

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA
ON FRIDAY, THE 31ST DAY OF OCTOBER, 2025
BEFORE HIS LORDSHIP HON. JUSTICE J.K OMOTOSHO
(JUDGE)

SUIT NO: FHC/ABJ/CS/2120/2025

BETWEEN

1. HON. AUSTINE NWACHUKWU

(PDP Chairman, Imo State Chapter)

2. HON. AMAH ABRAHAM NNANNA

(PDP Chairman, Abia State Chapter)

3. TURNAH ALABH GEORGE

(PDP Secretary, South-South Geo-Political Zone)

PLAINTIFFS

AND

1. INDEPENDENT NATIONAL ELECTORAL COMMISSION

2. PEOPLES DEMOCRATIC PARTY

3. SENATOR SAMUEL ANYANWU

(National Secretary, Peoples Democratic Party)

4. HON. UMAR M. BATURE

(National Organizing Secretary,

Peoples Democratic Party)

5. NATIONAL WORKING COMMITTEE OF THE

PEOPLES DEMOCRATIC PARTY

DEFENDANTS

6. NATIONAL EXECUTIVE COMMITTEE OF THE
PEOPLES DEMOCRATIC PARTY

7. AMB. UMAR ILIYA DAMAGUM

(National Chairman, Peoples Democratic Party)

8. CHIEF ALI ODEFA

9. CHIEF EMMANUEL OGIDI

DEFENDANTS

JUDGMENT

The Plaintiffs commenced this suit vide an Amended Originating Summons dated and filed 15th October, 2025 seeking the determination of the following questions:

1. Whether upon a proper interpretation of the provisions of Paragraph F - 18 (c) of Part 1 of the Third Schedule of the Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 222(c), 223(1)(a), 224, 228(1),(2)&(8), 228(a)&(b) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), and Sections 82(1)(2)(3) and (5) and 83(1),(2) and (3) of the Electoral Act, Paragraphs 12, 13, 14 and 16 of Regulations and Guidelines for Political Parties, 2022, the 1st Defendant in the exercise of its constitutional powers to monitor the organization and operation of political parties in Nigeria is not duty bound to hold the 2nd Defendant to democratic

standards in the organization and conduct of its congresses and conventions?

2. Whether upon a proper interpretation of the provisions of Section 223(1)(a) and 228(a)&(b) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and Section 82(1) of the Electoral Act, Paragraph 12(1) and 14 of Regulations and Guidelines for Political Parties, 2022, the 1st Defendant is entitled to receive from the 2nd Defendant, accept or give effect to the mandatory 21 days' notice for the purpose its national convention for the purpose of electing its officers of the party, executive committees, other governing bodies or any other purpose scheduled to hold on November 15th and 16th November 2025 or any other date until the 2nd Defendant has satisfied all necessary conditions for the conduct of a democratic election for the election of its principal officers, members of its executive committee and governing body?
3. Whether upon a proper interpretation of Section 223(1)(a), and 228(a)&(b) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and 82(1) and (3) of the Electoral Act 2022, the 2nd Defendant as a party or the 3rd to 6th Defendants as principal officers and committees of the 2nd Defendant are entitled to issue any Notice or Valid notice to the 1st Defendant of

the convention of the 2nd Defendant scheduled for the 15th and 16th of November 2025 or any congress, conference or meeting for the purpose of electing principal officers, members of the executive committee or other governing body of the 2nd Defendant without first putting in place a proper framework to allow for all members of the party or duly elected delegates to vote in support of candidates of their choice or to allow for interested members of the party to participate as candidates in the election?

4. Whether upon a proper interpretation of the provisions of Paragraph F18(c) of Part 1 of the Third Schedule of the Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 223(1)(a) and 228(a)&(b) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and Section 82(1)(3) and (5) of the Electoral Act 2022, and Paragraph 16 of Regulations and Guidelines for Political Parties, 2022, the 1st Defendant is entitled to recognize any congress meeting or convention of the 1st Defendant or to give recognition to, acknowledge, accept or give effect to the outcome of any congress, meeting or convention of the 2nd Defendant, including the Convention scheduled to hold in Ibadan Oyo State on the 15th and 16th November 2025 except that which is held in strict

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compliance with the provisions of Section 223(1)(a), and 228(a)&(b) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), and Section 82(3) of the Electoral Act 2022, that is, congress, meeting or convention held on a democratic basis, ensuring internal democracy and conducted in a democratic manner?

5. Whether upon a proper interpretation of the provisions of Paragraph F15(c) of Part 1 of the Third Schedule of the Constitution of the Federal Republic of Nigeria 1999 (as amended), Paragraph 16 of the Regulations and Guidelines for Political Parties, 2022 and the provisions of Article 36 of the Constitution of the Peoples Democratic Party (as amended in 2017), the 1st Defendant can permit the 2nd Defendant to hold, to recognize or accept the outcome of any National Executive Committee meeting, National Caucus meeting or any National Working Committee meeting other than that in respect of which the notice of meeting was issued by the 3rd Defendant in his capacity as the National Secretary or issued at his instance and whether in view of those provisions, the 2nd Defendant can hold any National Executive Committee meeting, National Caucus meeting or National Working Committee meeting of the party except after due notice has been issued by the National

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Secretary of the Party or at his instance, an office currently occupied by the 3rd Defendant?

Upon the determination of the above questions, the Plaintiffs seek the following reliefs:

1. A Declaration that the 1st Defendant is duty bound to hold the 2nd Defendant strictly to democratic standards in the conduct and organization of its congresses, conventions and other affairs including congresses for the election of delegates to participate in the Convention of the 2nd Defendant scheduled to hold on the 15th and 16th November 2025 and in the conduct of the said Convention scheduled to hold on the 15th and 16th November 2025 in Ibadan, Oyo State.
2. A Declaration that the 2nd Defendant having failed to hold required congresses to elect delegates to vote at its convention scheduled to hold on the 15th and 16th November 2025 and having failed to satisfy all necessary conditions for the conduct of democratic election for the election of its principal officers, members of its executive committee and governing body, the 2nd Defendant is not entitled to issue any notice or valid notice, including the mandatory 21 days' notice to the 1st Defendant and the 1st Defendant is not entitled to receive, accept or give effect to the mandatory 21 days' notice or any notice at all for the

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purpose of conducting the national convention of the 2nd Defendant scheduled to hold on the 15th and 16th day of November 2025.

3. A Declaration that the 2nd Defendant is not entitled to convene or conduct its national convention scheduled for the 15th and 16th November 2025 or any other date until it has put in place a proper framework to allow for all members of the Party (2nd Defendant's Party) or duly elected delegates to vote in support of candidates of their choice or to allow for interested members of the party to participate or to be voted for at the election of principal officers, members of the executive committee or other governing body of the party, including but not limited to the conduct of required congresses for the purpose of electing delegates to vote at the convention.

4. A Declaration that the 1st Defendant is not entitled to acknowledge, accept, give effect to or give recognition to any notice of convention or the outcome of any congress, meeting or convention of the 2nd Defendant including the convention scheduled to hold on the 15th and 16th of November 2025 except that held in strict compliance with the provisions of Section 223(1)(a), 228(a) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 82(3) of the Electoral Act

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2022 and Regulations and Guidelines for Political Parties 2022, that is, Congress, Meeting or Convention held on a democratic basis, ensuring internal democracy and conducted in a democratic manner in line with the Constitution and other rules, regulations and guidelines of the 2nd Defendant, the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Electoral Act 2022 and the Regulations and Guidelines for Political Parties, 2022 issued by the 1st Defendant.

5. A Declaration that the 1st Defendant is not entitled to permit the 2nd Defendant to hold, to recognize or accept the outcome of any National Executive Committee meeting, National Caucus meeting or any National Working Committee meeting of the 2nd Defendant including the National Executive Committee meeting scheduled for 15th October 2025 and that the 2nd Defendant is not entitled to hold and cannot hold any National Executive Committee meeting, National Caucus meeting or National Working Committee meeting except and not until due notice has been issued by the National Secretary of the 2nd Defendant or at his instance, an office currently occupied by the 3rd Defendant.
6. An Order of Injunction compelling the 1st Defendant by itself or by its servants or agents to hold the 2nd Defendant to strict compliance with democratic standards in the conduct and

organization of its congresses, conventions, meetings and other affairs, including, but not limited to the convention of the 2nd Defendant scheduled to hold on the 15th and 16th November 2025.

7. An Order of Injunction restraining the 1st Defendant by itself or by its servants or agents from receiving or accepting from the 2nd, 3rd, 4th, 5th and/or 6th Defendants or any organ, representative or agent of the 2nd Defendant, any notice, including the mandatory 21 days for the purpose of conducting the national convention of the 2nd Defendant scheduled to hold on the 15th and 16th November 2025 or in any manner whatsoever acknowledging or giving effect to any notice purporting to be a mandatory 21 days' notice issued or published by the 2nd Defendant, any or all of the 2nd, 3rd, 4th, 5th and/or 6th Defendants for the purpose of conducting the national convention of the 2nd Defendant scheduled for the 15th and 16th November 2025 or any date appointed for the same purpose or in any other manner howsoever acknowledging, accepting, recognizing or giving effect to the outcome, including election of principal officers, members of its executive committee or governing body purporting to have been held at the said national convention.

8. An Order of Injunction restraining the 1st Defendant by itself or by its servants or agents from permitting the 2nd Defendant to

hold any National Executive Committee, meeting, National Caucus meeting or National Working Committee meeting or in any manner howsoever recognizing or accepting the outcome of such a meeting including the National Executive Committee meeting scheduled for 15th October 2025 and restraining the 2nd, 3rd, 4th, 5th and 6th Defendants by themselves or by their servants or agents from holding any National Executive Committee meeting, National Caucus meeting or National Working Committee meeting of the 2nd Defendant including the meeting scheduled for the 15th day of October 2025 or any other date except and until after due notice of the said meeting has been issued by the National Secretary of the Party or at his instance, the office currently occupied by the 3rd Defendant.

9. An Order of Injunction restraining the 2nd, 3rd, 4th, 5th and/or 6th Defendants by themselves or by their servants and/or agents from issuing any notice for the conduct of the national convention, convening, conducting or purporting to conduct the national convention of the 2nd Defendant scheduled to hold in Ibadan, Oyo State on the 15th and 16th November 2025 or at any other venue or date until a proper framework approved by the 1st Defendant has been put in place by the 2nd Defendant to the satisfaction of the 1st Defendant, to ensure internal democracy in

the conduct of the convention and that the election of principal officers, members of the executive committee or other governing body of the 2nd Defendant.

Accompanying the Originating Summons is an affidavit of 40 paragraphs deposed to by 3rd Plaintiff. The Affidavit has 11 exhibits and a written address.

The 1st Defendant in opposition filed a Counter Affidavit of 5 paragraphs deposed to by Mohammed Ayuba, an Assistant Executive Officer in the headquarters of the 1st Defendant. The Counter Affidavit has 2 exhibits and a written address dated and filed 16th October, 2025.

The 2nd Defendant represented by Chief Chris Uche SAN also filed a Notice of Preliminary Objection dated and filed 13th October, 2025 praying the Court to dismiss the instant suit for being grossly incompetent and for want of jurisdiction.

The Notice of Preliminary Objection has a 5 paragraph affidavit deposed to by Emmanuel Tsebo, a Litigation Manager in the law firm of Chief Chris Uche (SAN) & Co. The Notice of Preliminary Objection also has a written address.

The 2nd Defendant represented by Chief Chris Uche SAN filed a Counter Affidavit deposed to by 7th Defendant. The Counter Affidavit has 17 exhibits and a written address dated and filed 16th October, 2025.

The Plaintiffs in response to this Notice of Preliminary Objection filed a Counter Affidavit of 5 paragraphs deposed to by 3rd Plaintiff. The Counter Affidavit has a written address dated 15th October, 2025 but filed 16th October, 2025.

The 2nd Defendant also filed a Further Counter Affidavit deposed to by 7th Defendant. The further Counter Affidavit has exhibits and a written address filed 21st October, 2025.

The 2nd, 5th and 6th Defendants represented by A.K. Ajibade SAN filed a Counter Affidavit deposed to by Nanchang Ndam, the Litigation Secretary in the Legal Directorate of the 2nd Defendant. The Counter Affidavit has 5 exhibits and a written address dated and filed 13th October, 2025.

The Plaintiffs filed a Reply Address dated and filed 15th October, 2025.

The 2nd, 5th and 6th Defendants represented by A.K. Ajibade SAN also filed a Notice of Objection to the Appearance of Chief Chris Uche SAN and Eyitayo Jegede SAN pursuant to Articles 42 of the Constitution of the Peoples' Democratic Party. It is dated and filed 15th October, 2025.

The Notice of Objection has a 4 paragraph affidavit deposed to by Nanchang Ndam, the Litigation Secretary in the Legal Directorate of the 2nd Defendant. The affidavit has 2 exhibits and a written address.

The 2nd Defendant in response filed a 20 paragraph Counter Affidavit deposed to by the 7th Defendant. The Counter Affidavit has a written address dated and filed 16th October, 2025.

