jurisdiction to entertain it.

In addition, it is submitted that the provisions of Order 8, Rule 16 of the Supreme Court Rules do not empower the court to review or vary any judgment once given in order change the operative part or a different

SC. 687/2021

form substituted and that the motion seeks not only to vary the contents, but also substitute the correct, operative and substantive part of the judgment already delivered, affecting the 2nd Respondent.

Reference was made to pages 78 – 80 of Exhibit “C”; Lead Judgment of the court below in Appeal No. CA/KN/146/2021 and it is argued that it shows clearly that the chairman referred to was the 2nd Respondent and that what that court stated at pages 72 and 78, was a summary of the case at the trial court and not a finding, as erroneously stated in the Applicant’s Address.

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In further argument, it is said that by Exhibit “G” attached to the Applicant’s Affidavit, the Applicant had taken steps after becoming aware of the perceived/alleged irregularity “in the judgment in question” and so has waived his right to complain about it.

The motion is said to be an abuse of the court process and “Legion” of cases on the abuse of court process are referred to in support of the

SC. 687/2021

conclusion that it be dismissed, for being, inter alia, incompetent and a gross abuse of process.

In the Applicant's Reply/Answer to the 1st and 2nd Respondents' Address on issue of jurisdiction and abuse of court process, it is submitted that the Respondents failed in their counter affidavit to controvert, but indeed, admitted the existence of the typing error or accidental slip now sought to be corrected by the Applicant's motion for the following reasons:-

1. That there is the error on the Appeal No. SC/CV/686/2021 inserted on the Lead Judgment in Appeal No. SC/CV/687/2021 delivered on the 14th October, 2021 which was heard and determined by the court and to which the Appeal No. SC/CV/686/2021 was to abide.
2. That the subject matter decided by the trial court related to the suspension or removal of the Applicant as the chairman of the 1st Respondent/Respondent and not that of the 2nd Respondent/Respondent which was never pronounced upon by the trial court.

The court is urged to resolve the two (2) issues raised by the 1st and 2nd Respondents against them.

Resolution:

Once again, the motion is brought pursuant to the provision of Order 8, Rule 16 of the Supreme Court Rules (as amended in 2014) and under the inherent jurisdiction of the court prays for the following reliefs:-

- "1. An Oder granting the Applicant Leave to bring the present Application as an interested Party the present Appeal.*
- 2. Ander, pursuant to Order 8 Rule 16 of the Supreme Court Rules and the Inherent powers of the Court, to correct the following typographical error and an accidental slip in the Lead Judgment of this Honourable Court in the above Appeal presided over by and delivered by Hon. Justice Mary Ukaego Peter-Odili (JSC) (now RTD):"*
 - (a) Correcting the Appeal Number wrongly stated to be "SC/CV/686/2021" to the correct Appeal Number which is "SC/CV/687/2021."*
 - (b) Correcting an accidental slip at page 13 lines 3 – 4 of the Judgment where instead of sating the name of "Chief Edozie Njoku" who was alleged to have been removed by the Parties and whom the Learned Trial Judge held to have been lawfully removed from his position as the validly elected National Chairman of APGA at the Party's Congress held at Owerri; mistakenly stated the name of "Chief Victor Oye" whose name was never mentioned at the Trial Court.*
- 3. AND for such further or other Orders as the Honourable Court might deem fit to make in the circumstances."*

Order 8, Rule 16 provides that:-

“The Court shall not review any judgment once given and delivered by it save to correct any clerical mistake or some error arising from any accidental slip or omission, or to vary the judgment or order so as to give effect to its meaning or intention. A judgment or order shall not be varied when it correctly represents what the Court decided nor shall the operative and substantive part of it be varied and a different form substituted.”

As can easily be observed from the reliefs sought, the relief 1 above does not fall within the purview of these simple and plain provisions of the Rules, for the correction of any clerical mistake or some error arising from any accidental slip or omission or to vary the judgment or order so as to give effect to its meaning or intention.

Order or relief 1 sought by the Applicant to bring this application/motion “as an Interested Party to the present Appeal,” may be said or even considered to be within the precincts of the “court’s Inherent Jurisdiction” which term has been judicially defined. This Court, in *Yonwuren v. Modern Signs Nig. Ltd.* (1985) 1 NWLR (pt. 2) 244, per Sowemimo, JSC, (presiding) defined the term as follows:-

“The term “inherent jurisdiction of the court” does not mean the same thing as “jurisdiction of the court” used without qualification or description; the two (2) terms are not interchangeable for “inherent” jurisdiction of the court is only a part or an aspect of its general jurisdiction.”

