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**IN THE COURT OF APPEAL OF NIGERIA**  
**IN THE IBADAN JUDICIAL DIVISION**  
**HOLDEN AT IBADAN**



APPEAL NO: CA/IB/110/2026  
SUIT NO: I/221/2026

**BETWEEN:**

1. AHAM EJELAM, SAN
2. IBRAHIM ALIYU NASARAWA, ESQ.
3. MUHAMMAD M. NUHU, ESQ.
4. UJU OKAFOR, ESQ.
5. UME MADUKA, ESQ.

APPELLANTS/RESPONDENTS

**AND**

1. IBRAHIM LAWAL, ESQ.
2. RAYMOND OKI, ESQ.
3. OMOTAN OLUSOLA OGUNMODEDE, ESQ.
4. CHIEF GABRIEL OJO ADEKUNLE IJALANA, ESQ.
5. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION
6. MAZI AFAM JOSIAH OSIGWE, SAN
7. THE BODY OF BENCHERS
8. THE ATTORNEY GENERAL OF THE FEDERATION (IN HIS CAPACITY AS CHAIRMAN, GENERAL COUNCIL OF THE BAR)

RESPONDENTS/APPLICANTS

RESPONDENTS

**MOTION ON NOTICE**

**BROUGHT PURSUANT TO SECTIONS 6 AND 287 (3) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED); ORDER 6 RULE 1 OF THE COURT OF APPEAL RULES, 2021 BROUGHT PURSUANT TO; AND UNDER THE INHERENT JURISDICTION OF THE HONOURABLE COURT**

TAKE NOTICE that this Hon. court shall be moved on the \_\_\_ day of \_\_\_\_\_ 2026 at the hour 9' 0 clock in the forenoon or so soon thereafter as Counsel to the 1<sup>st</sup> to 4<sup>th</sup> Respondents/Applicants may be heard praying the Honourable Court for the following Orders:

1. AN ORDER of this Honourable Court setting aside and/or declaring null and void all acts, steps, decisions and proceedings undertaken by the Appellants/Respondents, whether by themselves, their privies or assigns, including the issuance of ECNBA Notice No. 6 dated 16<sup>th</sup> March, 2026 and all other notices or directives whatsoever, same having been carried out in violation of the interim order made by Honourable Justice G.A Opayinka of the Oyo State High Court on the 4th day of March, 2026 in suit: I/221/2026.
2. AN ORDER of this Honourable Court restraining the Appellants/Respondents, whether by themselves, their agents, privies, or howsoever called, from further acting or taking any steps whatsoever in violation of the interim order made by Honourable Justice G.A Opayinka of the Oyo State High Court on the 4th day of March, 2026.



**And for such further order (s)** as the Honourable Court may deem fit to make in the circumstances.

**TAKE NOTICE** that the grounds upon which this application is brought are that:

1. The 1<sup>st</sup> to 4<sup>th</sup> Respondents/Applicants instituted suit no: I/221/2026 before the Oyo State High Court on the 19<sup>th</sup> day of February, 2026 seeking declaratory and injunctive reliefs against the Respondents.
2. On the 4<sup>th</sup> day of March, 2026, Honourable Justice G.A Opayinka of the Oyo State High Court granted an interim order restraining the Appellants/Respondents, whether by themselves, their agents, privies, or assigns, from parading or holding themselves out as Chairman, Secretary, or members of the Electoral Committee of the Nigerian Bar Association (ECNBA), or from performing, undertaking, or participating in any act or process in furtherance of the conduct of the 2026 Nigerian Bar Association National Officers' Election, pending the hearing and determination of the Motion on Notice for Interlocutory Injunction filed on the 19<sup>th</sup> February, 2026.
3. The Appellants/Respondents did not file any process in response to the 1<sup>st</sup> to 4<sup>th</sup> Respondents' originating processes before the High Court; they only filed a Notice of Appeal against the interim order and an affidavit of fact.
4. On the 12<sup>th</sup> day of March, 2026, when the suit came up for hearing before the High Court, the Court drew the attention of all parties to the Notice of Appeal filed by the Appellants/Respondents against the interim order of 4<sup>th</sup> March, 2026.
5. Instead of defending the suit at the lower court and ensuring the hearing and determination of the motion on notice for interlocutory injunction filed by the 1<sup>st</sup> to 4<sup>th</sup> Respondents/Applicants, the Appellants/Respondents only filed the Notice of Appeal and disregarded the subsisting interim order.
6. On 17<sup>th</sup> of March, 2026, the Appellants/Respondents filed before this Honourable Court, a motion for stay of execution of the said interim order made by the Oyo State High Court, Ibadan on the 4<sup>th</sup> of March, 2026 pending the determination of the instant appeal and the said application is still pending before this Honourable Court.
7. The Appellants/Respondents have also filed their brief of argument on the 31<sup>st</sup> of March, 2026.
8. On the 16<sup>th</sup> of April, 2026, the Oyo State High Court adjourned the case sine die putting proceedings on hold until the determination of the instant appeal.
9. The interim order of the Oyo State High Court, Ibadan remains valid, subsisting, binding, and has not been set aside or discharged and the Appellants/Respondents are fully aware.
10. Notwithstanding the subsistence of the interim order, the Appellant/Respondents have continued to act as Chairman, Secretary and members of the ECNBA and have issued the following notices and directives; (1) ECNBA Notice No. 6 dated 16<sup>th</sup> March, 2026, (2) Launching of the ECNBA website for the conduct of the 2026 NBA National officers' election on the 28<sup>th</sup> of March, 2026 (3) Circulation of invitations for the opening of the nomination forms for the 2026 NBA national officers election on the 9<sup>th</sup> of April, 2026 and (4) Opening