The Plaintiffs filed a Further Affidavit of 6 paragraphs deposed to by the 3rd Defendant and a written address filed 21st October, 2025.

The 2nd Defendant filed a Further Counter Affidavit deposed to by the 7th Defendant. The Further Counter Affidavit has exhibits and a written address filed 21st October, 2025.

The 7th Defendant also filed Further Counter Affidavit deposed to by the 7th Defendant. The Further Counter Affidavit is filed 21st October, 2025.

The 3rd Defendant filed a 16 paragraph Counter Affidavit deposed to by 3rd Defendant. The Counter Affidavit has a 5 exhibits and a written address dated and filed 15th October, 2025.

The 4th Defendant on his part filed a Counter Affidavit of 19 paragraphs deposed to by the 4th Defendant. The Counter Affidavit has 5 exhibits and a written address dated and filed 15th October, 2025.

The 5th Defendant too filed a Notice of Preliminary Objection dated and filed 13th October, 2025 seeking for one relief:

AN ORDER of this Honourable Court dismissing or striking out this suit for want of jurisdiction.

The Notice of Preliminary Objection has a written address.

The 5th and 6th Defendants represented by Eyitayo Jegede SAN filed a Motion on Notice dated and filed 14th October, 2025 seeking a sole relief:

AN ORDER of this Honourable Court striking out and/or dismissing this suit for lack of jurisdiction and incompetence.

The Motion on Notice has a 5 paragraph affidavit deposed to by Oseni Abraham, litigation officer in the law firm of Tayo Jegede (SAN) & Co. The Motion on Notice has a written address.

The 5th and 6th Defendants represented by Eyitayo Jegede SAN filed a Counter Affidavit of 8 paragraphs deposed to by Woyengikuro Daniel, the National Financial Secretary of the 2nd Defendant. The Counter Affidavit has 3 exhibits and a written address dated and filed 16th October, 2025.

The 7th Defendant on his part filed a Counter Affidavit of 36 paragraphs deposed to the 7th Defendant. The Counter Affidavit has 18 exhibits and a written address filed 16th October, 2025.

The 8th and 9th Defendants in response filed a Notice of Preliminary Objection dated 15th October, 2025 but filed 16th October, 2025 praying the Court to dismiss and/or strike out this suit for lack of competence and for want of jurisdiction. The Notice of Preliminary Objection has a supporting written address.

The 8th and 9th Defendants filed a Counter Affidavit of 78 paragraphs deposed to by 9th Defendant. The Counter Affidavit has 19 paragraphs and a written address filed 16th October, 2025.

The facts leading up to the filing of this suit is premised on the issues of proper notice and who is entitled to issue notice of a political party's convention as well as the duty of the 1st Defendant to ensure that parties comply with the provisions of the Electoral Act, 2022 and other regulations and guidelines.

According to the Plaintiffs, they have an interest in contesting for positions in the National Executive Committee of the Party at the National Convention of the party. The Plaintiffs stated that according to the Electoral Act 2022, it imposes a duty on political parties such as

the 2nd Defendant to ensure that elections are conducted in a democratic manner, allowing for all members of the party or duly elected delegates to vote in support of their candidates. Furthermore, that the Electoral Act imposes a duty on political parties to give at least 21 days' notice of any convention, congress, conference, or meeting convened for the purpose of electing members of the executive committee, among others. Also the 1st defendant has the power to monitor the activities of all political parties and to ensure they comply with the Act.

In compliance with its statutory and constitutional duty, the 1st Defendant issued the Regulations and Guidelines for Political Parties 2022. In the Regulations and Guidelines, political parties are expected to give at least 21 days' notice to the 1st Defendant of any convention, congress, or meeting convened for the purpose of electing members of its National Executive Committee. It must also indicate in the notice the purpose, venue, date, and time, as well as mode, for the convention, congress, or meeting. In addition, the said Regulations and Guidelines impose on parties the duty to ensure that the said notice is jointly signed by the National Chairman and the National Secretary of the party.

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The Plaintiffs further stated that according to Article 36 of the Constitution of 2nd Defendant, it is the duty of 3rd Defendant as National Secretary of the party to conduct or direct the conduct of the correspondences of the party and it is only him who can issue notice of meetings of the National Executive Committee, National Caucus and National Working Committee of the 2nd Defendant and no other person.

The Plaintiffs further stated that, under the Constitution of the 2nd defendant, and for the purpose of ensuring the democratic conduct of the party's national convention, Article 33 provides that the delegates entitled to attend and vote at such conventions include elected members of the Zonal Executive Committee and the State Working Committee, including that of the Federal Capital Territory; as well as the party chairmen of the various local government areas, and one national delegate from each local government area, to be elected at the local government area congresses.

The Plaintiffs however stated that there are currently no elected members of the Zonal Executive Committee for the South East Geo-Political Zone which effectively deprives the members of the zone of franchise at the National Convention scheduled for 15th and 16th November, 2025. That in fact no congress had been held or concluded

in at least 14 of the 36 states of Nigeria and these states are some states where the Plaintiffs are popular and are well supported.

The Plaintiffs further stated that, without first holding the ward, local government, and state congresses, it would be impossible to conduct a national convention of the 2nd Defendant in a democratic manner. They stated that a mandatory twenty-one (21) days' notice is required to be given to the 1st Defendant prior to the holding of any of these congresses, including those for the affected states. Upon the successful conduct of such congresses, the Plaintiffs stated that a further twenty-one (21) days' notice must also be served on the 1st Defendant before a national convention can lawfully be convened. Consequently, they stated that a minimum cumulative period of forty-three (43) days is required to satisfy the statutory and regulatory notice requirements for both the congresses and the convention. However, the Plaintiffs stated that the 1st to 6th Defendants have insisted on holding the said convention in Ibadan on the 15th and 16th of November 2025, which is less than thirty-nine (39) days from the date of the filing of this suit. That rather than comply with statutory provisions, the 2nd Defendant embarked on a campaign of confusion by allegedly making conflicting statements over the holding of

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congresses, cancellation of already held congresses and postponement of other congresses.

The Plaintiffs also stated that the 2nd Defendant had scheduled repeat congresses to be held for the election of Ward, Local Government and State Executive members, none of such held. That in order to get the 2nd Defendant to observe rules of internal democracy and conduct its affairs democratically, the 6th Defendant at a meeting on 25th August, 2025 passed a resolution that status quo be maintained in the North, and the South. However, despite this resolution, the 2nd, 3rd, 4th and 5th Defendants accepted a contradictory resolution purporting to be a resolution of the South proposing to implement a micro zoning policy for the offices of the National Financial Secretary, Deputy Financial Secretary and National Women's Leader. That some of the persons who passed the said resolution included 8th and 9th Defendants who have been expelled from the party by his ward and same judicially backed by a Judgment of Oshomah J. That the Abuja division of the Federal High Court had restrained 1st and 2nd Defendants from dealing with 9th Defendant. The Plaintiffs also stated that the 2nd Defendant did not issue any notice for the holding of National Executive Committee meeting scheduled to hold on 15th October, 2025 which the Plaintiffs believe is for the issuance of 21 days'

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notice for the National Convention and appoint caretaker Committee to vote at the convention notwithstanding that congresses had not been held in several states. The Plaintiffs stated that the 1st Defendant has failed to perform its duty to monitor political parties and the Court is urged to intervene.

According to the 1st Defendant, Notice of Congresses were issued to the 1st Defendant for the 36 states and the FCT, however the congresses only held in some states. Further that the said notices did not contain details such as the time, venue and mode of conducting the meeting, congress or convention. The 1st Defendant denied receiving the notice of the meeting of the National Executive Committee scheduled to hold on 15th October, 2025. It stated that according to the Regulations and Guidelines for Political Parties 2022 which it issued, parties must give it 21 days' notice before conducting any meeting, congress and convention and such notice must be jointly signed by the National Chairman and National Secretary. Further that it cannot stop political parties from having meetings or congresses but can only refuse to accord recognition for a non-compliant meeting or congress.

According to the 2nd Defendant represented by Chief Chris Uche SAN and the 7th Defendant in their various Counter Affidavits, the Plaintiffs

are mere proxies for the former Governor of Rivers State and the current minister of the Federal Capital Territory who is allegedly bent on destroying the party. The 2nd Defendant, represented by Chief Chris Uche, SAN, further stated that the said Minister, owing to his close working relationship with the President of the Federal Republic of Nigeria who is a member of another political party, is making every possible effort to undermine the 2nd Defendant ahead of the 2027 general elections. It was also alleged that the Minister has sponsored individuals to organize parallel congresses across various states, and has openly boasted that the planned convention scheduled for the 15th and 16th of November, 2025, will not hold unless his demands are met, notwithstanding the opposition of the majority of members of the 2nd, 5th, and 6th Defendants to those demands. That 15 out of the 18 members of the 5th Defendant are in support of holding the National convention on 15th and 16th November, 2025.

The 2nd Defendant, represented by Chief Chris Uche, SAN, further stated that the National Legal Adviser of the Party, Kamaldeen Adeyemi Ajibade, SAN, failed to bring to the attention of the 5th, 6th and 7th Defendants the service of the originating processes in this suit. He also failed to notify them, thereby depriving the 5th, 6th, and 7th Defendants of the opportunity to make their input or be heard in

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respect of the said processes. That none of the Plaintiffs obtained or submitted Nomination and Expression of Interest forms for any national position as at 22nd September, 2025 when the forms closed. They also stated that the 2nd Defendant had substantially complied with the provisions of the Electoral Act and that the South East Zonal Congress had been conducted on 26th February, 2025 in Enugu which was monitored by the 1st Defendant. That winners had emerged which have been ratified by the 5th Defendant. However, the 3rd Defendant upon his return as National Secretary refused to sign the letter conveying this approval/ratified unless a repeat congress is conducted in Anambra and Ebonyi states as well as the South East Zonal Congress.

This development escalated and led to a suit at Federal High Court in Suit No: FHG/EN/CS/258/2025 Between Ugwu James Okechukwu & Anor vs Peoples Democratic Party & 2 Ors ordering parties to maintain status quo and at that material time 8th Defendant was the Chairman of the South East Zonal Executive Committee of the Party. The said 2nd Defendant represented by Chief Chris Uche SAN stated further that congresses had been held in every state except in Plateau and Kebbi States and thus there are valid delegates to vote at the National Convention of 15th and 16th November, 2025. That the due 21

days notices were issued prior to the conduct of those congresses. The Defendants also stated that the Plaintiffs are not members of the National Executive Committee neither are they aspirants for any position and thus they are not entitled to receive notice. Also that the Plaintiffs have no locus standi to institute this action and that the issues in this suit are non-justiciable being internal affairs of the party.

According to 2nd, 5th and 6th Defendants represented by A.K Ajibade SAN as well as 4th Defendant in their respective Counter Affidavits, the 3rd Defendant can in his absence delegate his duties to the Deputy National Secretary in line with Article 36 (2) of the 2nd Defendant's Constitution. That the 2nd Defendant has successfully conducted congresses in some of the states out of the 14 states but the results are yet to be approved by 5th and 6th Defendants for onward transmission to the 1st Defendant. Also that 2nd Defendant had already given notice for the conduct of some of its congresses in the remaining states to the 1st Defendant which was duly acknowledged by the 1st Defendant. However due to some unforeseen and logistical challenge, the National Chairman had to send a notice of postponement vide a letter dated 25th September, 2025 to the 1st Defendant notifying it of the postponement of the said congresses. The 2nd, 5th and 6th Defendants further stated that Exhibit GT9 which is an internal

memorandum of the party titled: "Forwarding the resolution of the South on the positions of the National Working Committee (NWC) and the Deputies Zoned to the South" purportedly signed by 8th and 9th Defendants does not form part of the resolution of the NEC Meeting of August, 25th, 2025 and that the NEC meeting for 15th October, 2025 was fixed at the National Executive Meeting of 25th August, 2025.

According to the 3rd Defendant, it is part of his duties to forward the results of congresses to the 1st Defendant in line with the Regulations and Guidelines issued by the 1st Defendant which in turn validates the delegates to vote in the upcoming National Convention of the party but he had been unable to forward the results of some of the congresses already conducted due to the 5th and 6th Defendants' failure to approve same. The 3rd Defendant further stated that the 2nd Defendant had already given notice for the conduct of some of its congresses in the affected states which he signed alongside the National Chairman which was duly acknowledged by the 1st Defendant through its letter with reference No: INEC/DEPM/CWR/124/III/65 dated 12th September, 2025.

Subsequently, the National Chairman of the party then sent a notice of postponement of the congresses due to unforeseen circumstances and operational logistics challenge to the 1st Defendant without the

knowledge of the 3rd Defendant. That the unilateral letter sent by the National Chairman undermined his office as National Secretary of the party. The 3rd Defendant also stated that 8th Defendant had been expelled from his ward and his expulsion sanctioned by the Court and as such he is not competent to sign any resolution of the 2nd Defendant at any level. That the judgment of the Court restrained 2nd, 5th and 6th Defendants from allowing 8th Defendant to participate in any of the 2nd Defendant's meetings and activities. 3rd Defendant also stated that since there was no directive for any notice to be issued to the 1st Defendant regarding the upcoming NEC meeting of the 2nd Defendant scheduled for 15th October, 2025, he could not have issued any notice to members of the 6th Defendant.