In *Akilu v. Fawehinmi (No.2)* (1989) 2 NWLR (pt. 102) 122 at 197, Nnaemeka-Agu, JSC, had stated that:-

“The inherent power does not extend the jurisdiction of a court of record, it only lubricates its statutory jurisdiction and makes it works.”

In line with the above, relief 1 sought by the Application comes under the relief 2 which the court has the judicial authority and power to grant, in deserving cases and circumstances, by dint of the above provisions of Order 8, Rule 16. Such ~~defence~~ ^{The Nigerian lawyer} cases and circumstances would only be disclosed and shown when the application is made/brought pursuant to the provisions of the Rule and is considered on its merit by the court as provided therein. Bringing or making the application as provided for in the Rule, ipso facto, does not constitute an abuse of the court process since it is provided for and permissible under the Rules of the court and not premised on frivolity or recklessness. See *Ntuks v. NPA* (2011) 13 NWLR (pt. 1051) 392. The Applicant in relief/prayer 1 of the motion

SC. 687/2021

seeks leave to bring the application “as an Interested Party to the present Appeal.”

In simple and general terms, an interested party, in relation to a matter/action/appeal before a court of law, is a party or person who is affected or aggrieved or likely to be aggrieved by the proceedings, orders or decision of the court in a matter/action or appeal, as the case may be.

A party or person who has suffered a legal grievance, a person against whom a decision has been pronounced which has wrongfully deprived him of something or wrongfully affected his title to something, etc. See *Akande v. General Electric* (1979) 4 SC, 115, *Ogukwu v. Gov., Lagos State* (1985) 2 NWLR (pt. 10) 806, *Funduk Engr. Ltd. v. MacArthus* (1990) 4 NWLR (pt. 143) 266 at 277 – 278, *Busari v. Oseni* (1992) 4 NWLR (pt. 237) 557.

On the face of the Relief 2 sought by the Applicant, he, prima face, shows he is a person affected or likely to be affected by the

SC. 687/2021

decision/judgment in the Appeal No. SC/CV/687/2021 which is said to contain errors in stating the number of the Appeal as Appeal No. SC/CV/686/2021 and a “typographical error and an accidental slip”.

In the above premises, the Applicant, even though admittedly not a party in the Judgment in Appeal No. SC/CV/687/2021, is entitled to, as a person interested, make or bring the application for the correction of the error or accidental slip in the judgment which affected or likely to affect him or his interest. In other words, the Applicant possesses the requisite locus standi to bring the application and in consequence, the application is not incompetent for the court to lack the requisite jurisdiction to entertain same.

In the result, the two (2) issues raised and argued by the 1st and 2nd Respondent/Respondents are resolved against them.

I now go to the next germane issue of whether the Applicant has made out a case under the provisions of Order 8, Rule 16 for the court to

SC. 687/2021

correct the errors said to be contained in the judgment delivered on the 14th October, 2021, raised as issue (ii) in Applicant's Addresses.

Applicant's Submissions:-

In brief, the submissions are to the effect that there was an error in stating the Appeal No. SC/CV/686/2021 on the face of the Judgment delivered on the 14th October, 2021, instead of the Appel No. SC/CV/687/2021 which was heard by the court and in respect of which the judgment was delivered and to which the Appeal No. SC/CV/686/2021 was to abide.

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Also, that the Appeal No. SC/CV/687/2021 arose from a case before the trial court in which the issue of the suspension of the Applicant as the chairman of the 1st Respondent and as to whether the 3rd Respondent was to assume the position of Acting Chairman after the suspension of the Applicant. It is said that the 2nd Respondent was not a party to the case before the trial court, but was joined at the court below and that in the judgment of the court delivered on the 14th October, 2021, the name

SC. 687/2021

of the 2nd Respondent whose suspension and replacement by the 3rd Respondent was not an issue in the Appeal No. CA/KN/146/2021, was stated at page 13 instead of the name Applicant, which was the correct name of the person whose suspension and replacement was in issue.

The court is urged to correct the said error or accidental slip by replacing the Appeal No. SC/CV/686/2021 on the face of the judgment delivered on the 14th October, 2021, with the Appeal No. SC/CV/687/2021 and the name of the 2nd Respondent, Chief Victor Oye, stated at page 13 of the said judgment, with the name of the Applicant; Chief Edozie Njoku.

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It may be recalled, that in their arguments of their 2 issues above, the 1st and 2nd Respondents have said, inter alia, that the application seeks to vary the contents of the final judgment and substitute the correct, operative and substantive part of the judgment (affecting the position of the 2nd Respondent as the adjudged National Chairman of the 1st Respondent) with the Applicant, and so it is incompetent and ought to be dismissed. See paragraphs 4.12 at page 15 – 16 of the 1st and 2nd Respondents' Address.