ceremony for the opening of nomination Form of candidate for the 2026 NBA National Officers election on the 10<sup>th</sup> of April, 2026 in clear violation of the High Court's order.

11. The issuance of ECNBA Notice No. 6 and as well as other notices/directives while the interim order restraining the Appellants/Respondents is still in force constitutes a gross violation of the Court's order.
12. The acts, steps and decisions of the Appellants/Respondents were undertaken in willful disobedience of the subsisting order of court, self-help and total disregard of the lawful order of court of competent jurisdiction.
13. The acts of the Appellant/Respondents were calculated to pre-empt and undermine the pending Motion for Interlocutory Injunction and interfere with the judicial process.
14. The continued disobedience of the order constitutes contempt of court and an affront to the authority and dignity of the Honourable Court.
15. The actions of the Appellants/Respondents threaten to render the proceedings in this appeal nugatory, frustrate the course of justice and occasion irreparable prejudice to the 1<sup>st</sup> to 4<sup>th</sup> Respondents/Applicants.
16. There is a real and imminent risk that the subject matter of this suit, namely the validity of the composition of the Appellants/Respondents and the conduct of the 2026 Nigerian Bar Association National Officers' Election, will be compromised/prejudiced if the Appellants are not restrained by this Honourable Court.
17. The actions of the Appellants/Respondents if not curtailed is capable of rendering the outcome of this appeal nugatory and foist a state of fiat accompli on this Honourable Court.
18. The Appellant/Respondents has taken over the inherent powers of this court by contemptuously setting aside the order of the lower court made on the 4<sup>th</sup> of March, 2026 and have continued to act as chairman, secretary and members in defiance to the court order.
19. This Honourable Court possesses inherent jurisdiction and statutory powers under Sections 6 and 287 of the Constitution and under the provisions of the Rules of this Honourable Court, to enforce the orders, set aside acts done in disobedience thereof and prevent abuse of process.
20. The balance of convenience favors the grant of this application to preserve the authority of the Court and maintain the status quo.
21. Refusal of this application will occasion serious and irreparable harm to the 1<sup>st</sup> to 4<sup>th</sup> Respondents/Applicants and undermine the authority of this Honourable Court.
22. It is just, equitable and in the interest of justice for this Honourable Court to grant the reliefs sought in this application.

Motion - 3000  
Order - 500  
Aff - 300  
Tx (3) - 300  
W/ Appl - 1000  
Total - 2500



Dated the 17<sup>th</sup> day of April, 2026



J. S. OKUTEPA, SAN  
CHIEF YOMI ALLIYU, SAN  
KAZEEM A. GBADAMOSI, SAN  
SOJI OLOWOLAFE, SAN  
SEUN AJAYI, SAN  
R. O. BALOGUN, SAN  
TUNJI OGUNRINDE, SAN  
IBRAHIM MUKHTAR, ESQ.  
TAIWO ADEDEJI, ESQ.  
TOPE ALABI, ESQ.

✓ R. O. SOLAHUDEEN, ESQ.  
'TUNJI OGUNRINDE, SAN & CO.  
(YEKOGUN CHAMBERS)  
APPLICANTS' SOLICITORS

2<sup>nd</sup> Floor, Arit House, 14, Sanusi Akere Street,  
Along Oluyole Estate Police Station,  
Off Ring Road, Oluyole Estate, Ibadan, Oyo State.  
EMAIL: [yekogunchambers@gmail.com](mailto:yekogunchambers@gmail.com)  
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**FOR SERVICE ON:**

1. **THE APPELLANTS/RESPONDENTS**

HIGH CHIEF A.A MALIK, SAN  
EKO EJEMBI EKO, SAN  
J.J USMAN, SAN  
M.S IBRAHIM, SAN  
CHIEF YAKUBU PHILEMON, SAN  
CHRIS E. AGBITI, ESQ.  
YUSUF RAIMI, ESQ.  
YOURSEFRAM & CO.  
LEGAL PRACTITIONERS, MEDIATOR & NOTARY PUBLIC| SUITES 138, 139 & 140  
OYSSIC OFFICE COMPLEX  
OPP. AARE AFE BABALOLA BAR CENTER  
LEAF ROAD, IYAGANKU,  
IBADAN

2. **5<sup>TH</sup> RESPONDENT**

C/o ITS COUNSEL  
BABATUNDE OGALA, OFR, SAN  
BABATUNDE OGALA & CO.