According to the 5th and 6th Defendants represented by Eyitayo Jegede SAN, the 1st and 2nd Defendants had been performing their statutory duties of issuing the appropriate notices which the 1st Defendant had always acknowledged and sent officers to monitor the activities of the 2nd Defendant. The 5th and 6th Defendants stated that according to Articles 35 and 36 of the Constitution of the 2nd Defendant, the National Secretary is expected to take directives from the National Chairman and the 5th and 6th Defendants in the discharge of his official duties especially in the summoning of meetings. The 5th

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and 6th Defendants also agreed with the position of the 2nd Defendant represented by Chief Chris Uche SAN that congresses had been held in 34 of the 36 states and that the South East Zonal Congress had been held and Executives had emerged from there. The 5th and 6th Defendants thus urged the Court to refuse the reliefs of the Plaintiffs.

According to the 8th and 9th Defendants, they rely substantially on facts deposed to by the 2nd and 7th Defendants as represented by Chief Chris Uche SAN. They stated further that there are subsisting judgments validating their positions and National Vice Chairman, South East and Caretaker Chairman, South South of the 2nd Defendant. That the South South Zonal Executive Committee has elapsed and the 2nd Defendant appointed the 9th Defendant as Caretaker Chairman. The 8th and 9th Defendants therefore urged the Court to dismiss the suit of the Plaintiffs.

Counsel to the Plaintiffs in his written address adopted the questions for determination as issues for determination.

Learned Counsel submitted that the 1st and 2nd Defendants have constitutional duties to ensure that they conduct their activities democratically while the 1st Defendant is given the all-important duty to monitor and ensure that political parties comply with all statutes and laws. Learned Counsel relied on sections 82 and 83 of the Electoral

Act 2022 and the Regulations and Guidelines for Political Parties 2022. Learned Counsel relied on **UBA VS MOGHALU & ORS (2022) LPELR-57876 (SC) PAGE 25 - 26 PARAS B** to submit that the powers of 1st Defendant to monitor political parties is not merely observatory but regulatory in nature which implies that it can sanction parties which fail to adhere to principles of internal democracy. Thus he submitted that the Court cannot allow the 1st Defendant to shy away from its constitutional and statutory duty. That since the 2nd Defendant has neglected to satisfy all necessary conditions for the conduct of democratic election for its principal members, the 1st Defendant is not entitled to receive or give effect to the 21 days' notice from the 2nd Defendant for the purpose of the purported National Convention scheduled for 15th and 16th November, 2025.

Learned Counsel also submitted that the purported National Executive Committee meeting fixed for 15th October, 2025 is invalid as the proper notice for that meeting was not issued and also due to its agenda of attempting hand-picked caretaker committee members to vote at the convention notwithstanding that congresses have not been held and the caretaker committee members are not qualified to vote at conventions. Counsel relied on Paragraph F-15 (c of Part 1 of the Third Schedule of the Constitution of the Federal Republic of

Nigeria 1999 (as amended), Paragraph 16 of the Regulations and Guidelines for Political Parties, 2022 and provisions of Article 36 (1) (b) of the Constitution of the 2nd Defendant to submit that the 1st Defendant cannot permit the 2nd Defendant to hold or recognize any outcome of any National Executive Committee meeting in respect of which proper notice was not issued by 3rd Defendant. Counsel also relied on **AKPATASON VS ADJOTO & ORS (2019) LPELR-48119 (SC) PAGE 10 TO 11 PARAS D - D** to urge the Court to hold that 2nd Defendant must comply with its constitution and thus he urged the Court to grant the reliefs of the Plaintiffs.

Counsel to the 1st Defendant in his written address formulated one issue for determination thus:

Whether the Plaintiffs have proved their case with credible evidence so as to be entitled to the grant of the reliefs sought from this Honourable Court.

Learned Counsel submitted inter-alia that the 1st Defendant has no powers to stop political parties from having meetings, congresses or conventions but only has powers to not recognize meetings, congresses or conventions conducted in breach of section 82 of the Electoral Act. Counsel placed reliance on section 84(13) of the Electoral Act, 2022. Counsel submitted that only the Court can wield

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the big stick against erring political parties and not the 1st Defendant. Further that political parties are at liberty to decide who their principal officers should be with the condition that they must adhere to their constitution and the regulations of the 1st Defendant. Counsel urged the Court to hold that 1st Defendant had performed its statutory duties in this case.

Counsel to the Plaintiffs in his Reply Address submitted inter-alia that the duty of the 1st Defendant is not merely interventionist but that the 1st Defendant has regulatory control of parties. He urged the Court to so hold.

Counsel to the 2nd, 5th and 6th Defendants, A.K. Ajibade SAN in his written address formulated one issue for determination:

Whether the Plaintiffs/Applicants by their affidavit evidence are entitled to the grant of the reliefs sought from this Honourable Court.

Learned SAN submitted inter-alia that for the Plaintiffs to be entitled to the reliefs they seek they must show by their affidavit evidence that they are indeed entitled to same. That from the Counter Affidavit of 2nd, 5th and 6th Defendants, the Court will see that the 2nd Defendant had complied with the provisions of section 82 of the Electoral Act

requiring that the 2nd Defendant gives notice of its congresses to be conducted in some state chapters to elect members of its executive committees. Counsel therefore urged the Court to rule judiciously and judicially.

The Plaintiffs' Counsel submitted inter-alia that the case of the 2nd, 5th and 6th Defendants as well as the 3rd and 4th Defendants supports the case of the Plaintiffs as they did not challenge the facts of the Plaintiffs.

A.K Ajibade SAN in his written address in support of his Notice of Objection submitted inter-alia that according to Article 42 of the Party's constitution, the position of the National Legal Adviser was created. That the National Chairman of the party lacks legal capacity to instruct and authorize Chief Chris Uche SAN and Eytayo Jegede SAN to represent the 2nd, 5th and 6th Defendants. He urged the Court to rely on its decision in the unreported case of SUIT NO: FHC/ABJ/CS/216/2023 HON VENATIUS IKEM VS PDP & 2 ORS where the Court held that it is the National Legal Adviser of the party who has the right and capacity to arrange legal representation for the party and its organs.

Counsel to the 2nd Defendant in his written address in response to the Notice of Preliminary Objection submitted inter-alia that parties are at

liberty to choose any legal practitioner of his choice and that the National Legal Adviser is a biased party and thus he urged the Court to overrule the objection.

Chief Chris Uche SAN in his written address adopted the issues formulated by the Plaintiffs' Counsel. .

Learned SAN submitted inter-alia that the Plaintiffs have failed to prove their entitlement to the declaratory reliefs they seek. Counsel relied on **OJIAYAN VS ANI DEVT ENT. LTD (2024) 4 NWLR (PT. 1929) P.381 AT P.403 PARAS G - H.**

Learned SAN also relied on **UFOMBA VS INEC &ORS (2017) 13 NWLR (PT. 1582) 175 AT 215** to submit that the substratum of this suit which is premised on the National Convention of the 2nd Defendant constitutes internal affairs of the party which is not justifiable. Learned SAN also submitted that the 2nd Defendant had complied with the statutory requirements for serving of 21 days' notice to the 1st Defendant informing it of the convention for 15th and 16th November, 2025. Also, that it does not lie in the mouth of the Plaintiffs to raise the issue of the 21 days' notice. He relied on **PDP &ANOR VS NKAAS &ORS (2024) LPELR-61841 (CA).**

Learned SAN submitted further that the role of 1st Defendant is to just monitor the convention or congress of the political party and cannot

sanction the political party for non-compliance. Learned SAN relied on **YERIMA VS BALAMI & ORS (2023) LPELR-60319 (SC)**. Counsel further submitted that the Plaintiffs lack locus standi to institute this action as he is not a member of the National Executive Committee nor a member of the said states which have no Executives. Learned SAN therefore urged the Court to rely on the facts in the Counter Affidavit to refuse the reliefs of the Plaintiffs.

Chris Uche SAN in his written address in support of Notice of Preliminary Objection formulated a sole issue for determination thus:

Whether upon the consideration of the facts disclosed in the Originating Summons, this Honourable Court has the requisite jurisdiction to entertain the instant suit?

Learned SAN in his written address submitted inter-alia that the suit of the Plaintiffs is non-justiciable as the complaint arises from alleged irregularities in the internal affairs of a political party, particularly the conduct of the its congress/convention and selection of party officers. He argued that section 285 (14) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) defines the scope of pre-election matters and excludes disputes relating to internal party administration. He placed reliance on **APC & ORS VS SULAIMAN & ORS (2022) LPELR-56938 (CA)**.

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He also submitted that the Plaintiffs lack locus standi to institute this suit as they were not aspirants at a primary election to clothe them with locus standi. That mere interest in contesting does not imply that they are aspirants. Learned SAN relied on section 84 (14) of the Electoral Act, 2022 to urge the Court to decline jurisdiction on the ground of lack of locus standi. Counsel also relied on **AGI VS PDP & ORS (2016) LPELR-42578 (SC) (PP. 77 – 78 PARAS C)** to submit that the Plaintiffs had failed to exhaust the internal mechanisms of the Party before filing this suit and thus the suit ought to be dismissed.

Counsel to the Plaintiffs in his written address in response to the 2nd Defendant's Notice of Preliminary Objection adopted the issue formulated by the 2nd Defendant Counsel.

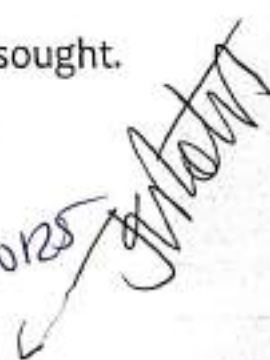
Learned Counsel submitted that the claim of the Plaintiffs is not premised on political party leadership but the interpretation of the constitution as it relates to the duty of the 1st Defendant being the electoral umpire in Nigeria. That a failure of the 1st Defendant to act to prevent an illegal act by the 2nd Defendant affects the Plaintiffs and thus this suit is justiciable. That the Plaintiffs have locus standi as the matter is a constitutional issue and not based on being aspirants in a primary election. Also that the provision of internal mechanisms does not clog the Plaintiffs access to Court under section 6 (6) of the

Constitution. Counsel therefore urged the Court to overrule the preliminary objection of the 2nd Defendant.

Counsel to the 3rd Defendant in his written address formulated a sole issue for determination thus:

Whether in view of the facts and available evidence before the Court, the Plaintiffs are entitled to the grant of the reliefs sought from this Honourable Court.

Learned Counsel submitted inter-alia that the functions and duties of the National Secretary of the 2nd Defendant is expressly stated in Article 36 (b) and (c) of the Peoples' Democratic Party Constitution (2017) as amended and it provides that the National Secretary's duty is to issue notice of meetings of the National Convention, the National Executive Committee, the National Caucus and National Working Committee as well as keep records of proceedings of the National organs of the party. Counsel also submitted that by Article 12 (3) of the 1st Defendant's Regulations and Guidelines for Political parties, 2022 statutory notices from political parties to the 1st Defendant must be jointly signed by the National Chairman and National Secretary of political parties. Counsel submitted that the 2nd Defendant is bound by its constitution and he therefore urged the Court to determine if the Plaintiffs have made out a case to be entitled to the reliefs sought.



Counsel to the 4th Defendant in his written address formulated a sole issue for determination thus:

Whether having regards to the reliefs sought and affidavit evidence in support of the Plaintiffs Originating Summons, the Plaintiffs are entitled to the declaratory reliefs sought in this suit?

Counsel submitted inter-alia that the Plaintiffs have a heavy burden to prove their entitlement to the declaratory reliefs they seek. That a careful reading of the 4th Defendant's Counter Affidavit show that the 2nd Defendant complied with the provisions of section 83 of the Electoral Act, 2022 which requires the 2nd Defendant to give notice of meetings to the 1st Defendant.

Eyitayo Jegede SAN representing 5th and 6th Defendants in his written address in support of Notice of Preliminary Objection formulated a sole issue for determination thus:

Whether this Honourable Court has the jurisdiction to hear and determine this suit.

Learned SAN in his written address submitted inter-alia that the suit is not justiciable as the subject-matter relates to the domestic and internal affairs of the 2nd Defendant. He placed reliance on PDP VS

SYLVA (2012) 13 NWLR (PART 1316) 85 AT 125 PARAS C-D. He also relied on section 84 (14) of the Electoral Act to submit that only aspirants which the Plaintiffs are not have locus standi to challenge the conduct of a party primary. He therefore urged the Court to decline jurisdiction over the suit.

Eyitayo Jegede SAN in his written address in support of Counter Affidavit of 5th and 6th Defendants adopted the issues for determination as formulated by the Plaintiffs.