SC. 687/2021

Resolution

I would, at the onset, state that the relief sought by the Applicant in the application is simply to correct an error said to be contained on the judgment of the court in question in respect of the number of the Appeal set out on the face of the judgment and the name of the 2nd Respondent.

Now, the parties; ie. the Applicant and the 1st and 2nd Respondent are one, that in fact, at the oral hearing of the Appeals No. SC/CV/686/2021 and SC/CV/687/2021 on the 14th October, 2021 in open court, it was agreed by the Learned Counsel for the parties in the two (2) appeals and **TheNigeriaLawyer** ordered by the court, that the Appeal No. SC/CV/687/2021 was to be argued and the judgment of the court to be delivered therein shall bind the Appeal No. SC/CV/686/2021. In other words, the Appeal No. SC/CV/686/2021 shall and was to abide by the judgment of the court in the Appeal No. SC/CV/687/2021.

SC. 687/2021

See paragraph 11 of the Applicant's Affidavit in support of the application and paragraphs 11 and 12 of the 2nd Respondent's Counter-Affidavit to the application.

So clearly, the Appeal that was argued by the Learned Counsel for the parties on the 14th October, 2021 in respect of which the judgment was delivered by the court on that day, was the Appeal No. SC/CV/687/2021 which number ought to have been set out and reflected on the face of the judgment. Undoubtedly therefore, setting out and reflecting the Appeal No. SC/CV/686/2021 on the face of the judgment delivered by the court on the 14th October, 2021 is an apparent clerical mistake or error on the face of the judgment which the court, when it's attention is brought to it, as in this application, has the authority and power pursuant to the provisions of Order 8, Rule 16, to correct.

The Applicant here has made out an appropriate case for the exercise of the court's discretionary power to make and order for the correction of the mistake or error firmly established by the admitted facts in the application.

SC. 687/2021

For completeness, the parties in the two (2) Appeals were as follows:-

1. Appeal No. SC/CV/686/2021:

CHIEF JUDE OKEKE

- APPELLANT

AND

1. ALHAJI RABI'U GARBA ALIYU

2. INDEPENDENT NATIONAL ELECTORAL RESPONDENTS

COMMISSION (INEC)

AND

CHIEF EDOZIE NJOKU

INTERSTED PERSON/
PARTY SEEKING TO
BE JOINED

2. Appeal No. SC/CV/687/2021

CHIEF JUDE OKEKE TheNigeriaLawyer

APPELLANT

AND

1. ALL PROGRESSIVES GRAND ALLIANCE (APGA)

2. CHIEF VICTOR H. IKEOYE

(National Chairman of APGA, for Himself
and on behalf of the Members of the National
Working Committee (NWC) of APGA Elected on
31st May, 2019).

RESPONDENTS

3. ALH. RABI'U GARBA ALIYU

4. INDEPENDENT NATIONAL ELECTORAL
COMMISSION (INEC)

AND

CHIEF EDOZIE NJOKU

INTERESTED PERSON/

PARTY SEEKING TO BE
JOINED

As can easily be observed, the Applicant was not a party to any of the two (2) Appeals but merely an Interested Person/Party seeking to be joined, whose application to be joined was struck out by the court in the judgment delivered on the 14/10/2021 for being overtaken by the decision therein.

The next error said to exist in the judgment of the court is at page 13 thereof. The statement by the court in the preceding page 12 of the judgment from which the statement at page 13 derived, provides the full and comprehensive picture and clear context in which it was made by the court. This was what the court stated from page 12 to page 13 of the judgment:-

“The matter in my humble view is clear and is that the 3rd respondent as plaintiff went on this forum shopping all the way from Anambra State to Jigawa State for his benefit which this court owes the duty to and sundry to deplore and say so, without hesitation. I call in aid cases of Dingyadi v. INEC (2001) 44 NSCQ 301 at 34 and the case of Mailantarki v. Tongo (2018) NWLR (pt.1614) at 86-87 which are apt for our purpose herein and that is what the 3rd respondent did in the Jigawa State High Court was a clear abuse of judicial process actuated by the forum

shopping he embarked on. There is no other way to describe what happened in this instance than to declare it as is it, an abuse of judicial process.

It needs be stated at this point that the dispute being who should be the Acting National Chairman of the 1st respondent, APGA and whether the Chairman, Chief Victor Oye was validly replaced are within the confines of the internal affairs of the 1st respondent which is not justiciable."