BLOCK 3, HOUSE 2, BWARI CLOSE, OFF MINNA STREET, AREA 8, GARKI ABUJA.  
08023002568

**ADDRESS FOR SERVICE WITHIN JURISDICTION**

MUSIBAU ADETUNBI, SAN

MUSIBAU ADETUNBI & CO.

NO.38, LADOKE AKINTOLA AVENUE, NEW BODIJA, IBADAN, OYO STATE  
08056917068

3. **6<sup>TH</sup> RESPONDENT**

C/O OF HIS COUNSEL

MUSIBAU ADETUNBI, SAN

MUSIBAU ADETUNBI & CO.

NO.38, LADOKE AKINTOLA AVENUE, NEW BODIJA, IBADAN, OYO STATE  
08056917068

4. **7<sup>TH</sup> RESPONDENT**

(THE BODY OF BENCHERS)

Y.C. MAIKYAU CRESCENT, JABI ABUJA

OR

PLOT 688, INSTITUTE & RESEARCH DISTRICT, FCC, PHASE III, ABUJA, FCT.

5. **4<sup>TH</sup> DEFENDANT/RESPONDENT**

C/O J.G TAID, SAN

(THE ATTORNEY-GENERAL OF THE FEDERATION AND MINISTER OF JUSTICE  
(IN HIS CAPACITY AS THE CHAIRMAN, GENERAL COUNCIL OF THE BAR)

FEDERAL MINISTRY OF JUSTICE, ABUJA.



**IN THE COURT OF APPEAL OF NIGERIA**  
**IN THE IBADAN JUDICIAL DIVISION**  
**HOLDEN AT IBADAN**

APPEAL NO:CA/IB/110/2026  
SUIT NO: I/221/2026

**BETWEEN:**

1. AHAM EJELAM, SAN
2. IBRAHIM ALIYU NASARAWA, ESQ.
3. MUHAMMAD M. NUHU, ESQ.
4. UJU OKAFOR, ESQ.
5. UME MADUKA, ESQ.

} APPELLANTS/RESPONDENTS

**AND**

1. IBRAHIM LAWAL, ESQ.
2. RAYMOND OKI, ESQ.
3. OMOTAN OLUSOLA OGUNMODEDE, ESQ.
4. CHIEF GABRIEL OJO ADEKUNLE IJALANA, ESQ.
5. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION
6. MAZI AFAM JOSIAH OSIGWE, SAN
7. THE BODY OF BENCHERS
8. THE ATTORNEY GENERAL OF THE FEDERATION (IN HIS CAPACITY AS CHAIRMAN, GENERAL COUNCIL OF THE BAR)

} RESPONDENTS/APPLICANTS

} RESPONDENTS

**AFFIDAVIT IN SUPPORT OF MOTION ON NOTICE**

I, **IBRAHIM LAWAL ESQ.**, Adult, Male, Nigerian of Aare Afe Babalola Bar Centre, NBA House, Iyaganku, Ibadan, Oyo State do hereby make oath and state as follows that:

1. I am the 1<sup>st</sup> Respondent/Applicant in this suit and I am a Legal Practitioner, a member of the Nigerian Bar Association who has the right to vote in the Association's elections.
2. I have the consent and authority of the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Respondents/Applicants in this appeal to depose to this affidavit.
3. I and the 2<sup>nd</sup> to 4<sup>th</sup> Respondents/Applicants instituted suit no: I/221/2021 before the Oyo State High Court on the 19<sup>th</sup> day of February, 2026 seeking declaratory and injunctive reliefs against the Respondents.
4. I know as a fact that on the 4<sup>th</sup> day of March, 2026, Honourable Justice G.A Opayinka of the Oyo State High Court granted an interim order restraining the Appellants/Respondents, whether by themselves, their agents, privies, or assigns, from parading or holding themselves out as Chairman, Secretary, or members of the Electoral Committee of the Nigerian Bar Association (ECNBA), or from performing, undertaking, or participating in any act or process in furtherance of the conduct of the 2026 Nigerian Bar Association National Officers' Election, pending the hearing and determination of the Motion on Notice for Interlocutory