Counsel argued inter-alia that the Plaintiffs have failed to establish their entitlement to the reliefs they seek as there is no proof of their membership of the party neither did, they prove that they obtained the Nomination and Expression of Interest forms to indicate their readiness to contest the said positions. Counsel also submitted that the subject matter of the suit is based on the convention of the party which forms part of the internal affairs of the party hence the suit is outside the jurisdiction of this Court. Learned Counsel relied on **MANASSEH VS GOSHWE (2024) 6 NWLR (PART 1934) 203 AT 243 PARAS F-G.** Counsel submitted further that according to the Counter Affidavit of 5th and 6th Defendants due compliance with section 82 of the Electoral Act, 2022 had been done by the 2nd Defendant having sent a notice of 21 days to the 1st Defendant to inform it of the conduct

of its National Convention scheduled for 15th and 16 November, 2025. Learned Counsel also submitted that there is no legal ground for the South East Zone to conduct fresh congresses since there are validly elected Executives whose tenures had not lapsed. Also, that the Plaintiffs as delegates have no locus standi to approach the Court. He placed reliance on **OSAGIE VS PDP (2023) 5 NWLR (PART 1877) 355PAGE 383 PARA C** to urge the Court to dismiss the suit of the Plaintiffs.

Counsel to the 7th Defendant in his written address in support of Counter Affidavit substantially adopted the written address of 2nd Defendant represented by Chris Uche SAN.

Counsel to the 8th and 9th Defendants in his written address in support of Notice of Preliminary Objection submitted inter-alia that the Plaintiffs lack locus standi to bring this action as they have not established their status as aspirants for any primary election of the 2nd Defendant and an ordinary member of the party has no legally enforceable right to be an officer of the party. Reliance was placed on **AGUMA VS APC & ORS (2021) LPELR-55927 (SC) AT P.65 PARAS D-G**. He submitted further that the Plaintiffs ought to exhaust all the internal remedies before filing this suit. Counsel submitted further that the Plaintiffs lack locus standi and that the reliefs sought is not

grantable as the 1st Defendant cannot take over the management of the 2nd Defendant.

Counsel to the 8th and 9th Defendants, Audu Anuga SAN in his written address submitted inter-alia that it is not the intention of the drafters of the Constitution of Nigeria to prescribe the procedure for the conduct of election of party executives. That the 2nd Defendant has complied with the requirements for issuing notice to the 1st Defendant. Learned SAN also submitted that a necessary precondition of exhausting all internal remedies had not been fulfilled by the Plaintiffs before instituting this action. He urged the Court to dismiss this suit. Also that the issues of a party's congress or convention are internal affairs of the party and thus outside the jurisdiction of this Court. Counsel relied on **AKINREMI & ANOR VS SULEIMAN & ORS (2022) LPELR-56903 AT PAGE 68 – 69 PARAS D – B.** to urge the Court to dismiss the suit.

The Court in determining all the issues arising in this suit formulates the following for determination:

1. **WHETHER THE 2ND, 5TH AND 6TH DEFENDANTS CAN ONLY BE REPRESENTED BY THE NATIONAL LEGAL ADVISER OR BY COUNSEL AUTHORIZED BY HIM.**

2. WHETHER THE SUIT OF THE PLAINTIFFS CONSTITUTE INTERNAL AFFAIRS OF THE PARTY AND THUS NON-JUSTICIABLE.
3. WHETHER THE PLAINTIFFS ARE CLOTHED WITH LOCUS STANDI TO INSTITUTE THIS ACTION.
4. WHETHER FROM THE FACTS AND CIRCUMSTANCES OF THIS SUIT, THE PLAINTIFFS CAN INSTITUTE THIS SUIT WITHOUT EXHAUSTING THE INTERNAL REMEDIES OF THE PARTY.
5. WHETHER THE PLAINTIFFS ARE ENTITLED TO THE RELIEFS SOUGHT WHERE ISSUES 1 - 4 ARE RESOLVED IN THEIR FAVOUR.

Counsel to some of the 2nd, 5th and 6th Defendants represented by Chris Uche SAN and Eyitayo Jegede SAN respectively as well as Counsel to 7th, 8th and 9th Defendants have raised the issue of jurisdiction of this Court by challenging the competence of the suit and the locus standi of the Plaintiffs. On the other hand, Counsel to 2nd, 5th and 6th Defendants represented by A.K Ajibade SAN the National Legal Adviser of the party had challenged the competence of Chris Uche SAN and Eyitayo Jegede SAN to represent the 2nd, 5th and 6th Defendants in this suit. These issues must be dealt with as soon as possible before going to the merits of the case if need be.

The issue of jurisdiction whenever it is raised must as a matter of necessity be determined as soon as possible. Jurisdiction in general

terms refers to the extent of powers or authority exercised by a Court over a particular matter. It is seen as a threshold issue which determines how a Court should handle a matter. Where jurisdiction is lacking, any further action taken by a Court amounts to a nullity.

In *NIMR v. AKIN-OLUGBADE & ORS* (2025) LPELR-80313(SC), the Supreme Court per Abiru JSC held:

"Now, jurisdiction is the authority which a Court has to decide matters that are litigated before it or take cognizance of matters presented in a formal way for its decision. It is the power of the Court to decide a matter in controversy and presupposes the existence of a duly constituted Court with control over the subject matter and the parties. Jurisdiction defines the power of Courts to inquire into facts, apply the law, make decisions and declare judgment. It is the legal right by which Judges exercise their authority. It is trite that jurisdiction is a hard matter of law that can only be determined in the light of the enabling statute. A Court of law cannot add to or subtract from the provisions of a statute. As a matter of law, a Court must blindly follow and apply the jurisdictional limits and limitations as contained or provided in a statute."

My noble Lord, Adah JSC in *HABU v. SULE & ORS* (2024) LPELR-63002(SC) on the issue of jurisdiction held thus:

"It is obvious in our law that jurisdiction is the cord of adjudication. It is the threshold and livewire that determines the authority of a Court to entertain a case before it. When a Court lacks jurisdiction, its judgment no matter how well written is a nullity. Consequentially, the appeal and the decision of the Court of Appeal on such a judgment would be a nullity. See Martins v. Nicannar Food Co. Ltd & Anor. (1988) LPELR-1844(SC), Petrojessica Enterprises Ltd & Anor v. Leventis Technical Co Ltd (1992) LPELR-2915 (SC), Katto v. CBN (1991) 9 NWLR (Pt. 214) 126, Utih v. Onoyivwe (1991) 1 NWLR (Pt: 166) 166. Due to the importance of jurisdiction, issues of jurisdiction can be raised at any stage of a case, be it at the trial or on appeal to the Court of Appeal or to this Court; a fortiori, the Court can suo motu raise it. Once it is raised, it is of utmost necessity to have it determined early."

Kindly see also *APC & ORS v. ENUGU STATE INDEPENDENT ELECTORAL COMMISSION & ORS* (2021) LPELR-55337(SC); *PETROLEUM (SPECIAL) TRUST FUND v. FIDELITY BANK & ORS* (2021) LPELR-56625(SC); *MUYIDEEN v. NBA & ANOR* (2021) LPELR-55885(SC).

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J. Matute

Whenever the term jurisdiction is used, it can refer to various items that donate powers to a Court such as Procedural law which is usually manifested in the competence of the Originating process or other process and subject matter jurisdiction which is donated by statute. In **NNEJI & ANOR v. INEC & ORS (2024)**, LPELR-63033(SC) outlined the various types of jurisdiction as follows:

"Most interestingly, jurisdiction is varied and ubiquitous: "(a) Regarding a matter of substantive law duly prescribed by a constitution or statutory provisions regarding whether or not a Court is imbued with jurisdiction; (b) A matter of procedural law thereby regulating the practice and procedure guiding the manner cases (suits, matters, appeals, petitions) are initiated tried prescription of method of service inclusive of pre-election notice; (c) A subject jurisdiction regarding matters over which can adjudicate, territorial jurisdiction, et al."

On the issue of legal representation, it must first be restated that the right to choice of counsel is a Constitutional right enshrined under section 36 (6) (c) of the Constitution of the Federal Republic of Nigeria 1999 as amended which provides thus:

Every person who is charged with a criminal offence shall be entitled to defend himself in person or by legal practitioners of his own choice;

In *ALL PURPOSE SHELTERS LTD v. DENNIS & ORS* (2022) LPELR-56865(SC) the Supreme Court stated thus:

"By the provisions of Section 36 of the Constitution of Nigeria, 1999 (as amended) in the determination of his civil rights and obligations, a citizen has the fundamental right to a Counsel of his own choice. In MARCEL NNAKWE v. THE STATE (2013) LPELR-20941(SC) this Court held as follows: "with reference to Section 36 of the Constitution of the Federal Republic of Nigeria, 1999, the law is well settled that every party to a case has an unfettered right of representation by counsel of his choice. See Nwambe v. The State (1995) 3 NWLR (Pt. 384) 358." See also; SEBASTIAN ADIGWE v. FEDERAL REPUBLIC OF NIGERIA (2015) LPELR-24694 (SC). It is the law, that a party in litigation has the right and freedom to engage Counsel of his Choice without interference or hindrance at any stage of the matter"

Also in *IHEDIOHA v. NWOSU & ORS* (2019) LPELR-52790(SC) it was held thus:

"The principle has the imprimatur of the right to fair hearing guaranteed by the Constitution; which right includes the right to be represented by a counsel of one's choice."

Kindly see also *OBAGHAMA & ANOR v. APIAFI & ORS* (2019) LPELR-49076(CA); *OKE & ANOR v. UBA PLC & ANOR* (2015) LPELR-24827(CA)

The 2nd Defendant as a Political party has the unfettered right to appoint any Counsel of its choice to defend or prosecute matters for it.

The 2nd Defendant according to Article 42 of its Constitution has chosen the National Legal Adviser as its Legal Counsel of choice. The said section provides thus:

"42.(1) There shall be a National Legal Adviser of the Party who shall be a lawyer of not less than 10 years post-call and whose functions shall be to-

(a) Advise the party on all legal matters;

(b) Conduct all litigation and prosecute and defend actions on behalf of the party, including its organs and officials in so far as the subject of the litigation affects the interest of the party; and

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(c) Interpret the laws, regulations and Constitution of the party in the event of any ambiguities." (Underlined emphasis mine)

The clear implication of the above provision is that the National Legal Adviser of the party has the overall duty of conducting legal proceedings on behalf of the party including its organs.

This position received judicial imprimatur in **FAGBEMI v. APC & ORS (2023) LPELR-61089(CA)** where the Court of Appeal per Senchi JCA held thus:

"It should be noted that both letters dated 31st July, 2018 and 3rd August, 2018 were written by the Head, Legal Services and copied the National Chairman and the National Legal Adviser. The letter of 25th June, 2018 by the 1st Respondent to the Appellant was issued and signed by the 1st Respondent's then National Legal Adviser. As rightly cited by the Appellant's Senior Counsel, the case of UCHE & ANOR V INEC & ORS, (2019) LPELR 48396, this Court held as follows:- "I say so because by the constitution of the 2nd Appellant, it is the national Legal Adviser upon the direction of the National think tank of the party that has the power to arrange representation for the party in legal matters."

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Any litigation whether at National, State or Ward levels affects the interests of the party in one way or the other it therefore behoves on the National Legal Adviser to be the one to prosecute or defend such suits.

A.K Ajibade SAN remains the National Legal Adviser of the party and it is his responsibility to arrange or authorize legal representation for the party and its organs of which 2nd, 5th and 6th Defendants are part. The effect of this is that the 2nd, 5th and 6th Defendants cannot exercise their right of choice of Counsel without the overriding authority of the National Legal Adviser. Moreso, when it has not been established that he was directed and he failed to act or perform the functions of his office. This Court is aware that from the supporting affidavit of 2nd Defendant represented by Chief Chris Uche SAN there appears to be discord in the National Executive Committee of the Party. It is not the business of this Court to inquire into such discord as they constitute internal affairs of the party. The Constitution of the 2nd Defendant is clear as to who can arrange legal representation.

From the facts before the Court, Chris Uche SAN and Eyitayo Jegede SAN were not authorized by the National Legal Adviser, A.K Ajibade SAN. The mere fact that the National Chairman authorized them is not enough for them to represent the party and its organs. It is not the

duty of the National Chairman to do such. While he may be the Chief Executive of the party, arranging legal representation is the exclusive responsibility of the National Legal Adviser. For the Chairman to act in that regard, the input of the National Legal Adviser is necessary and important. Until the Constitution of the 2nd Defendant is amended to reduce the power of the National Legal Adviser as done by some political parties, the National Legal Adviser of the 2nd Defendant remains the major determinant of legal issues affecting the party.

Without the input of the National Legal Adviser, any such representation even though authorized by the National Chairman is invalid and does not confer competence on such Counsel. The effect of this is that all processes filed by 2nd Defendant represented by Chief Chris Uche SAN and processes filed by 5th and 6th Defendants represented by Eyitayo Jegede SAN are for all intents and purposes invalid as they were filed without proper authorization of the National Legal Adviser of the 2nd Defendant. Consequently, they are hereby expunged from record and will not be considered in this judgment. The Court will instead rely on the processes filed on behalf of 2nd, 5th and 6th Defendants by A.K Ajibade SAN being the National Legal Adviser of the party.