It is plain in these statements that, in brief, the court merely stated the facts and events that gave rise to and from which, the 3rd Respondent as plaintiff, filed the case before the trial court to claim being the Acting National Chairman of the 1st Respondent in place of the Chairman allegedly suspended at National Convention of the 1st Respondent held on 31st May, 2019 at Owerri, Imo State. ^{TheNigeriaLawyer} It cannot seriously be disputed that the chairman allegedly suspended at Owerri, Imo State and who the 3rd Respondent sought to replace as Acting Chairman in the suit he filed before the trial court, against the Appellant, Chief Jude Okeke and INEC, was Edozie Njoku; ie. the Applicant. The name of Chief Victor Oye; the 2nd Respondent, was not included or even mentioned in the case that was filed by the 3rd Respondent, either as a person or as the Chairman of the 1st Respondent suspended or replaced at the Owerri

SC. 687/2021

Convention of 31st May, 2019. This is borne out by the questions raised and the reliefs sought by the 3rd Respondent in the suit before trial court, set out in the judgment of 14th October, 2021.

In the two (2) Appeals before the court below; ie. CA/KN/121/2021 and CA/KN/146/2021 in which Chief Victor Oye; the 2nd Respondent, was joined and from which the Appeals No. SC/CV/686/2021 and SC/CV/687/2021 arose, respectively, the 2nd Respondent did not claim and was not found to have been the Chairman who was suspended or replaced at the Owerri Convention of 31st May, 2019 and who the 3rd Respondent sought to take over from as the Acting Chairman in the suit filed before the trial court which was eventually found to be an abuse of the court process by both the court below in the aforementioned appeals and this court in the judgment delivered on the 14th October, 2021. In the correct and proper context of the material facts summarized by the court at page 13 of the said judgment, the name “Chief Victor Oye” was mentioned in error and it was a slip on the part of the court as the correct

SC. 687/2021

name should have been that of the Chairman suspended at the Owerri convention of 31st May, 2019; ie. Edozie Njoku, who is the Applicant.

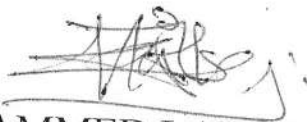
In the above premises, I am in no doubt that there exists a real, bona fide and apparent error, a mistake and a slip on page 13 of the judgment of 14th October, 2021 in mentioning or stating the name of “Chief Victor Oye” as the Chairman validly replaced instead and in place of the correct name of Edozie Njoku, who was said to have been replaced at the Owerri Convention of 31st May, 2019 which resulted in the suit filed by the 3rd Respondent before the trial court. I also find that the **TheNigeriaLawyer** correction of the error, mistake or slip in the judgment does not in any plausible way, review, vary or substitute the operative or substantive part of the judgment, but one to give effect to its meaning and intention.

In the final result, the Applicant has made out a case to warrant the grant of the application and it is granted as prayed. It is hereby ordered as follows:-

SC. 687/2021

1. That the Appeal No. SC/CV/686/2021 set out on the face of the judgment delivered by the court on 14th October, 2021 is to be corrected and replaced with the Appeal No. SC/CV/687/2021.
2. That the name of "Chief Victor Oye" mentioned and set out on page 13 of the judgment delivered by the court on the 14th October, 2021 in Appeal No. SC/CV/687/2021 be deleted and replaced with the name "Edozie Njoku" so that the sentence on page 13 would now correctly read:-

"It needs be stated at this point that the dispute being who should be the Acting National Chairman of the 1st Respondent, APGA and whether the Chairman, Edozie Njoku was validly replaced are within the confines of the internal affairs of the 1st Respondent which is not justiciable."



MOHAMMED LAWAL GARBA
JUSTICE, SUPREME COURT

C. G. Onyemenam, SAN, with J. G. E. Ejeuko, Esq. I. N. Nke, Esq., P. Ntui, Esq. and C. C. Ebube, Esq. for the Party Interested/Appellant.

L. Asinmu Esq. for the Appellant/Respondent.

HON. JUSTICE MOHAMMED LAWAL GARBA, JSC



SC. 687/2021

Dr. O. Ikpeozu, SAN, with P. I. N. Ikweuto, SAN, C. I. Mberi, Esq. C. Egeokeke, Esq. for the 2nd Respondent

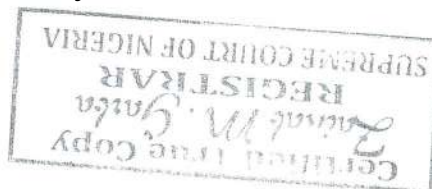
Esq. for the 1st and 2nd Respondents.

3rd Respondent not represented

4th Respondent not represented.