Injunction filed on 19<sup>th</sup> February, 2026. **Herewith attached and marked Exhibit A is the said interim order of this Honourable Court.**

5. I know as a fact that Appellants/Respondents did not file any process in response to the 1<sup>st</sup> to 4<sup>th</sup> Respondents' originating processes before the High Court; they only filed a Notice of Appeal against the interim order and affidavit of fact. **Herewith attached and marked Exhibit B is the Notice of Appeal filed by the Appellants.**
6. On the 12<sup>th</sup> day of March, 2026, when the suit came up for hearing before the High Court, I was in Court when the court drew the attention of all parties to the Notice of Appeal filed by the Appellants/Respondents against the interim order of 4<sup>th</sup> March, 2026.
7. Instead of defending the suit at the lower court and ensuring the hearing and determination of the motion on notice for interlocutory injunction filed by the 1<sup>st</sup> to 4<sup>th</sup> Respondents/Applicants, the Appellants/Respondents only filed the Notice of Appeal and disregarded the subsisting interim order.
8. On 17<sup>th</sup> of March, 2026, the Appellants/Respondents filed before this Honourable Court, a motion for stay of execution of the said interim order made by the Oyo State High Court, Ibadan on the 4<sup>th</sup> of March, 2026 pending the determination of the instant appeal and the said application is still pending before this Honourable Court.
9. I am aware that the Appellants/Respondents have also filed their brief of argument on the 31<sup>st</sup> of March, 2026.
10. On the 16<sup>th</sup> of April, 2026, the Oyo State High Court adjourned the case sine die putting proceedings on hold until the determination of the instant appeal.
11. I know as a fact that the interim order of the Oyo State High Court, Ibadan remains valid, subsisting, binding, and has not been set aside or discharged and the Appellants/Respondents are fully aware.
12. Notwithstanding the subsistence of the interim order, the Appellant/Respondents have continued to act as Chairman, Secretary and members of the ECNBA and have issued the following notices and directives; (1) ECNBA Notice No. 6 dated 16<sup>th</sup> March, 2026, (2) Launching of the ECNBA website for the conduct of the 2026 NBA National officers' election on the 28<sup>th</sup> of March, 2026 (3) Circulation of invitations for the opening of the nomination forms for the 2026 NBA national officers election on the 9<sup>th</sup> of April, 2026 and (4) Opening ceremony for the opening of nomination Form of candidate for the 2026 NBA National Officers election on the 10<sup>th</sup> of April, 2026 in clear violation of the High Court's interim order. **Herewith attached and marked Exhibit C is the ECNBA Notice No.6 dated 16<sup>th</sup> of March, 2026.**
13. I state that the issuance of ECNBA Notice No. 6 as well as other notices/directives while the interim order restraining Appellants is still in force constitutes a gross violation of the Court's order.
14. The acts, steps and decisions of the Appellants/Respondents were undertaken in willful disobedience of the subsisting order of court, self-help and total disregard of the lawful order of court of competent jurisdiction.



15. I state that the acts of the Appellant/Respondents were calculated to pre-empt and undermine the pending Motion for Interlocutory Injunction and interfere with the judicial process.
16. The continued disobedience of the order constitutes contempt of court and an affront to the authority and dignity of the Honourable Court.
17. I state that the actions of the Appellants/Respondents threaten to render the proceedings in this appeal nugatory, frustrate the course of justice and occasion irreparable prejudice to the 1<sup>st</sup> to 4<sup>th</sup> Respondents/Applicants.
18. I know as a fact that is a real and imminent risk that the subject matter of this suit, namely the validity of the composition of the Appellants/Respondents and the conduct of the 2026 Nigerian Bar Association National Officers' Election, will be compromised/prejudiced if the Appellants are not restrained by this Honourable Court.
19. I know as a fact that the actions of the Appellants/Respondents if not curtailed is capable of rendering the outcome of this appeal nugatory and foist a state of fiat accompli on this Honourable Court.
20. I state that Appellant/Respondents has taken over the inherent powers of this court by contemptuously setting aside the order of the lower court made on the 4<sup>th</sup> of March, 2026 and have continued to act as chairman, secretary and members in defiance to the court order.
21. I know that this Honourable Court possesses inherent jurisdiction and statutory powers to enforce the orders, set aside acts done in disobedience thereof and prevent abuse of process.
22. I state that the balance of convenience favors the grant of this application to preserve the authority of the Court and maintain the status quo.
23. Refusal of this application will occasion serious and irreparable harm to the 1<sup>st</sup> to 4<sup>th</sup> Respondents/Applicants and undermine the authority of this Honourable Court.
24. It is just, equitable and in the interest of justice for this Honourable Court to grant the reliefs sought in this application in the interest of justice, good order and proper conduct of the Nigerian Bar Association Electoral Process.
25. I depose to this affidavit in good faith believing its contents to be true and correct to the best of my knowledge, information and belief and in accordance with the Oaths Act.