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I must also comment on the presence of the 8th and 9th Defendants in this suit to determine if indeed they are necessary or desirable parties in this suit.

During the hearing of the application for joinder of the 8th and 9th Defendants in this suit, this Court allowed the joinder on the premise that it allows the parties the opportunity to appeal especially as the suit had to be determined expeditiously due to the nature of the suit as well as the scheduled national convention fixed for 15th and 16th November, 2025.

I will now treat the issue of whether the 8th and 9th Defendants are necessary or desirable parties in this suit as raised by the Plaintiffs. A necessary party is a party in whom the suit cannot effectively be determined in its absence or a party who will be bound by the decisions of the Court. The Court of Appeal in **ABIA VS C.R.S.P.I LTD (2007) (Vol. 28) WRN 150 per Ibiyeye, JCA 177 lines 5-30 (CA)** stated thus:

"A necessary party is a party who will be affected by the decision of a Court. His right will be affected either positively or negatively by the outcome of the case. A Court or a tribunal will not make an order or give a judgment that will affect the interest or right of a person or body that is not a party to the suit and who was never

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J. Bolan

heard in the matter. The only reason which makes it necessary to make a person a party to an action is that he should be bound by the reason of the action and the question to be settled. There must be a question in the action which cannot be effectually and completely settled unless he is a party"

Kindly see also GREEN VS GREEN (2001) FWLR (Pt. 76) 795; PANALPINA WORLD TRANSPORT LTD VS J.B OLANDEEN INTERNATIONAL & ORS (2010) LPELR-2902 (SC) Page 27, Paras B-C; AZUBUIKE VS PDP & ORS (2014) LPELR-22258 (SC) 15-16 Paras G-C.

The 8th and 9th Defendants claimed to be executives of the party at the South East and South South Zones. This poses the question: can a person be a necessary/desirable party when the party organ is already a party in the suit. The 2nd Defendant as a whole covers the interest of the 8th and 9th Defendants and there is no specific reason for them to be parties in this suit.

To make matters worse for the 8th and 9th Defendants, there are pending judgment and order of Court affirming the expulsion of the 8th Defendant as a member of the party and thus he cannot function in his role as a South East Zonal executive. This was the purport of the judgment of my learned brother Oshomah J. in Suit No: FHC/AI/CS/2/2025 Between Egwu Chidiebere Goodluck and Chief Ali

Odefa & 2 Ors delivered on 10th April, 2025. The Judgment was to the effect that the 8th Defendant having been expelled from his ward, cannot be regarded as an executive of the party. The 1st and 2nd Judgment Orders are particularly noteworthy. I will reproduce same here:

1. A DECLARATION by this Honourable Court that by the combined Provisions of Articles 45, 47(6), 58 and 59 (i) (g) and (2) of the Constitution of the Peoples' Democratic Party (as amended in 2017), as well as the subsisting judgment of the Federal High Court in Suit No. FHC/AI/CS/182/2024 which affirmed the suspension of the 1st Defendant viz: Chief Ali Odefa from the Peoples' Democratic Party and his subsequent expulsion from the Party by the Executive Committee of the Peoples' Democratic Party Oguduokwor Ward, the office of the National Vice Chairman South East Zone of the Peoples' Democratic Party was vacant before the nomination of the Plaintiff to replace the 1st Defendant and complete the unexpired tenure of the 1st Defendant as the National Vice Chairman South East Zone of the Peoples' Democratic Party.
2. A DECLARATION by this Honourable Court that by the combined Provisions of Articles 45, 47(6), 58 and 59 (i) (g) and (2) of the Constitution of the Peoples' Democratic Party (as amended

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in 2017), the South East Zonal Executive Committee, as well as the Elders Committee and the Stakeholders of the Peoples' Democratic Party Ebonyi State chapter can legally and lawfully nominate the Plaintiff as the substantive National Vice Chairman South East Zone of the Peoples' Democratic Party, following the expulsion of the 1st Defendant viz. Chief Ali Odefa from the Party by the Executive Committee of the Peoples' Democratic Party Oguduokwor Ward.

The clear import of the above judgment order is that the 8th Defendant has no business in this suit being an expelled member of the party. The 8th Defendant only stated that there are extant judgments legitimizing his position in the 2nd Defendant. He attached a copy of the judgment of Uguala J. of the High Court of Ebonyi State in Suit No: HOZ/1/2025 between Chief Ali Odefa and Herbert Ovuta Njoku & 8 Ors delivered on 11th February, 2025. Similar to the 8th Defendant, the 9th Defendant also claimed that the same judgment of Uguala J. has confirmed his position in the party. However, there is a valid order of Ekwo J. in Suit No: FHC/ABJ/CS/505/2025 Between Chief Dan Osi Orbih and Independent National Electoral Commission and others (including the 9th Defendant in this instant suit) where the Court ordered INEC and the Peoples Democratic Party not deal with or relate with the 9th

Defendant herein as a member of the South South Zonal Caretaker Committee of the party. The said order was made 4th April, 2025.

It is clear from the above that the decisions of Oshomah J. and Ekwo J. were made later in time compared to the one by Ugbala J. which means that the decisions of Oshomah J. and Ekwo J. are the subsisting decisions which this Court will follow. There is also no evidence that the said decisions had been appealed by any of the parties. The law remains trite that a judgment or order of Court remains valid until set aside. Niki Tobi JSC (of blessed memory) held in **OTU v. ACB INTERNATIONAL BANK PLC & ANOR (2008) LPELR-2827(SC)** thus:

"A judgment, and this includes a ruling, of a court of law is valid or so presumed until it is set aside on appeal. A court of law, trial or appellate, has the power or jurisdiction to protect its judgment by providing teeth to bite any act of interference to weaken its legal strength of enforcement or enforceability in the judicial process. In the judicial process, a Court of law has the power or jurisdiction to set aside its own order in appropriate circumstances. It has the discretion to do so and once the discretion is exercised judicially and judiciously, an appellate Court cannot interfere. After all, the Court is the owner of the

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order and it can do anything with it, like every owner of property."

Otisi JCA in **SADIQ & ANOR v. BEMBE** (2021) LPELR-56240(CA) held:

"The judgment of a Court of competent jurisdiction is valid and subsists until it is set aside by the appellate Court or even by the Court itself that delivered the judgment if it acted without jurisdiction"

Kindly see also **FRN v. OZEKHOME** (2021) LPELR-54666(CA); **AGWU v. STATE** (2021) LPELR-54725(CA); **ODUA & ORS v. AYITO** (2020) LPELR-51851(CA).

In the absence of any appeal setting aside the judgment of Oshomah J. and the order of Ekwo J., the 8th and 9th Defendants ought not to have been joined in this suit. They are neither necessary nor desirable parties in this suit as their standings in their respective zones have been vacated by the Courts which have not been set aside on appeal. Consequently, the 8th and 9th Defendants and their processes are hereby expunged from this suit.

On issue two, the law is trite that Courts will not interfere in the internal affairs/disputes of political parties. Indeed, matters relating to

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internal disputes of a political party are not justiciable. In **UFOMBA V. INEC & ORS (2017) LPELR-42079**, the Supreme Court held as follows:

"...Issue of leadership and or membership of a political party an internal or domestic affair of a party. It is within the political party's jurisdiction and is indeed "NO GO AREA" for Courts, as they lack jurisdiction to delve into such affairs or matters. The Court's jurisdiction is ousted because such subject matter is non-justiciable."

In **UMEH & ANOR v. OKWU & ORS (2014) LPELR-24063(CA)** it was held that:

"On Political Party's internal affairs, the Law is very clear that Political questions as to how a Political party should run its affairs is within the exclusive Jurisdiction of a Political Party. See Umeh v. Ejike (Unreported) CA/E/84/2013 delivered on 15/7/2013. The internal affairs of Political Parties are exclusive to the parties and not within the competence of the Court. Courts have no Jurisdiction to interfere with the election of Political offices of a Party. In other words, a Political Party choosing its candidates for an elective office is purely a domestic affair of the Political Party. See Uwazurike v. Nwachukwu (2012) 12 SCNJ 1 at 5. Where there is a dispute as to the elected offices of a Political Party the Court

will not have Jurisdiction to entertain the matter. It is settled law that it is the claim of the plaintiff that determines the Jurisdiction of the Court, where however from the totality of the pleadings of both Parties and the evidence adduced to establish same the Court will then determine whether it has Jurisdiction or not."

Typically, Courts of law do not involve themselves with the domestic affairs of a political party. Political parties are generally seen as democracies where the majority rules, an aggrieved member cannot just go to Court to ventilate his grievance on happenings within the party.

The Appellate Courts have stated that matters relating to leadership and membership of political parties are out of the jurisdiction of Courts being internal affairs of the parties.

In **ONI & ANOR v. OYEBANJI & ORS (2023) LPELR-60699(SC)** the Supreme Court held thus:

"Also, the issues of whether the 3rd respondent could act as the National Chairman of the 2nd respondent and whether the Caretaker Extraordinary Convention Committee headed by the 3rd respondent was a legitimate organ of the Party and had the authority to superintend over the affairs of the Party in the absence of the National Working Committee of the Party are the



internal affairs of the Party. It is settled law that the management or administration of a political party and who should head it or hold any office therein is the internal affair of the party. See our decision on the same point and facts in Jegede V INEC."

Kindly see also **OMOYELE & ANOR v. NZENWA & ANOR (2022) LPELR-57939(CA)**

From the above decisions, it is clear that the issue of internal affairs comes in where it concerns the leadership tussle within a political party.

Counsel to 7th Defendant have argued that the suit of the Plaintiffs falls within internal affairs of the party since it concerns issues of convention and leadership of the party.

Counsel to the Plaintiffs on the other hand countered that the suit is actually directed at the 1st Defendant and the suit aims to compel/direct the 1st Defendant to discharge its constitutional and statutory duties in the proper monitoring of political parties.

Now in this instant suit, the Plaintiffs are not contending the issue of leadership/convention of the party *stricto sensu*. They are simply stating that the 1st Defendant is under obligation to ensure that political parties comply with the tenets of democracy, regulations and

statutory provisions and that decision of the 1st Defendant in recognizing or giving effect to a notice by the 2nd Defendant which is less than the statutory notice of at least 21 days and the non-conduct of congresses in some states affects the validity of the scheduled national convention of the party.

I have painstakingly gone through the Originating Summons and from the questions formulated, the suit of the Plaintiffs is clearly aimed at making the 1st Defendant perform its constitutional and statutory duties according to Paragraph F - 18 (c) of Part 1 of the Third Schedule of the Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 222(c), 223(1)(a), 224, 228(1),(2)&(8), 228(a)&(b) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), and Sections 82(1)(2)(3) and (5) and 83(1),(2) and (3) of the Electoral Act, Paragraphs 12, 13, 14 and 16 of Regulations and Guidelines for Political Parties, 2022, among other provisions.

This clearly takes the suit outside the purview of internal affairs as the suit is not directed at the party even though the party would likely suffer the consequence of the suit. The 1st Defendant as the body charged with conducting elections and supervising the activities of political parties have a statutory duty to ensure that political parties comply with Electoral laws and electoral rules. One of such rules is the

mandatory notice of at least 21 days' notice prior to any congress, primary, meeting or convention of political parties to enable it to monitor such meetings, primary, congress and convention.

This suit is not challenging the conduct of a primary, congress or convention, it is simply saying that the 1st Defendant must ensure that the 2nd Defendant complies with the provisions of the law with respect to any of its meetings, congress or convention. It is worthy of note to say that internal affairs of party principle cannot and can never be a shield for any political party to disobey or not comply with extant provisions of the Electoral law and Regulations and Guidelines issued by INEC. More importantly, the Counter Affidavit of the 1st Defendant (INEC) has also revealed acts of non-compliance with section 82 of the Electoral Act and Paragraphs 12 and 13 of the Regulations and Guidelines for Political Parties, 2022. I will reproduce the said paragraphs 4 (d) – (h) of the Counter Affidavit hereunder:

d. That in specific reply to Paragraph 25 of the Affidavit in support of the Amended Originating Summons, Notices of Congresses were issued to the 1st Defendant for the 36 States and the FCT. However, Congresses were not held in some States. The 2nd Defendant's Notices are hereby annexed and marked as Exhibits INEC A¹⁻⁵.

e. That in further reply to the above Paragraph, Notices of Congresses (Exhibits INEC A¹⁻⁵) served on the 1st Defendant by 2nd Defendant did not contain time, venue and mode of conducting the meeting, Congress or Convention.

f. That the 1st Defendant has not received any Notice of meeting of National Executive Committee of the 2nd Respondent alleged by the Plaintiffs to hold on the 15th day of October, 2025.

g. That Paragraph 28 of the Affidavit in support of the Amended Originating Summons is admitted to the limited extent that a mandatory 21 days' Notice is required to be given to the 1st Defendant before the holding of any Congress of the 2nd Defendant including the Congress for the affected States. All other averments in the above-referred Paragraph is subject to onus probandi.

h. That Paragraph 31 of the Affidavit in support of the Amended Originating Summons is admitted to the limited extent that Notice of the Congresses were issued to the 1st Defendant but the Congresses were not held in the Stated States and Zone.