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HON. JUSTICE MOHAMMED LAWAL GARBA, JSC

pg. 28

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY THE 24TH DAY OF MARCH 2023
BEFORE THEIR LORDSHIPS

KUDIRAT MOTONMORI OLATOKUNBO KEKERE-EKUN

UWANI MUSA ABBA AJI

MOHAMMED LAWAL GARBA

IBRAHIM MOHAMMED MUSA SAULAWA

EMMANUEL AKOMAYE AGIM

JUSTICE, SUPREME COURT

JUSTICE, SUPREME COURT

JUSTICE, SUPREME COURT

JUSTICE, SUPREME COURT

JUSTICE, SUPREME COURT

SC.CV/687/2021

BETWEEN

CHIEF JUDE OKEKE

- APPELLANT

AND

TheNigeriaLawyer

1. ALL PROGRESSIVES GRAND ALLIANCE
(APGA)

2. CHIEF VICTOR IKE OYE

3. ALHAJI RABIU GARBA ALIYU

4. INDEPENDENT NATIONAL ELECTORAL
COMMISSION (INEC)

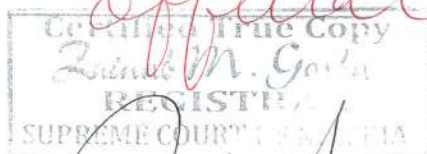
RESPONDENTS

CHIEF EDOZIE NJOKU

INTERESTED
PERSON/APPLICANT

RULING

(DELIVERED BY KUDIRAT MOTONMORI
OLATOKUNBO KEKERE-EKUN, JSC



29/3/2023

I have had the benefit of reading before now, the ruling of my learned brother MOHAMMED LAWAL GARBA, JSC just delivered. I am in complete agreement with him that the application is meritorious and should be allowed.

My learned brother has adequately summarized the facts relevant to this application. Notwithstanding the avalanche of processes filed in respect of the application, I am of the considered view that the issue before this court is quite simple and straightforward.

The applicant seeks the leave of this court to bring the instant application filed on 27/1/2023 as an interested person in order to correct a perceived typographical error and an accidental slip in the lead judgement of this court delivered on 14th October 2021.

The circumstances of this application are unique because the applicant was not a party to the appeal that gave rise to the judgment now sought to be corrected. The court must therefore be satisfied that the applicant has a

genuine interest to be protected and is not merely a busy body.

It was held by this court in **Ikonne Vs C.O.P & Nnanna Wachukwu (1986) 4 NWLR (Pt.36) 473 @ 503 F-H**, per Karibi-Whyte, JSC:

"The expression "person having interest" has been defined as synonymous with "person aggrieved." In Re: Sidebotham, Ex. p. Sidebotham (1880) 14 Ch.D. at p.465' James L.J., said,

"A 'person aggrieved' must be a man who has suffered a legal grievance, a man against whom a decision has been pronounced which has wrongfully deprived him of something, or wrongfully refused him something, or wrongfully affected his title to something. (Emphasis by His Lordship)."

In Re: Reed, Bowen & Co Ex. p. Official Receiver (1887) 19 O.B.D at p.178, Lord Esher pointed out that "a person aggrieved" includes "a person who has a genuine grievance because an order has been made which prejudicially affects his interests.

The respondent must therefore show not only that he is a person interested but also that the order made prejudicially affects his interests."

See also: **Societe General Bank Nig. Ltd. Vs Afekoro & Ors. (1999) LPELR – 3082 (SC) @ 28 E – E**, per Ogundare, JSC.

In the instant application, it is the applicant's contention that apart from the error in stating the correct appeal number on the face of the lead judgment, the reference to Chief Victor Oye at page 13 lines 3-4 of the judgment of Hon. Justice Mary Peter-Odili, JSC (now retired) prompted him, in ignorance of the proper legal procedure, to write personally to His Lordship to explain that the person being referred to as the suspended National Chairman of the 1st respondent (All Progressives Grand Alliance), whose suspension gave rise to the suit before the trial court, was himself, Chief Edozie Njoku and requested that the error be corrected. It is his further contention that upon the said correction, the 2nd respondent caused the Inspector General of Police to arrest him and charge him before the High Court of the FCT, Bwari for alleged forgery of a Supreme Court judgment and that he was remanded

in prison custody, as a result. After series of correspondence between him and the officials of this court, as well as letters written to the Hon. Chief Justice of Nigeria seeking to exculpate himself from the situation in which he found himself, he was advised to follow the proper legal procedure by filing an application in accordance with the appropriate provisions of the Rules of this court. Hence the instant application.

I am satisfied that the applicant is a person aggrieved and his right to liberty affected by the accidental slip and the manner in which he sought to correct it, even though not a party to the appeal.