DEPONENT

Sworn to at the Court of Appeal Registry, Ibadan

This 20<sup>th</sup> Day of April 2026

UNKUNLE ATINUGBORE

REGISTRAR

SIGN

COURT OF APPEAL

COMMISSIONER FOR OATHS



IN THE HIGH COURT OF JUSTICE  
OYO STATE OF NIGERIA  
IN THE IBADAN JUDICIAL DIVISION  
HOLDEN AT IBADAN

**BEFORE THE HONOURABLE JUSTICE G. A. OPAYINKA – JUDGE**  
**THIS WEDNESDAY, 4<sup>TH</sup> DAY OF MARCH, 2026.**

ENROLMENT OF ORDER

COURT NO. 16

BETWEEN:

SUIT NO. I/221/2026

- |   |  |                          |
|---|--|--------------------------|
| 1. IBRAHIM LAWAL. ESQ.<br>2. RAYMOND OKI, ESQ.<br>3. OMOTAN OLUSOLA OGUNMODEDE, ESQ.<br>4. CHIEF GABRIEL OJO ADEKUNLE IJALANA, ESQ. | : : : :<br>: : : :<br>: : : :<br>: : : : | CLAIMANTS/<br>APPLICANTS |
|---|--|--------------------------|

**AND**

- |  |   |                            |
|--|---|----------------------------|
| 1. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION<br>2. MAZI AFAM JOSIAH OSIGWE, SAN<br>3. THE BODY OF BENCHERS<br>4. THE ATTORNEY GENERAL OF THE FEDERATION<br>(IN HIS CAPACITY AS CHAIRMAN, GENERAL COUNCIL<br>OF THE BAR)<br>5. AHAM EJELAM, SAN<br>6. IBRAHIM ALIYU NASSARAWA, ESQ.<br>7. MUHAMAD M. NUHU, ESQ.<br>8. UJU OKAFOR, ESQ.<br>9. UME MADUKA. ESQ. | : : : :<br>: : : :<br>: : : :<br>: : : :<br>: : : :<br>: : : :<br>: : : :<br>: : : :<br>: : : : | DEFENDANTS/<br>RESPONDENTS |
|--|---|----------------------------|

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**MOTION EX-PARTE**

**Motion Ex-parte** before this Honourable Court as Counsel on behalf of the Claimants/Applicants may be heard praying this Honourable Court for:

1. **AN ORDER OF INTERIM INJUNCTION** restraining the 5<sup>th</sup> – 9<sup>th</sup> Defendants whether by themselves, their agents, privies or assigns, from parading or holding themselves out as the Chairman, Secretary, or members of the Electoral Committee of the Nigerian Bar Association (ECNBA) or from performing, undertaking, or participating in any act, step or process whatsoever in furtherance of the conduct of the 2026 National Officers' Election of the Nigerian Bar Association, pending the hearing and determination of the Motion on Notice for Interlocutory Injunction.
2. **AN ORDER OF INTERIM INJUNCTION** restraining the 2<sup>nd</sup> Defendant, from taking any steps whatsoever toward the constitution or composition of the Electoral Committee of the Nigerian Bar Association, or from participating in, supervising, influencing, or otherwise interfering in any manner whatsoever with the conduct of the said 2026 NBA National Officers' Election, pending the hearing and determination of the Motion on Notice for Interlocutory Injunction.

**AND FOR SUCH FURTHER OR** other orders as this Honourable court may deem fit to make in the circumstances of this case.



\*\*\*\*\*  
**UPON READING:** the Application and affidavit in support of **IBRAHIM LAWAL Esq., Adult, Male, Nigerian** of Aare Afe Babalola Bar Centre, NBA House, Iyaganku, Ibadan, Oyo State. Sworn to and filed at the High Court Registry, Ibadan, Oyo State on the 19<sup>th</sup> day of February, 2026.

**AND AFTER HEARING; Tunji Ogunrinde, SAN, and R.O. Solahudeen Esq.** who appears for the Claimant moved the Application dated 19<sup>th</sup> February, 2026 and filed the same day. The Court then ordered as follows:

**“Ordered as prayed”**

1. The 5<sup>th</sup> to 9<sup>th</sup> Defendants/Respondents are hereby restrained by themselves, their agents, privies or assigns from parading or holding themselves out as the chairman, secretary or members of the Electoral Committee of the Nigerian Bar Association (ECNBA) or from performing, undertaking, or participating in any acts, step or process whatsoever in furtherance of the conduct of the 2026 National Officers’ Election of the Nigerian Bar Association, pending the hearing and determination of the Motion on Notice for Interlocutory Injunction dated 19<sup>th</sup> February, 2026.