The instances of non-compliance as stated above are quite clear and I must say that non-compliance with extant laws and regulations by a member of a family cannot be internal affairs of the family.

To the mind of this Court, this is not a leadership or internal affairs of the party matter. It is a suit that can rightly be accommodated under section 251 (1) (r) of the Constitution which provides:

“Notwithstanding anything to the contrary contained in this Constitution and in addition to such other jurisdiction as may be conferred upon it by an Act of the National Assembly, the Federal High Court shall have and exercise jurisdiction to the exclusion of any other Court in civil causes and matters-

Any action or proceeding for a declaration or injunction affecting the validity of any executive or administrative action or decision by the Federal Government or any of its agencies.”

The 1st Defendant as an agency of the Federal Government is saddled with the responsibility of monitoring the organisation and operation of political parties, including their finances, conventions, congresses and party primaries under Paragraph 15 (c) of the Third Schedule, Part 1 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) as well as section 83 of the Electoral Act 2022.

Kindly see **A.G. OF LAGOS STATE v. NATIONAL SPORTS LOTTERY LTD & ANOR (2023) LPELR-60359(SC)**; **ISA v. GOV. OF CROSS RIVER STATE & ORS (2021) LPELR-55710(CA)**.

As part of the constitutional and statutory powers of the 1st Defendant, it is empowered to make Regulations/Guidelines for political parties and to ensure compliance with extant electoral law and constitution. The 1st Defendant (INEC) makes regulations and guidelines and these are known as subsidiary legislations. In the hierarchy of laws, subsidiary legislations are inferior to substantive statutes however they enjoy the force of law. Subsidiary legislations are made pursuant to a substantive Act to address issues left unaddressed in the substantive law. Sometimes, Acts of the National Assembly are not exhaustive and in order to bridge this gap, there is usually a provision for subsidiary legislations such as rules or regulations.

The National Assembly cannot be expected to make laws to regulate every action or to anticipate every eventuality. Subsidiary legislation can then be made by the person vested with such power to make such rules in accordance with the substantive law.

In **MUSA & ANOR v. BASIRU & ORS (2023) LPELR-61577(CA)** it was held:

"For the legality of any election conducted under the law to be ascertained, sometimes a Court would look beyond the Electoral Act and look at subsidiary legislation which relate to election matters. Maybe subsidiary legislation may be a big dress to wear some guidelines, rules, and regulations passed by the 3rd Respondent to regulate the election but those regulations and guidelines cannot be ignored especially when the provisions of the Electoral Act is not exhaustive or clear on the matter. The point must be made that by the provision of Section 148 of the Electoral Act, the Commission has powers to make rules, guidelines, and regulations to ensure that elections are conducted well. Such regulations passed has the force of law and must be obeyed provided they are not in conflict with the parent legislation, that is the Electoral Act. In *INEC vs NNPC* (2023) 12 NWLR (pt 1899) 43, this is what the apex Court said on this point: "By virtue of Section 148 of the Electoral Act, 2022, the Commission has the powers under the Electoral Act, subject to the provisions of the Act, to issue regulations or guidelines or manuals for the purpose of giving effect to the provisions of the Electoral Act. The provision is unambiguous and clearly states that the guidelines, regulations and manuals to be issued are subject to the Electoral Act and the purpose of the regulations, guidelines,

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and/or manual is to give effect to the Electoral Act. A Timetable and Schedule of activities of the Commission which is made pursuant to the Electoral Act must comply with the timelines contained in the Electoral Act, 2022. Being of subordinate legislation, any inconsistency created by it must be resolved in favour of the substantive law. [Osadebay v. A.G., Bendel State (1991) 1 NWLR (Pt. 169) 525; Odeneye v. Efunuga (1990) 7 NWLR (Pt. 164) 618; "The Guidelines and regulation of INEC has the force of law." Consequent upon that, the 3rd Respondent has passed two major documents to regulate the conduct of election and the electoral officers. These are the Guidelines and Regulation for the Conduct of Election, 2022 and the Manual for Electoral Officers. A Court is at liberty to refer to those in deciding the outcome of an election provided they are not in conflict with the Electoral Act and the Constitution.

The 1st Defendant is vested with powers to make subsidiary legislation under section 148 of the Electoral Act, 2022 which provides:

"The Commission may subject to the provisions of this Act, issue regulations, guidelines or manuals for the purpose of giving effect to the provisions of this Act and for its administration"

Subsidiary legislations once made has the force of law as it derives its validity from the principal Act. In **OMATSEYE v. FRN (2017) LPELR-42719(CA)**, it was held:

*"The question of subsidiary legislation received judicial attention, in the case of **BEST NJOKU V CHIEF MIKE IHEANATU (2008) LPELR -3871 (CA)** thus: "A subsidiary legislation or enactment is one that was subsequently made or enacted under and pursuant to the power conferred by the principal legislation or enactment. It derives its force or efficacy from the principal legislation to which it 'is therefore secondary and complimentary." It is trite that subsidiary legislation generally has the force of law, see Section 18 (1) of the Interpretation Act, **ADEBOYE AMUSA V THE STATE (2003) LPELR-474(SC)** and it derives its authority from the substantive legislation."*

The Plaintiffs have successfully shown that their cause of action is founded on the executive decision of the 1st Defendant not to enshrine democracy within political parties and to give effect to an invalid notice of meeting as same was not signed by the National Secretary of the party as prescribed by the Regulations and Guidelines

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for Political Parties. This has removed the matter from internal affairs of the party as the Regulations being a subsidiary legislation, a breach of same entitles the Plaintiffs to file this action and seek reliefs principally against the 1st Defendant.

This Court is therefore convinced that a suit challenging the actions of 1st Defendant is outside the narrow confines of internal affairs but a matter which can rightly be accommodated under section 251 (1) (q) (s) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) which vests this Court with jurisdiction to hear and determine matters challenging the executive decisions of the Federal Government or its agencies. Holding otherwise would mean that the Court is giving judicial endorsement to political parties to do illegalities which is contrary to the Electoral laws and regulations. This Court will therefore assume jurisdiction over this matter as not doing so will be damaging to our political system in Nigeria as impunity will be enshrined over the tenets of democracy required by law. Issue two is thus resolved in favour of the Plaintiffs.

With respect to issues 3 and 4, flowing from the above holding that the suit is a constitutional and statutory matter challenging the executive actions of the 1st Defendant, the Plaintiffs do not need to be aspirants for a primary election to activate the pre-election jurisdiction

of this Court. Usually for a person to be clothed with locus standi in a pre-election matter, he must first establish that he is an aspirant.

The law is clear that only aspirants who participated fully in a primary election have the locus standi to file a pre-election suit.

Ogakwu JCA in **APC v. PDP & ORS (2023) LPELR-59254(CA)** held:

"It may sound prolix, but locus standi in election and election-related matters is conferred by statute. For an aspirant, like the 2nd Respondent, the locus standi is provided under Sections 29 (5) and 84 (14) of the Electoral Act 2022, as well as Section 285 (14) (a) and (b) of the 1999 Constitution, as amended. I have already set out the text of these provisions in this judgment. Given the facts and circumstances of this matter, does the 2nd Respondent, as an aspirant come within any of the provisions so as to have the requisite title to sue as held by the lower Court? Under Section 29 (5) of the Electoral Act, 2022, the person with locus standi is an aspirant who participated in the primaries of his political party and whose complaint is that the information given by his political party's candidate is false. There is no way the 2nd Respondent can come under this stipulation. The 2nd Respondent did not participate in the primaries of the Appellant and the 4th Respondent is not the candidate of the 2nd Respondent's political

party. So the 2nd Respondent is not imbued with locus standi under Section 29 (5) of the Electoral Act, 2022."

Kindly see also APC v. NELSON & ORS (2023) LPELR-59730(CA); ABOJE & ORS v. INEC & ORS (2023) LPELR-59725(CA)

In EZE VS. PDP (2019) 1 NWLR (PT.1652) 1 at 24 paragraph F, the Apex Court per KEKERE-EKUN, JSC held:

"Who is an aspirant? An aspirant is a person who contested the primary election of his party. He must be someone who actually participated in the primary election he is challenging.... What is more, the primary election he is complaining about must have been conducted by the National Executive Committee or the National Working Committee of the party".

The Plaintiffs are not challenging the outcome of a primary or future conduct of a primary election for which they were denied participation. This is an action under section 251 (1) (r) of the Constitution with respect to the executive decision of the 1st Defendant. Thus they do not have to be aspirants to bring this action. Neither do they have to exhaust the internal mechanism of the party before filing this suit as their grievance is not towards the party but the 1st Defendant. Even though it is conceded that the claims if

granted will affect the 2nd Defendant. However, it is clear as day that the suit is a civil action by the Plaintiffs to challenge the statutory duties of the 1st Defendant which is aimed at sanitizing the political system.

The Plaintiffs have stated that they have intention of contesting for national office at the National Convention of the party, thus filing this suit is to ensure that the Convention is properly convened and has no defects. Consequently, I reiterate that this suit is not an internal affair suit and thus the Plaintiffs as citizens of Nigeria and members of the party are well within their rights to access this Court under section 6 (6) of the Constitution of the Federal Republic of Nigeria 1999 (as amended). The nature of their claims has no remedy under the Constitution of the 2nd Defendant as the 1st Defendant cannot be compelled to act under the Constitution of the 2nd Defendant. Consequently, issues 3 and 4 are resolved in favour of the Plaintiffs.

With respect to the substantive suit, the Plaintiffs have couched their reliefs under the provisions of Paragraph F - 15 (c) of Part 1 of the Third Schedule of the Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 222(c), 223(1)(a), 224, 228(1),(2) & (8), 228(a) & (b) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), and Sections 82(1)(2)(3) and (5) and 83(1),(2) and (3) of the

Electoral Act, Paragraphs 12, 13, 14 and 16 of Regulations and Guidelines for Political Parties, 2022 which I will reproduce hereunder.

Item F, paragraph 15(c) item F of Part 1 to the Third Schedule of the 1999 Constitution as amended provides:

"The Commission shall have power to monitor the organisation and operation of the political parties, including their finances, conventions, congresses and party primaries"

Section 222 (c) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) then provides:

"No association by whatever name called shall function as a party, unless a copy of its constitution is registered in the principal office of the Independent National Electoral Commission in such form as may be prescribed by the Independent National Electoral Commission"

Section 223 (1) (a) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) provides:

"1) The constitution and rules of a political party shall-

(a) provide for the periodical election on a democratic basis of the principal officers and members of the executive committee or other governing body of the political party"

Section 224 provides:

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"The programme as well as the aims and objects of a political party shall conform with the provisions of Chapter II of this Constitution"

Section 228 provides:

"The National Assembly may by law provide -

- (a) guidelines and rules to ensure internal democracy within political parties, including making laws for the conduct of party primaries, party congresses and party conventions; and*
- (b) the conferment on the Independent National Electoral Commission of powers as may appear to the National Assembly to be necessary or desirable for the purpose of enabling the Commission more effectively to ensure that political parties observe the practices of internal democracy, including the fair and transparent conduct of party primaries, party congresses and party conventions;*
- (c) for an annual grant to the Independent National Electoral Commission for disbursement to political parties on a fair and equitable basis to assist them in the discharge of their functions; and*
- (d) for the conferment on the Commission of other powers as may appear to the National Assembly to be necessary or desirable for the purpose of enabling the Commission more effectively to*

ensure that political parties observe the provisions of this Part of this Chapter.”

Section 82 (1) - (3) and (5) of the Electoral Act, 2022 provides:

“(1) Every registered political party shall give the Commission at least 21 days’ notice of any convention, congress, conference or meeting convened for the purpose of merger and electing members of its executive committees, other governing bodies or nominating candidates for any of the elective offices specified under this Act.

(2) The Commission may, with or without prior notice to the political party attend and observe any convention, congress, conference or meeting which is convened by a political party for the purpose of —

(a) electing members of its executive committees or other governing bodies;

(b) nominating candidates for an election at any level ; and

(c) approving a merger with any other registered political party.

(3) The election of members of the executive committee or other governing body of a political party, including the election to fill a vacant position in any of the aforesaid bodies, shall be conducted in a democratic manner and allowing for all members of the party

or duly elected delegates to vote in support of a candidate of their choice.

(5) Failure of a political party to notify the Commission as stated in subsection (1) shall render the convention, congress, conference or meeting invalid. (underlined emphasis mine)

Section 83 (1) - (3) of the Electoral Act provides:

“(1) The Commission shall keep records of the activities of all the registered political parties.

(2) The Commission may seek information or clarification from any registered political party in connection with any activities of the political party which may be contrary to the provisions of the Constitution or any other law, guidelines, rules or regulations made pursuant to an Act of the National Assembly.

(3) The Commission may direct its enquiry under subsection (2) to the Chairman or Secretary of the political party at the national, state, local government or area council or ward level, as the case may be”.

Paragraph 12 of Regulations and Guidelines for Political Parties, 2022

“12. (1) Every political party shall give the Commission at least 21 days’ notice, through a dedicated portal created for that purpose by the Commission, of any convention, congress, conference or meeting convened for the purpose of merger and electing

members of its national executive committees, other governing bodies or nominating candidates for any of the elective offices specified in the Electoral Act 2022. A hard copy of the notice may be submitted to the Commission through a registered mail.