The Nigeria Lawyer

Order 8, Rule 16 of the Rules of this court provides:

"16. The court shall not review any judgment once given and delivered by it save to correct any clerical mistake or some error arising from any accidental slip or omission or to vary the judgement or Order so as to give effect to its meaning or intention. A judgment or order shall not be varied when it correctly, represents what the court decided nor shall the operative and substantive part of it be varied and a different form substituted."

By this provision, this court has the requisite jurisdiction to correct an accidental error or slip in its judgment which does not have the effect of varying the operative or substantive part of the judgement.

I stated earlier in this contribution that the issue before the court is quite straightforward. Contrary to the stance taken by the 1st and 2nd respondents, the applicant does not seek to vary the substantive part of the judgment in any way nor is he seeking to reopen the leadership dispute within the party.

There is clearly ^{TheNigerianLawyer} an error on the face of the lead judgment where the Appeal number was stated to be SC/CV/686/2021 instead of SC/CV/687/2021. This is evident from the order of the court reflected in the first sentence of the judgment, that the judgment in Appeal No. SC/CV/687/2021, which was the appeal heard by the court, would be binding on the sister appeal No. SC/CV/686/2021.

Furthermore, as elaborately explained by my learned brother, Garba, JSC, the suit that gave rise to the appeal

No. SC/CV/687/2021 was the one instituted by the 3rd respondent, Alhaji Rabi Garba Aliyu before the High Court of Jigawa State, contending that upon the suspension of the applicant, Chief Edozie Njoku, as the National Chairman of the party, it was he, as the Deputy National Chairman (North) and the most senior National member of the party, that ought to have been appointed Acting National Chairman in compliance with the Party's Constitution, and not Chief Jude Okeke, who was the Deputy National Chairman (South). The party officials were elected at its National Convention held on 31st May 2019 at Owerri. The suit at the High Court of Jigawa State in suit No. JDU/022/2021 had Alhaji Garba Aliyu as plaintiff while Chief Jude Okeke and INEC were respondents.

Neither the applicant herein nor Chief Victor Oye were made parties to the suit. However, the trial court held that the applicant had been lawfully removed as the National Chairman and that Chief Jude Okeke was properly

appointed to fill the resultant vacancy pending the Party's National Convention.

At the Court of Appeal, Kano Division, the applicant sought leave to appeal against the judgment as an interested person. His application was refused. The court held that it was a pre-election matter and that the 14 days within which the applicant could have appealed had lapsed. Subsequently, APGA and Chief Victor Oye also applied for leave to appeal against the decision of the trial court as interested parties before the same division of the Court of Appeal, having obtained a judgment of the Anambra State High Court declaring Chief Victor Oye as the National Chairman of the party. In granting the application, the court conceded that it erred in refusing Chief Njoku's application, as the subject matter of the suit was not a pre-election matter but a leadership tussle which is an internal affair of the party.

At the end of the day, the appeal was allowed and the judgment and consequential orders made by the trial court

were set aside. The suit was held to be an abuse of court process as it amounted to forum shopping. The court also observed that the applicant herein whose suspension as National Chairman of the party was in issue ought to have been joined in the suit and that his non-joinder constituted a breach of his fundamental rights.

Not surprisingly, Chief Jude Okeke, who was the beneficiary of the judgment of the trial court, appealed against the judgment of the Court of Appeal vide Appeal Nos. SC/CV/686/2021: Chief Jude Okeke Vs Alhaji Rabi Garba Aliyu & Ors. and SC/CV/687/2021: Chief Jude Okeke Vs APGA & Ors.

It is therefore crystal clear that the dispute that gave rise to Appeal Nos. SC/CV/687/2021 and SC/CV/686/2021 was who should be the Acting National Chairman of the 1st respondent and whether the erstwhile National Chairman, Chief Edozie Njoku, was validly replaced. The suit had absolutely nothing to do with Chief Victor Oye.

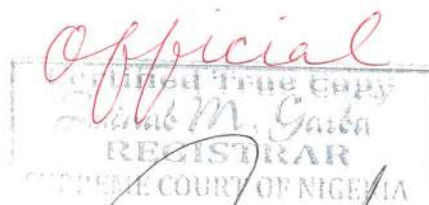
In the circumstances, I hold that the applicant has satisfied me that there was an error in the Appeal number reflected on the front page of the lead judgment of Hon. Justice Mary Peter-Odili, JSC (now retired) and that the name at page 13 lines 3-4 of the said lead judgment should read, Chief Edozie Njoku and not Chief Victor Oye.

I therefore grant the application in the terms set out in the lead judgment.

Application granted.