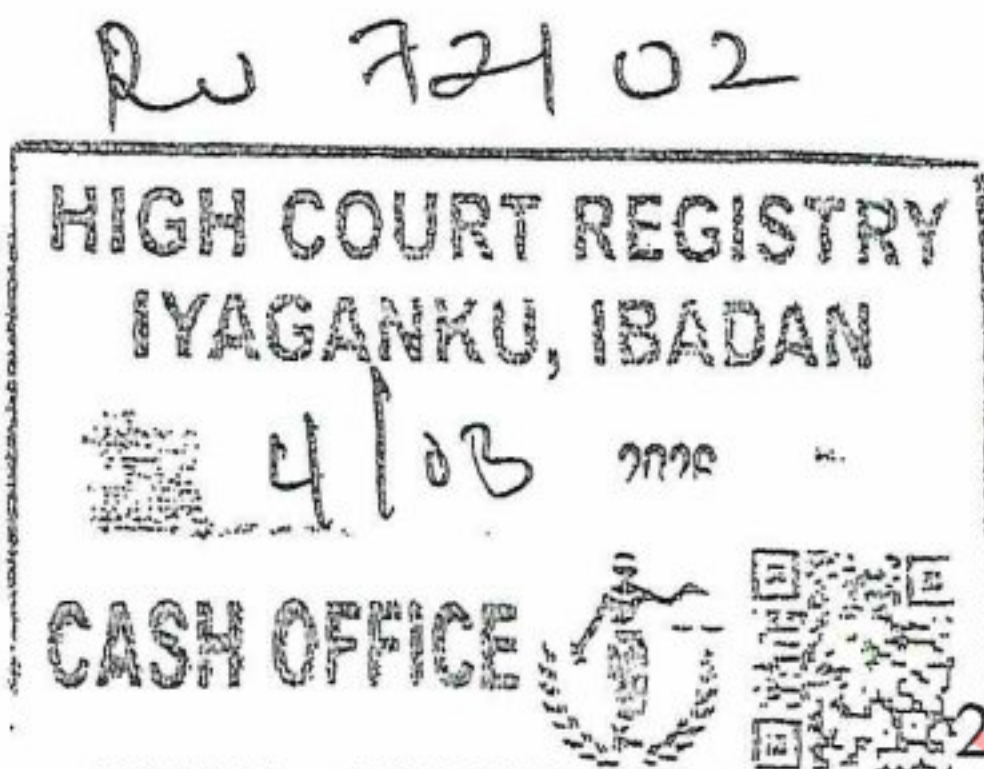
2. The 2<sup>nd</sup> defendant is restrained from taking any steps whatsoever towards the constitution and composition of the Electoral Committee of the Nigerian Bar Association, or from participating in, supervising, influencing, or otherwise interfering in any manner whatsoever with the conduct of the said 2026 (NBA) National Officers Election pending the hearing and determination of the motion on notice for Interlocutory Injunction.

3. This suit is adjourned to 12<sup>th</sup> March, 2026 for the hearing of the motion for Interlocutory Injunction dated 19<sup>th</sup> February, 2026.

**ISSUED AT IBADAN** under the Seal of the Court and Hand of the Presiding Judge, this 4<sup>th</sup> day of March, 2026.

*G. A. Opayinka*  
**G. A. OPAYINKA**  
**JUDGE**

*Oyelade O. T.*  
**OYELADE O. T. (MR.)**  
**PRINCIPAL REGISTRAR**





**IN THE COURT OF APPEAL OF NIGERIA**  
**IN THE IBADAN JUDICIAL DIVISION**  
**HOLDEN AT IBADAN**

APPEAL NO:  
SUIT NO: I/221/2026

BETWEEN:

1. AHAM EJELAM, SAN.
2. IBRAHIM ALIYU NASARAWA, ESQ.
3. MUHAMMAD M. NUHU, ESQ.
4. UJU OKAFOR, ESQ.
5. UME MADUKA, ESQ.

} APPELLANTS

AND

1. IBRAHIM LAWAL, ESQ.
2. RAYMOND OKI, ESQ.
3. OMOTAN OLUSOLA OGUNMODEDE, ESQ.
4. CHIEF GABRIEL OJO ADEKUNLE IJALANA, ESQ
5. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION (NBA)
6. MAZI AFAM JOSIAH OSIGWE, SAN.
7. THE BODY OF BENCHERS
8. THE ATTORNEY-GENERAL OF THE FEDERATION (IN HIS CAPACITY AS CHAIRMAN, GENERAL COUNCIL OF THE BAR)

} RESPONDENTS

**NOTICE OF APPEAL**

TAKE NOTICE that the Appellants, being dissatisfied with the Decision of the Oyo State High Court, Ibadan Judicial Division in **SUIT NO: I/221/2026 BETWEEN IBRAHIM LAWAL, ESQ & ORS V. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ORS**, delivered by His Lordship, Honourable Justice G.A Opayinka, on the 4<sup>th</sup> day of March, 2026, do, hereby appeal to the Court of Appeal of Nigeria, Ibadan Division, upon the grounds set out in paragraph 3 and will at the hearing of the Appeal seek the reliefs set out in paragraph 4.