(2) The notice shall indicate the purpose, venue, date, time, and mode (whether virtual or in-person) of the convention, congress, conference or meeting.

(3) The National Chairman and National Secretary of the political party shall jointly sign the notice of convention; congress, conference or meeting and submit same to the Commission.

(4) The following documents shall be submitted to the Commissions headquarters and relevant state offices at least 7 days before the convention, congress, conference or meeting:

(i) List of planning committee members.

(ii) List of delegates.

(iii) List of candidates contesting for any position.

(iv) Agenda of the meeting.

(v) Guidelines for the meeting, congress, primaries or convention.

(vi) Ten copies of the Constitution of the party as in the record of the Commission."

Paragraph 13

13. (1) A political party intending to change the date, venue and time for its meeting, congress or convention which it had validly notified the Commission shall give at least 7 days' notice of the new date through the designated portal or in person.

(2) The notice must be signed by the National Chairman and National Secretary of the political party.

(3) Any change of date, venue, and time for its convention, congress, conference or meeting shall be communicated to all relevant members of the political party.

(4) Where there are clashes in the schedules of meeting by political parties, the Commission may request any of the parties to reschedule its meeting for effective monitoring or in public interest."

Paragraph 14

"With regards to the conduct of conventions, congresses, conferences and meetings, the Commission shall deploy monitors that will ensure that political parties are in compliance with the provisions of the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Electoral Act 2022, and these Regulations and Guidelines as well as the Constitution and Guidelines of the various political parties."

Paragraph 16

"To ensure that the activities of political parties are in line with the provisions of the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Electoral Act 2022, and these Regulations and Guidelines as well as the Constitution and Guidelines of the political parties, the Commission shall deploy monitors who shall:

- (i) Obtain the list of the Convention Planning Committee and crosscheck with the one earlier forwarded to the Commission.
- (ii) Obtain agenda of the meeting, list of delegates, list of aspirants contesting for any position and guidelines for the convention, congress, conference, primaries or meetings and crosscheck with the one earlier forwarded to the Commission.
- (iii) Verify the accreditation process of the persons or delegates expected to vote at the convention, congress, conference or meeting and the mode of voting, as well as confirm whether the mode of voting is in conformity with the Electoral Act 2022 and the Constitution and Guidelines of the political party.
- (iv) Check whether the political party made adequate arrangements for the security of the venue and the delegates."

A summary of the above provisions shows that the 1st Defendant has a bounden duty to ensure that political parties comply with the

provisions of the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Electoral Act and the Regulations and Guidelines for Political Parties 2022 in the conduct of their affairs. Every gathering such as meeting, primary, congress or convention of a political party where decisions would be taken must be monitored by the 1st Defendant. This monitoring comes after a Notice of at least 21 days is sent to the 1st Defendant by the party in question.

The essence of this duty to monitor conventions, congresses, meetings and primaries is to enable determine the validity of such convention, congress, meeting or primary. In **OBE v. ABUBAKAR & ORS (2023) LPELR-60408(SC)**, the Supreme Court held:

"The settled position of the law is that INEC is statutorily empowered under Section 84(1) of the Electoral Act, 2022 to monitor primary elections, and it is not in doubt that in the event of dispute on facts regarding the conduct or outcome of the primary election, as in this case, INEC stands on a vantage position to assist the Court with its report which would settle the dispute based on evidence. The report of INEC on its monitoring duty undoubtedly carries weight in the determination of primary election disputes. See PDP v Uche & Ors (2023) LPELR - 59604 (SC). Howbeit, it is not the place of the Court to conclude that the

absence of INEC's report in a pre-election dispute presupposes the 2nd Respondent's non-compliance with the provision of Section 82(1) of the Electoral Act. That section of the law prescribes service to INEC of 21 days' notice of any convention, congress, conference or meeting convened by a political party."

The Supreme Court in *PDP v. UCHE & ORS (2023) LPELR-59604(SC)* also held thus:

"INEC plays a crucial role as constitutionally mandated and empowered to monitor primary and general elections and remains a key and primary player in the whole election process, not only to monitor but act as an active and necessary party in case of disputes on facts. In fact, INEC stands a better position to settle most issues bordering on facts. I wonder why INEC cannot take a stand on whether the name of the 1st Respondent was submitted to it or not that now both the appellant and the 3rd respondent on the one hand with the 1st respondent on the other side are trading words of denial concerning the submission of the name of the 1st respondent to the 2nd respondent (INEC). Not only credence and credibility would have been given the evidence of INEC on this matter but finality and commendation. Although this Court in many cases has advised INEC to maintain neutrality in the election process, it should be well understood that it does

not stretch it to evidence or when facts are to be given by INEC. Therefore, INEC cannot claim or feign neutrality in any matter involving facts or giving of evidence that has come before the Court of law since every party, whether appellant or respondent in any appeal, must take a stand to either prosecute or defend an appeal or the judgment of the Court of law and INEC should be a minister of justice for either the appellant or respondent, without minding whose cow is gored"

Kindly see also **JIMKUTA v. INEC &ORS (2023) LPELR-59784(CA); EKPOUDOM v. APC &ANOR (2022) LPELR-58956(CA).**

Where a party fails to give the required notice to the 1st Defendant, such primary, meeting or convention will be deemed to be invalid. This is the purport of section 82 (5) of the Electoral Act 2022 which provides:

"Failure of a political party to notify the Commission as stated in subsection (1) shall render the convention, congress, conference or meeting invalid"

In **AKOBUNDU &ANOR v. INEC &ORS (2023) LPELR-61232(CA)** the Court of Appeal held:

"Indeed, in law, failure of a political party to give the mandatory and requisite 21 days' notice before the conduct of its primary or congress for the nomination of its candidates for a general election renders such a primary election or congress invalid and any candidate who purportedly emerges therefrom, as well as his alleged sponsorship by that political part is equally rendered invalid and of no legal effect whatsoever."

Kindly see also LATEEF & ANOR v. SHAKIRUDEEN & ORS (2015) LPELR-41004(CA); RUFAI-ADEYEMI & ANOR v. AKANDE & ANOR (2015) LPELR-40881(CA).

The grouse of the Plaintiffs in this suit is that the 1st Defendant ought not to give effect to the Notice sent by 2nd Defendant informing the 1st Defendant of its Convention fixed for 15th and 16th November 2025 as congresses which must occur in the different states to elect delegates to the National Convention had not been held in some states. The 1st Defendant (INEC) confirmed this in its Counter Affidavit which I will reproduce again thus:

4. d. That in specific reply to Paragraph 25 of the Affidavit in support of the Amended Originating Summons, Notices of Congresses were issued to the 1st Defendant for the 36 States and the FCT. However, Congresses were not held in some

States. The 2nd Defendant's Notices are hereby annexed and marked as Exhibits INEC A¹⁻⁵.

e. That in further reply to the above Paragraph, Notices of Congresses (Exhibits INEC A¹⁻⁵) served on the 1st Defendant by 2nd Defendant did not contain time, venue and mode of conducting the meeting, Congress or Convention.

f. That the 1st Defendant has not received any Notice of meeting of National Executive Committee of the 2nd Respondent alleged by the Plaintiffs to hold on the 15th day of October, 2025.

g. That Paragraph 28 of the Affidavit in support of the Amended Originating Summons is admitted to the limited extent that a mandatory 21 days' Notice is required to be given to the 1st Defendant before the holding of any Congress of the 2nd Defendant including the Congress for the affected States. All other averments in the above-referred Paragraph is subject to onus probandi.

h. That Paragraph 31 of the Affidavit in support of the Amended Originating Summons is admitted to the limited extent that Notice of the Congresses were issued to the 1st Defendant but the Congresses were not held in the Stated States and Zone.

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ABUJA

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The above shows the gross non-compliance with extant laws and regulations on the part of the 2nd Defendant. Without mincing words, this cannot be termed to be internal affairs of the party.

The Plaintiffs also stated that the notice of postponement of congresses in the affected states was not signed in accordance with the Regulations and Guidelines for Political Parties 2022. That in contravention of the Regulations and Guidelines as well as Article 36 of the 2nd Defendants Constitution, the said notice was signed by the National Chairman of the party without the signature of the 3rd Defendant who is the National Secretary of the party.

The 7th Defendant countered this position by stating that the 3rd Defendant was working against the interest of the party and had refused to sign the notice hence the need for the National Chairman to sign solely.

The provisions of Paragraphs 12 (3) and 13 (1) (2) and (3) of the Regulations and Guidelines for Political Parties 2022 are quite clear that any notice be it the initial notice or a notice indicating intention to change date or venue of the meeting, congress or convention must be jointly signed by both the National Chairman and National Secretary of the party.

Likewise, Article 36 (1) (a) and (b) of the Constitution of the 2nd Defendant provides:

(1) There shall be a National Secretary who shall be the Chief Administrative and Accounting Officer of the Party, whose functions shall be to-

(a) supervise the day-to-day activities of the Party;

(b) conduct or direct the conduct of the correspondences of the Party and cause to be issued notices of meetings of the National Convention, the National Executive Committee, the National Caucus and the National Working Committee."

A look at the above is to the effect that the National Secretary must be involved in the sending of correspondence of which notice to 1st Defendant is a part of. The law is trite that political parties must obey their constitution. My Lord, Kekere-Ekun JSC (now CJN) in **ALIYU v. NAMADI & ORS** (2023) LPELR-59742(SC) held thus:

"There is no doubt that a political party, as a voluntary association, is bound by its constitution and guidelines and must adhere strictly thereto in order to avoid arbitrariness and impunity"

Kindly see also **MATO v. HEMBER & ORS (2017) LPELR-42765(SC);**
SHAIBU v. ABURE & ORS (2023) LPELR-61324(CA).

The supposed discord amongst the members of the National Executive Committee of the party is not the business of this Court as that is well within the domestic affairs of the party. However, this Court will not allow a political party to make nonsense of the Electoral Act and Regulations and Guidelines validly issued by the 1st Defendant (INEC) and its own Constitution as well as the Regulations and Guidelines made by the 1st Defendant by excluding the National Secretary in the execution of its notice to the 1st Defendant.

The 1st Defendant in its Counter Affidavit stated that indeed congresses has not been held in some states and the notices sent did not have details such as venue, date and mode of the congress in accordance with the Regulations and Guidelines for Political Parties 2022. Also 2nd, 5th and 6th Defendants and 3rd Defendant in their various Counter Affidavits stated that the Notice of Postponement for the said congresses was not signed by the National Secretary. Indeed in Exhibit SA3 attached to the 3rd Defendant's Counter Affidavit, it is a Notice of Postponement of State Congress in Cross River, Plateau and Kebbi States. The said Postponement notice has the Reference

number: PDP/DOM/GF.2/VOL.1M/25-164 and dated 25th September, 2025 was signed by only the National Chairman of the party.

The 7th Defendant did not challenge this letter. He only stated that congresses had been held in about 35 states.

The 1st Defendant on the other hand stated that even though notice was sent for the conduct of congresses in all the states, the congress did not hold in some of the states. The question then is, can the 1st Defendant give effect to a Postponement notice written in contravention of its Regulations and Guidelines for Political Parties? The answer to this question is no. Curiously, there is no proof that the 1st Defendant monitored the state congresses from those states. There are no reports of such monitoring. It is then safe to conclude that the state congresses for those states were not held or if held did not comply with the provisions of the law. The Postponement notice was not signed by the 3rd Defendant rendering same invalid. This then means that the outcome of such postponement notice in form of state congresses is invalid and the 1st Defendant cannot give recognition to such invalid process. As it stands not all the states have validly elected officers and delegates to vote at the scheduled national convention. This clearly puts the validity of the scheduled national convention in

jeopardy except the 2nd Defendant does the needful before the scheduled date.

It is important to say that the 1st Defendant (INEC) stated that the Notices of congresses were issued for the 36 states and the Federal Capital Territory, however the Congresses only held in some states and that the notices did not contain details such as the time, venue and mode of conducting the meeting, congress and convention as stipulated by section 82 of the Electoral Act and paragraphs 12 and 13 of the Regulations and Guidelines for Political Parties, 2022. The 1st Defendant (INEC) also denied receiving the notice of meeting of the National Executive Meeting for 15th October, 2025. The Electoral Act and the INEC Regulations and Guidelines stipulate that political parties must give 21 days' notice before conducting any meeting, congress and convention and notice must be jointly signed by the National Chairman and National Secretary. With this Regulations and Guidelines from the 1st Defendant, it shows that the 2nd Defendant is either deliberately refusing or in clear disobedience of the provisions of the Electoral Act and the Regulations and Guidelines for Political Parties 2022. I hold without hesitation that this refusal to comply with the Electoral Act and Regulations and Guidelines makes the acts of the 2nd Defendant invalid and a nullity. Consequently, the Congresses held in some states without giving details such as the time, venue, mode of

conducting the meeting or convention. Also the National Executive Committee meeting of 15th October, 2025 without notice to the 1st Defendant (INEC) in accordance with section 82 of the Electoral Act, 2022 and paragraphs 12 and 13 of the Regulations and Guidelines for Political parties are a nullity. This non-compliance to provisions of the Electoral Act and Regulations and Guidelines for Political parties by the

1st Defendant (INEC) cannot be internal affairs of the 2nd Defendant.

