

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE UMUAHIA JUDICIAL DIVISION
HOLDEN AT UMUAHIA

SUIT NO: FHC/UM/CS/82/2024

BETWEEN:

1. UZOAMAKA UCHE IKONNE
2. VICTORIA OKEY NWOKEUKWU
(For themselves and on behalf of the 2022 shortlisted
Candidates for the appointment as Judges of Abia State
Judiciary)

PLAINTIFFS

AND

1. JUDICIAL SERVICE COMMISSION, ABIA STATE
2. THE CHIEF JUDGE, ABIA STATE
3. THE PRESIDENT, CUSTOMARY COURT OF APPEAL,
ABIA STATE
4. THE ATTORNEY GENERAL, ABIA STATE
5. NATIONAL JUDICIAL COUNCIL (N.J.C)
6. NIGERIA BAR ASSOCIATION (NBA)
7. MR. CHARLES ONUCHUKWU
(CHAIRMAN, NBA, ABA BRANCH)
8. MR. ISAAC ANYA
(CHAIRMAN, NBA, UMUAHIA BRANCH)
9. MR. EZE NWEGORO
(CHAIRMAN, NBA, ISIALA NGWA BRANCH)
10. MR. K.O.K OJIKE
(CHAIRMAN, NBA, OHAFIA BRANCH)
11. MR. KINGSLEY NWACHI
(THE CHAIRMAN, NBA, UKWA BRANCH).

DEFENDANTS

ORDER

UPON THIS MOTION EXPARTE by the Plaintiffs dated and filed on the 17th day of March 2025 coming up before this Honourable Court and praying for the following reliefs.

1. An Interim Order of the Honourable Court directing the Plaintiffs and the Defendants to maintain the status quo in this matter/suit pending the hearing and determination of the Motion on Notice for Interlocutory Injunction in this suit.
2. AND for any further Order or other Orders as the Court may deem fit to make in the circumstance.

GABBA. O. BELLO
JUDICIAL TRUE COPY
FEDERAL HIGH COURT
UMUAHIA

27/3/2025

AND AFTER reading the affidavit of Urgency in support of Motion Ex parte, deposed to by the 1st Plaintiff/Applicant Uzoamaka Uche Ikonne on the 17th day of March, 2025 and also by a Written Address dated and filed on the 17th day of March, 2025.

AND AFTER hearing O. O. Nkume, Esq Learned Counsel for the Plaintiffs/Applicants move in terms of the motion paper.

IT IS HEREBY ORDERED AS FOLLOWS:-

1. All the parties to this action shall maintain status quo ante bellum pending the hearing and determination of the Plaintiffs/Applicants' Motion on Notice dated and filed on 29th day of November 2024.
2. The Plaintiffs/Applicants shall enter into undertaking as to damages in the event that this order ought not to have been made.
3. The Plaintiffs/Applicants Motion on Notice dated and filed on the 29th day of November 2024 is hereby fixed for hearing on the 1st day of April, 2025.

I so hold.

ISSUED AT UMUAHIA under the seal of the Court and the Hand of the Presiding Judge this 19th day of March, 2025.

Urose
ROSEMARY .N. PAUL (MRS)
(COURT REGISTRAR)

GARSA .O. BELLS
JUDICIAL TRUE COPY
FEDERAL HIGH COURT
UMUAHIA

RECEIVED

C.B.O CUT
27/3/2025



NKUME, NKUME & ASSOCIATES

SOLICITORS AND ADVOCATES OF THE SUPREME COURT OF NIGERIA

UDO CHAMBERS

46 POUND ROAD

ABA, ABIA STATE.

E-MAIL ADDRESS: obinnankume2gmail.com

Our Ref: NN/UC/67/14/03/2025 Your Ref:

PHONE: 08033417018

Date: 14/03/2025

THE CHAIRMAN,
ABIA STATE JUDICIAL SERVICE COMMISSION (J.S.C),
UMUAHIA,
ABIA STATE.

Throu;

THE SECRETARY,
ABIA STATE JUDICIAL SERVICE COMMISSION (J.S.C),
UMUAHIA.

Your Lordship,

RE: THE CONTEMPTOUS SHORTLISTING OF CANDIDATES FOR THE APPOINTMENT OF HIGH COURT JUDGES AND CUSTOMARY COURT OF APPEAL JUDGES OF ABIA STATE BY ABIA STATE JUDICIAL SERVICE COMMISSION (J.S.C) AND YOUR LETTER DATED 12TH MARCH, 2025 WITH REF.JSC/S,83/11/176 ADDRESS TO ALL THE CHAIRMEN, NIGERIA BAR ASSOCIATION DURING THE PENDENCY OF SUIT NO: FHC/UM/CS/82/2024 AT THE FEDERAL HIGH COURT UMUAHIA, IN DISPARAGE TO THE PENDING JUDICIAL PROCESS OF COURT, FLAGRANT DISREGARD OF APPLICATION OF LIS PENDIS, BREACH OF THE RULE OF LAW, WITHOUT DUE PROCESS OF LAW, AND RESORT TO SELF HELP IN THE PROCESS OF APPOINTMENT OF JUSGES OF ABIA STATE DURING PENDENCY OF LITIGATION IN THE COURT OF LAW.