And the Appellants further state that the names and addresses of the persons directly affected by the Appeal are those set out in paragraph 5.

Part of the decision complained of: -

i. **THE WHOLE DECISION**

3. **Grounds of Appeal: -**

### **GROUND ONE**

The Learned trial Judge erred in law and acted without jurisdiction when His Lordship heard and favourably determined the 1<sup>st</sup>-4<sup>th</sup> Respondents' Motion Exparte in **SUIT NO: I/221/2026 BETWEEN IBRAHIM LAWAL, ESQ & ORS V. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ORS** when the subject matter of the suit bordered on alleged violation of the Constitution of an Incorporated Trustee registered with the Corporate Affairs Commission pursuant to the Company and Allied Matters Act, 2020 which is clearly beyond the scope of a High Court of a State.

### **PARTICULARS OF ERROR**

- i. By an Originating Summons via **SUIT NO: I/221/2026 BETWEEN IBRAHIM LAWAL, ESQ & ORS V. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ORS**, dated 18<sup>th</sup> day of February, 2026, but filed on the 19<sup>th</sup> day of February, 2026, the 1<sup>st</sup>-4<sup>th</sup> Respondents as Claimants sought for the interpretation of Sections 9 (5)(iv), 10 (3) of the Constitution of the Nigerian Bar Association (As Amended in 2025), Paragraphs 5 and 6 of Part II, Paragraph 7 of Part IV to the Schedule of the NBA Constitution, (herein referred to as the NBA), Section 10 (2) and (3) of the Legal Practitioners' Act, Cap L11, LFN, 2004 (herein referred to as the LPA).
- ii. The 1<sup>st</sup>-4<sup>th</sup> Respondents' action is predicated on the alleged violation of Sections 9 (5)(iv), 10 (3) of the Constitution of the Nigerian Bar Association (As Amended in 2025), Paragraphs 5 and 6 of Part II, Paragraph 7 of Part IV



to the Schedule of the NBA Constitution, Section 10 (2) and (3) of the Legal Practitioners' Act, Cap L11, LFN, 2004.

- iii. The 5<sup>th</sup> Respondent is a registered Incorporated Trustees with the Corporate Affairs Commission pursuant to Section 827 of Company and Allied Matters Act, 2020.
- iv. By the provision of Section 251 (1)(e) of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended), only the Federal High Court has the exclusive jurisdiction to hear matters pertaining the violation of the Constitution of a Company registered pursuant to the CAMA.
- v. By the provision of Section 251 (1)(e) of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended), the interpretation of the Constitution of the 5<sup>th</sup> Respondent can only be undertaken by the Federal High Court and not the State High Court as it falls within the exclusivity of Section 251 (1) (e) of the 1999 Constitution.
- vi. The Oyo State High Court lacks the jurisdiction to entertain, hear and determine **SUIT NO: I/221/2026 BETWEEN IBRAHIM LAWAL, ESQ & ORS V. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ORS.**

### GROUND TWO

The Learned trial Judge erred in law and acted without territorial jurisdiction when His Lordship heard the 1<sup>st</sup>-4<sup>th</sup> Respondents' Motion Exparte and granted same despite clear evidence that all the Defendants (now the Appellants, 5<sup>th</sup>-8<sup>th</sup> Respondents) reside in Abuja and the cause of action did not arise in Oyo State.

### PARTICULARS OF ERROR

- i. By an Originating Summons via **SUIT NO: I/221/2026 BETWEEN IBRAHIM LAWAL, ESQ & ORS V. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ORS**, dated 18<sup>th</sup> day of February, 2026, but filed on the 19<sup>th</sup> day of February, 2026, the 1<sup>st</sup>-4<sup>th</sup> Respondents as Claimants sought for the interpretation of Sections 9 (5)(iv),



10 (3) of the Constitution of the Nigerian Bar Association (As Amended in 2025), Paragraphs 5 and 6 of Part II, Paragraph 7 of Part IV to the Schedule of the NBA Constitution, (herein referred to as the NBA), Section 10 (2) and (3) of the Legal Practitioners' Act, Cap L11, LFN, 2004 (herein referred to as the LPA).