Holding that it is an internal affairs of the party will open the floodgates of disobedience of Electoral Act and Regulations and Guidelines for Political Parties issued by INEC and it will be detrimental to our democracy. Laws and Regulations must be obeyed. Conversely, political parties who are in disobedience of the Electoral Act and the Regulations and Guidelines for Political parties must bear the consequence of their disobedience.

The 1st Defendant had argued that it lacks powers to stop a political party from proceeding with a meeting or congress even if it violates the Electoral Act 2022.

This Court agrees to an extent that the 1st Defendant is indeed a regulatory/supervisory body which may not be able to stop parties from conducting their affairs. However, the drafters of the Electoral

Act have granted the 1st Defendant a means to wield the big stick. This is found in section 82 (5) of the Electoral Act 2022.

Thus while the 1st Defendant may not be able to stop parties from conducting deficient meetings or conventions, the 1st Defendant has powers to invalidate the outcome of such deficient meetings, congress or convention. This power to invalidate the meetings and conventions of political parties serves as a punitive power of the 1st Defendant which it must exercise to check the illegal/arbitrary behavior of political parties. In this instant case signing of notice by only the National Chairman is an arbitrary behaviour which must be checked. Likewise attempting to call a meeting without notifying the 1st Defendant. In addition, conducting state congresses without proper notice to the 1st Defendant are all arbitrary acts which contravenes the Electoral Act as well as the Regulations and Guidelines for Political Parties 2022.

The consequences of all these arbitrariness is that the National Convention of the 2nd Defendant slated for 15th and 16th November 2025 is in jeopardy as the conditions to conducting a valid national convention has not been met. The 1st Defendant as the Electoral umpire must do its duty of ensuring that the 2nd Defendant complies with all the tenets of democracy by refusing to honour the outcome

of the conventions, or meetings or conferences Its notices issued in clear breach of statutory provisions. Having not issued valid postponement notice for the state congresses in the affected states, there is no foundation for a valid national convention. Which then implies that the 2nd Defendant cannot issue valid notice to the 1st Defendant for its convention since there is no legal basis upon which to issue such.

In final analysis, the Plaintiffs have established their entitlement to the reliefs they seek. The 1st Defendant must therefore act and ensure strict compliance with the provisions of sections 82 and 83 of the Electoral Act, 2022 as well as the Regulations and Guidelines for Political Parties, 2022. In the interest of justice, this Court will however advise the 2nd Defendant to do the needful by issuing appropriate notices for the said state congresses in the affected states and zone in compliance with paragraph 13 (1), (2) and (3) of the Regulations and Guidelines for Political Parties as this is a condition-precedent to a valid national convention. The said notice must be signed by the appropriate officers to wit: the National Chairman and the National Secretary of the party for it to be valid and acted upon by the 1st Defendant.

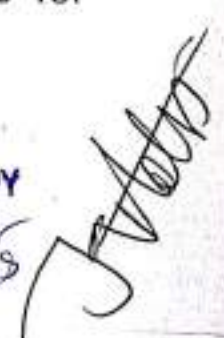
Consequently, it is hereby ordered as follows:

1. THIS HONOURABLE COURT HEREBY DECLARES THAT the 1st Defendant is duty bound to hold the 2nd Defendant strictly to democratic standards in the conduct and organization of its congresses, conventions and other affairs including congresses for the election of delegates to participate in the Convention of the 2nd Defendant scheduled to hold on the 15th and 16th November 2025 and in the conduct of the said Convention scheduled to hold on the 15th and 16th November 2025 in Ibadan, Oyo State.
2. THIS HONOURABLE COURT HEREBY DECLARES THAT the 2nd Defendant having failed to hold required congresses to elect delegates to vote at its convention scheduled to hold on the 15th and 16th November 2025 and having failed to satisfy all necessary conditions for the conduct of democratic election for the election of its principal officers, members of its executive committee and governing body, in accordance with the Electoral Act 2022 and the Regulations and Guidelines for Political Parties, 2022 and other extant laws.
3. THIS HONOURABLE COURT HEREBY DECLARES THAT the 2nd Defendant is not entitled to convene or conduct its national convention scheduled for the 15th and 16th November 2025 or any other date until it has put in place a proper framework to allow

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for all members of the Party (2nd Defendant's Party) or duly elected delegates to vote in support of candidates of their choice or to allow for interested members of the party to participate or to be voted for at the election of principal officers, members of the executive committee or other governing body of the party, including but not limited to the conduct of required congresses for the purpose of electing delegates to vote at the convention.

4. THIS HONOURABLE COURT HEREBY DECLARES THAT the 1st Defendant is not entitled to acknowledge, accept, give effect to or give recognition to any notice of convention or the outcome of any congress, meeting or convention of the 2nd Defendant including the convention scheduled to hold on the 15th and 16th of November 2025 except that held in strict compliance with the provisions of Section 223(1)(a), 228(a) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 82(3) of the Electoral Act 2022 and Regulations and Guidelines for Political Parties 2022, that is, Congress, Meeting or Convention held on a democratic basis, ensuring internal democracy and conducted in a democratic manner in line with the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Electoral Act 2022 and the Regulations and Guidelines for Political Parties, 2022 issued by the 1st Defendant.



5. THIS HONOURABLE COURT HEREBY DECLARES THAT the 1st Defendant is not entitled to recognize or accept the outcome of any National Executive Committee meeting, National Caucus meeting or any National Working Committee meeting of the 2nd Defendant including the National Executive Committee meeting scheduled for 15th October 2025 and that the 2nd Defendant

except in accordance with the law and same is conducted in accordance with the Electoral Act 2022, the Regulations and Guidelines for Political Parties, 2022 and other extant laws.

6. THIS HONOURABLE COURT HEREBY MAKES AN ORDER OF INJUNCTION COMPELLING the 1st Defendant by itself or by its servants or agents to hold the 2nd Defendant to strict compliance with democratic standards in the conduct and organization of its congresses, conventions, meetings and other affairs, including, but not limited to the convention of the 2nd Defendant scheduled to hold on the 15th and 16th November 2025. They shall comply with Electoral Act 2022, the Regulations and Guidelines for Political Parties, 2022 and other extant laws.

7. THIS HONOURABLE COURT HEREBY MAKES AN ORDER OF INJUNCTION RESTRAINING the 1st Defendant by itself or by its servants or agents from receiving or accepting from the 2nd, 3rd, 4th, 5th and/or 6th Defendants or any organ, representative or

agent of the 2nd Defendant, any result of any congress or conventions, meetings or primaries conducted in breach of section 82 of the Electoral Act 2022, paragraphs 12 and 13 of the Regulations and Guidelines for Political Parties, 2022 and other extant laws.

8. THIS HONOURABLE COURT HEREBY MAKES AN ORDER OF INJUNCTION RESTRAINING the 1st Defendant by itself or by its servants or agents from permitting the 2nd Defendant to hold any National Executive Committee, meeting, National Caucus meeting or National Working Committee meeting or in any manner howsoever recognizing or accepting the outcome of such a meeting including the National Executive Committee meeting scheduled for 15th October 2025 and restraining the 2nd, 3rd, 4th, 5th and 6th Defendants by themselves or by their servants or agents from holding any National Executive Committee meeting, National Caucus meeting or National Working Committee meeting of the 2nd Defendant including the meeting scheduled for the 15th day of October 2025 or any other date except and until after due notice of the said meeting has been issued by the National Secretary of the Party or at his instance, the office currently occupied by the 3rd Defendant.

9. THIS HONOURABLE COURT HEREBY MAKES AN ORDER DIRECTING the 2nd, 3rd, 4th, 5th and 6th Defendants to issue appropriate and valid notices for their conventions, meetings or primaries before same is conducted in compliance with the Electoral Act 2022, the Regulations and Guidelines for Political Parties, 2022 and other extant laws.

10. AN ORDER OF THIS HONOURABLE COURT IS HEREBY MADE ORDERING the 1st Defendant to ensure that the 2nd Defendant issue appropriate notices for the affected states and zone in compliance with section 82 of the Electoral Act, 2022 and paragraphs 12 and 13 of the Regulations and Guidelines for Political Parties, 2022 and other extant laws. The 2nd Defendant is also ordered to comply with same. Failure of which the congresses and national convention shall be a nullity.



J.K. OMOTOSHO

Judge

31/10/2025

Appearances

J.B DAUDU SAN WITH EMMANUEL C. UKALA SAN, S.I AMEH SAN, D.C DENWIGWE SAN, K.C.O NJEMANZE SAN, PROF. S.T HON SAN, FERDINAND ORBIH SAN, DR. OGWU JAMES ONOJA SAN, DR. J.Y MUSA SAN, D.C ENWELUM SAN, DR. Kingsley CHUKU SAN WITH M.O ONYILOKWU ESQ, MONDAY ADJEH ESQ, O.J IHEKO ESQ, DIKE UDENA ESQ, Z. AKUBO ESQ, U.C NJEMANZE-AKU ESQ, AKPOMEMEI AKPOMEMEI ESQ, UBONG UDOSEN ESQ, E. A ONI ESQ,

DESMOND ORBIH ESQ, OLUMIDE IGBAYILOLA ESQ, M.L YONG-ARNEY ESQ,
JOEL ADAMU ESQ, M.D GODWIN ESQ, DOUGLAS MORU ESQ, ZANTI TAMAR
KOLAIS ESQ, SHALOM EMMANUEL ESQ, PRECIOUS ANDREW ESQ, E. C
ONYEKWERE JUNIOR ESQ, ADANNA HERTRICE IBE ESQ, E.B NWAOGU ESQ,
CLARISSA C. CHIBUIKE ESQ, C.E ONWERE &SQ, I. NZEAGWU ESQ, C.L OFODIEZE
ESQ, ABDULRASHEED SHOMOPE ESQ, EDIDIONG PATRICK AKPAN ESQ.-

FOR THE PLAINTIFFS.

M.A BAWA ESQ WITH H.S MOHAMMED ESQ-

FOR THE 1ST DEFENDANT (INEC)

CHIEF CHRIS UCHE SAN WITH SAMUEL ATUNG SAN, DAN URUAKPA SAN,
ABDULAZIZ IBRAHIM SAN, WITH TAIWO ABE ESQ, KANAYO OKARFOR ESQ,
CHIAMAKA ANAGU ESQ, MIKE UCHE ESQ, DAVID NWOKIKE ESQ, CALEB
BAKAM YAKUBU ESQ.-

FOR THE 2ND DEFENDANT.

O.A. DADA SAN, M.S ATOLAGBE ESQ, B.F FOLORUNSHO ESQ, PRSCILLA AJEH
ESQ, M.T ABU ESQ, F.O OLAWOYIN ESQ AND F.F AJIBADE ESQ.-

FOR THE 2ND, 5TH, AND 6TH DEFENDANTS.

J.A MUMINI SAN WITH A.B DARAMOLA ESQ- FOR THE 3RD DEFENDANT

B.R GOLD SAN WITH FATIHU ABDULRAHEEM ESQ, M.A OMOPUPA ESQ,
OMOBOLANLE PRECIOUS DADA ESQ, AHMAD ABDULWAHAB ESQ, H.O
LAWAL ESQ.-

FOR THE 4th DEFENDANT.

EYITAYO JEGEDE SAN WITH CHIEF GORDY UCHE SAN, MAGAJI MATO
IBRAHIM SAN, TARKAA J. AONDO SAN, EMMANUEL N. IGU ESQ, ISAAC
NWACHUKWU ESQ, FRANCIS NSIEGBUNAM ESQ, TSAHANI IBRAHIM-WACHI
ESQ, KENNETH SHIRSHA ESQ, IFEANYI NWORIE ESQ, ZHOKWO ZHOKWO ESQ,
VICTOR ENENE ESQ, COURAGE AGBONJINMI ESQ, KELVIN NWACHUKWU ESQ,

31/10/25
[Signature]

KENECHUKWU NDEJIOBI ESQ, MALACHY UZENDU ESQ, AND S.O ALADE ESQ.-
FOR THE 5th AND 6th DEFENDANTS.

PAUL EROKORO SAN WITH P.H, OGBOLE SAN, DR. IKANI AGABI SAN,
EMMANUEL AKOMAYE ESQ, OKWUDULI ANOZIE ESQ, IBRAHIM ALHASSAN
ESQ AND GODWIN EGEM ESQ.- FOR THE 7TH DEFENDANT

AUDU ANUGA SAN WITH EMMANUEL ENOIDEM SAN, JACOB OTOKPA ESQ,
INI EMEMOBCNG ESQ, EMMANUEL AKPAN ESQ, ELIJAH ISRAEL ESQ, FIDELIS
ADAMA ESQ, AND NDIANABASI GEORGE ESQ-
FOR THE 8th AND 9th DEFENDANTS