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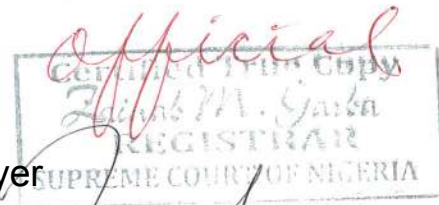

KUDIRAT MOTONMORI OLATOKUNBO KEKERE-EKUN
JUSTICE, SUPREME COURT OF NIGERIA



Justice M. Garba
29/3/2023

- **CHIKE ONYEMENAMI, SAN** for the interested Party/Applicant with IFEANYI EZEUKU ESQ., PANAMI NTUI ESQ., IKE NWAZOIGWE IKE ESQ. C.C. EBUBE ESQ.
- **LUKMAN ASINMI ESQ.** for the Appellant/Respondent.
- **ONYECHI IKPEAZU, SAN and P.I.N. IKWUETO, SAN** for the 1st and 2nd Respondents with C.I. MBAERI ESQ. and CELESTINE EZEKEKE ESQ.
- No appearance for the 3rd and 4th Respondents.

TheNigeriaLawyer



29/3/2023



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IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY, THE 24TH DAY OF MARCH, 2023
BEFORE THEIR LORDSHIPS

<u>KUDIRAT MOTONMORI OLATOKUNBO KEKERE-EKUN</u>	<u>JUSTICE, SUPREME COURT</u>
<u>UWANI MUSA ABBA AJI</u>	<u>JUSTICE, SUPREME COURT</u>
<u>MOHAMMED LAWal GARBA</u>	<u>JUSTICE, SUPREME COURT</u>
<u>IBRAHIM MOHAMMED MUSA SAULAWA</u>	<u>JUSTICE, SUPREME COURT</u>
<u>EMMANUEL AKOMAYE AGIM</u>	<u>JUSTICE, SUPREME COURT</u>

TheNigeriaLawyer

SC. 687/2021

BETWEEN:

CHIEF JUDE OKEKE APPELLANT/RESPONDENT

AND

1. ALL PROGRESSIVES GRAND ALLIANCE (APGA)
2. CHIEF VICTOR IKE OYE
3. ALHAJI RABIU GARBA ALIYU
4. INDEPENDENT NATIONAL ELECTORAL
COMMISSION (INEC)

RESPONDENTS

AND

CHIEF EDOZIE NJOKU INTERESTED PERSON/APPELLANT

Hon. Justice U. M. Abba Aji, JSC



SC/CV/687/2021

29/3/2023

RULING
(DELIVERED BY UWANI MUSA ABBA AJI, JSC)

The Appellant/Applicant/Interested Person vide a motion on notice dated 27/1/2023, pursuant to Order 8 Rule 16 of the Supreme Court Rules, sought for an Order before this court for leave to bring the present application as an interested person/party.

My learned brother, Mohammed Lawal Garba, JSC, who handled the lead Ruling saw merit to grant the application. Having merited the discretion of this court to be given in the Appellant/Interested Person's favour, I do not have any reason to disagree with him. Same is granted by me.


**UWANI MUSA ABBA AJI,
JUSTICE, SUPREME COURT.**

APPEARANCES:

C. G. ONYE MENAM, SAN, WITH J. G. E. EJEUKO, ESQ, I.
N. NKE, ESQ, P. NTUI, ESQ, AND C. C. EBUBE, ESQ, **FOR**
THE PARTY INTERESTED/APPELLANT.

L. ASINMU, ESQ, **FOR APPELLANT/RESPONDENT.**

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IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY, THE 24TH DAY OF MARCH, 2023
BEFORE THEIR LORDSHIPS

KUDIRAT MOTONMORI OLATOKUNBO KEKERE-EKUN
UWANI MUSA ABBA AJI
MOHAMMED LAWAL GARBA
IBRAHIM MOHAMMED MUSA SAULAWA
EMMANUEL AKOMAYE AGIM

JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
SC.687/2021

BETWEEN

CHIEF JUDE OKEKE

.....

.....

APPELLANT

AND

1. ALL PROGRESSIVES GRAND ALLIANCE (APGA)
2. CHIEF VICTOR IKE OKOYE
3. ALHAJI RABIU GARBA ALIYU
4. INDEPENDENT NATIONAL ~~THE NIGERIAN LAWYER~~
COMMISSION (INEC)

RESPONDENTS

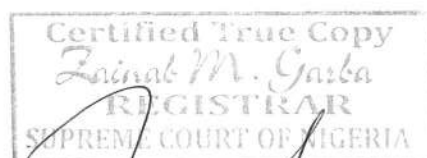
AND

CHIEF EDOZIE NJOKU INTERESTED PERSON/APPELLANT

RULING

(DELIVERED BY IBRAHIM MOHAMMED MUSA SAULAWA, JSC)

Having previewed the judgment just delivered by my learned brother, the **Hon. Justice M. L. Garba, JSC**, I cannot but concur with the reasoning amply reached therein, to the conclusive effect that the present application is meritorious, thus deserves to be granted.