As Solicitors to the 2022 shortlisted candidates for appointment of Judges in Abia State, we write you in respect of the above subject matter as hereunder:

- (1) That the fresh shortlisting of candidates for appointment as Judges of Abia State by the Abia State J.S.C and your letter Ref. JSC/S.83/11/176 dated 12th March, 2025 addressed to All Chairmen, Nigerian Bar Association and requesting for their comments during the pendency of Suit NO. FHC/UM/CS/2024 challenging the

validity of the 2024 process of appointment of Judges of Abia State, amounts to **resort** to SELF HELP, Flagrant disregard to the due process of Law, Breach of the Rule of Law, Mockery of the Judicial process and contempt of the Judicial Proceedings of a Court of Law.

- (2) That all the Chairmen, Nigeria Bar Association Branches of Abia State to whom your letter dated 12th March 2025 was addressed to, are parties to pending suit **NO. FHC/UM/CS/2024**, and by the dictates of the Rule of Law and application of the doctrine of **Lis Pendis**, the parties to the pending suit including the Chairmen are all disallowed by Law from taking any step or commenting on the propriety or otherwise of the suitability of the shortlisted candidates made during pendency of litigation over the 2024 process of appointment of Judges of Abia State in suit **NO:FHC/UM/CS/82/2024** at the Federal High Court Umuahia.
- (3) That the shortlisting of the candidates named in your aforesaid letter dated 12th March, 2025 with **Ref. JSC/S.83/11/176** by the Abia State Judicial Service Commission was not only made in a matter **Sub-Judice** but after the service on you and all the parties to the suit **NO:FHC/UM/CS/82/2024** of **Pending Motion for Interlocutory Injunction** restraining and the Abia State Judicial Service Commission (J.S.C) from continuing or from taking any further steps in the 2024 Appointment of Judges of Abia State during the pendency of the suit.
- (4) **That having regard to the operation of the Rule of Law**, it is disrespectful and contemptuous of the Judicial processes of the Court for you to take the law into your hands by resorting to self-help over the subject matter of suit **NO:FHC/UM/CS/82/2024** pending at the Federal High Court Umuahia by going ahead to shortlist names of candidates for appointment as Judges shown in your letter dated 12th March, 2025.
(A copy of your letter dated 12th March, 2025 with Ref. JSC/S.83/11/176 is attached herewith as Annexure 1).
- (5) That the doctrine of **Lis Pendis Negates** and **disallows** any purported validity to the shortlisted list of candidates and any transfer of any rights or interests to the shortlisted candidates in the process of appointment of Judges of Abia State during pendency of litigation challenging the validity of the 2024 process of appointment of Abia State.

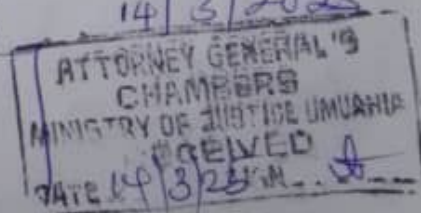
- (6) That by the **subsisting Policy of the National Judicial Council (N.J.C)**, the 2024 process of appointment **is already put on hold by reason of the pendency of suit NO:FHC/UM/CS/82/2024** in which National Judicial Council (N.J.C), is a party thereto, and as such the purported names of the shortlisted candidates made **pende-lite** cannot be countenanced during the litigation and even after the litigation.
- (7) That the above **legal positions** which lend credence to the aforesaid **National Judicial Council (N.J.C) policy** and yield to the invalidity of the shortlisted candidates and any comments on their suitability made **during pending litigation** are well spelt out in the decisions of the appellate Court and Apex Court respectively in the cases of;
- i. Abiodun .V. C.J. Kwara State (2007) 18 NWLR (PT. 1065) 109 at Pgs. 115-118.
and
 - ii. INEC .V. Youth Party (2023) 7 NWLR (PT. 1833) 249 at 260-263.

THEREFORE, TAKE NOTICE that we shall not hesitate to commence committal proceedings for contempt of Court against all the members of the Abia State Judicial Service Commission and/or any of the parties to pending suit **NO: FHC/UM/CS/82/2024** for the above complained contemptuous acts and/or any further contemptuous steps taken over the subject matter of 2024 process of appointment of Judges of Abia State while **Sub-Judice** and **Lis-Pendis**.

EFOFU
O.O. NKUME ESQ.,
FOR: NKUME, NKUME & ASSOCIATES,
CC:



1. The **Chairman**, National Judicial Council (N.J.C), Abuja.
- ✓ 2. The **Honourable President**, Customary Court of Appeal Umuahia.
- ✓ 3. The **Honourable Attorney General** Abia State.
4. The **President**, Nigeria Bar Association (NBA).
5. The **Chairman**, NBA, Aba Branch.
- ✓ 6. The **Chairman**, NBA, Umuahia Branch.
7. The **Chairman**, NBA, Isiala Ngwa Branch.
8. The **Chairman**, NBA, Ukwu Branch.
9. The **Chairman**, NBA, Ohafia Branch.



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GABRIEL A. O. BELLE
JUDICIAL TRUST COMPANY
FEDERAL HIGH COURT
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ROSEMARY N. PAUL (MRS)
(COURT REGISTRAR)

GARRA O. BELLO
VERIFIED TRUE COPY
FEDERAL HIGH COURT
UMUAHIA

CLERK

C. E. O. (UT)

27/3/2025