Hence, having adopted the said reasoning and conclusion reached in the judgment as mine, I too hereby grant the application as prayed. I abide by the consequential orders made in the judgment.

Application granted.



IBRAHIM MOHAMMED MUSA SAULAWA
JUSTICE, SUPREME COURT

APPEARANCES:

C. G. Onye Menam, SAN, with

J. G. E. Ejeuko, ESQ

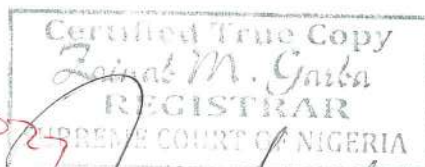
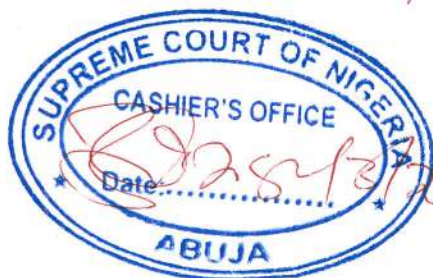
I. N. Nke, Esq.

P. Ntui, Esq, and C. C. Ebube, Esq. The Nigeria Lawyer
for the Party Interested/ Appellant.

L. Asinmu, Esq.

for the Appellant/Respondent

2 folios at ₦20.00 per folio = ₦40.00



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IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY, THE 24TH DAY OF FEBRUARY, 2023

BEFORE THEIR LORDSHIPS

KUDIRAT MOTONMORI OLATOKUNBO KEKERE-EKUN
UWANI MUSA ABBA AJI
MOHAMMED LAWAL GARBA
IBRAHIM MOHAMMED MUSA SAULAWA
EMMANUEL AKOMAYE AGIM

JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
SC.687/2021

BETWEEN

CHIEF JUDE OKEKE

**=== APPELLANT/
RESPONDENT**

AND

1. ALL PROGRESSIVES GRAND ALLIANCE (APGA)
2. CHIEF VICTOR IKE OYE
3. ALHAJI RABIU GARBA ALIYU
4. INDEPENDENT NATIONAL ELECTORAL COMMISSION

The Nigerian Lawyer

RESPONDENTS

AND

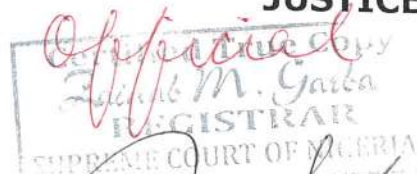
CHIEF EDOZIE NJOKU =====**INTERESTED PERSON/APPELLANT**

JUDGMENT

(DELIVERED BY EMMANUEL AKOMAYE AGIM, JSC)

I had a preview of the Judgment delivered by my learned brother, Lord Justice, **MOHAMMED LAWAL GARBA, JSC**. I completely agree with the reasoning, conclusions, decisions therein.


EMMANUEL AKOMAYE AGIM
JUSTICE SUPREME COURT.



Imhphly
29/3/2023

APPEARANCES:

C.G. ONYEMENAM, SAN, with J.G.E. EJEUKO, ESQ, I.N. NKE, ESQ, P. NTUI, ESQ and C.C. EBUBE, ESQ **for the Party Interested/Appellant.**

L. ASINMU, ESQ **for the Appellant/Respondent.**



TheNigeriaLawyer

29/3/2023



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Remita Retrieval Reference (RRR)
3208-1315-3896

PAYER INFORMATION

NAME	LAW HITESTONE LABELL ATTORNEYS
EMAIL	supremescn@gmail.com
PHONE NUMBER	23408036993459

PAYMENT DETAILS

PAYMENT DATE	PAYMENT REF	SERVICE DESCRIPTION	AMOUNT (NGN)	CHARGE (NGN)	VAT on Charges (NGN)	TOTAL (NGN)
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		TOTAL PAID	920.00	154.60	11.59	1,086.19
		TOTAL AMOUNT				1,086.19
		BALANCE DUE				0.00

BILLER-REQUIRED INFORMATION

ITEM	DESCRIPTION
Gifmis Code - (If Unknown Contact Mda)	1000274709
Description	C.T.C RULING AND JUDGEMENT SC/CV/687/2021

PAYMENT CHANNEL INFORMATION

PAYMENT CHANNEL	MASKED CARD PAN	AUTHORIZATION REF.	CARD SCHEME
CARD PAYMENT	XXXXXXXXXXXX2778	10920372601 - 1DF498	MASTERCARD

PAYMENT CHANNEL INFORMATION