- ii. On the face of the Originating Summons, it is clearly states that all the Defendants reside in Abuja, FCT, while the cause of action (if any) arose in Abuja, FCT or Benin, Edo State where the appointment of the Appellants was done by the NBA National Executive Council (NEC) in November, 2025.
- iii. The alleged cause of action (if any) occurred in Benin and Abuja which is not within the territorial jurisdiction of the Oyo State High Court.
- iv. The Oyo State High Court, Ibadan lacks the territorial jurisdiction to hear **SUIT NO: I/221/2026 BETWEEN IBRAHIM LAWAL, ESQ & ORS V. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ORS.**

### GROUND THREE

The Learned trial Judge erred in law and acted without jurisdiction when His Lordship heard the 1<sup>st</sup>-4<sup>th</sup> Respondents' **SUIT NO: I/221/2026 BETWEEN IBRAHIM LAWAL, ESQ & ORS V. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ORS**, who lack the locus standi to institute the suit.

### PARTICULARS OF ERROR

- i. The 1<sup>st</sup>-4<sup>th</sup> Respondents commenced **SUIT NO: I/221/2026 BETWEEN IBRAHIM LAWAL, ESQ & ORS V. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ORS**, dated 18<sup>th</sup> day of February, 2026, but filed on the 19<sup>th</sup> day of February, 2026.
- ii. The 1<sup>st</sup>-4<sup>th</sup> Respondents were present at the NEC Meeting in November, 2025, when the appointment of the Appellants were made or ratified by NEC without objecting to the appointment.
- iii. The 1<sup>st</sup>-4<sup>th</sup> Respondents are not aspirants in the National Officers' Election to be conducted by the Appellants.



- iv. The 1<sup>st</sup>-4<sup>th</sup> Respondents have not by their affidavit shown any injury done to them by the appointment of the Appellants.
- v. The pivot upon which an ex parte order can be granted by a Court is that the applicants must show the existence of a legal right.
- vi. The 1<sup>st</sup>-4<sup>th</sup> Respondents are mere busy bodies and meddlesome interlopers.
- vii. The lack of locus standi of the 1<sup>st</sup>-4<sup>th</sup> Respondents divests the trial Court of its jurisdiction to hear the matter.

#### GROUND FOUR

The Learned trial Judge erred in law and acted without jurisdiction when His Lordship heard the 1<sup>st</sup>-4<sup>th</sup> Respondents' Motion Ex parte on the 4<sup>th</sup> day of March, 2026, in **SUIT NO: I/221/2026 BETWEEN IBRAHIM LAWAL, ESQ & ORS V. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ORS**, which is premature for failure to exhaust the internal mechanism of the NBA Constitution.

#### PARTICULARS OF ERROR

- i. Article 21 (1), (2), (3) and (4) of the NBA Constitution (2025 As Amended) provides for the procedure for the utilization of the internal mechanism of dispute resolution of the NBA before an action can be filed in Court.
- ii. The 1<sup>st</sup>-4<sup>th</sup> Respondents filed **SUIT NO: I/221/2026 BETWEEN IBRAHIM LAWAL, ESQ & ORS V. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ORS**, dated 18<sup>th</sup> day of February, 2026, but filed on the 19<sup>th</sup> day of February, 2026, without complying with Article 21 (1), (2), (3) and (4) of the NBA Constitution.
- iii. **SUIT NO: I/221/2026 BETWEEN IBRAHIM LAWAL, ESQ & ORS V. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ORS** is premature for failure to comply with Article 21 (1), (2), (3) and (4) of the NBA Constitution, and divests the trial Court of its jurisdiction.



## GROUND FIVE

The Learned trial Judge erred in law and acted without jurisdiction when His Lordship heard and granted the 1<sup>st</sup>-4<sup>th</sup> Respondents' Motion Exparte on the 4<sup>th</sup> day of March, 2026, in **SUIT NO: I/221/2026 BETWEEN IBRAHIM LAWAL, ESQ & ORS V. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ORS**, which reliefs are contained in the substantive matter.

### PARTICULARS OF ERROR

- i. 1<sup>st</sup>-4<sup>th</sup> Respondents' **SUIT NO: I/221/2026 BETWEEN IBRAHIM LAWAL, ESQ & ORS V. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ORS**, sought several reliefs among which are injunctive.
- ii. Reliefs 7 and 8 of the Originating Summons are the same reliefs 1 and 2 in the Motion Exparte.
- iii. The Learned trial Judge granted the reliefs in the Motion Exparte and invariably granted the reliefs in the main suit.
- iv. Courts have no jurisdiction to grant substantive reliefs at the interlocutory stage.

**TAKE FURTHER NOTICE THAT** the Appellants may file additional grounds of appeal or amend the instant Notice and Grounds of Appeal.

### **RELIEFS SOUGHT FROM THE COURT OF APPEAL**

- i. **AN ORDER** of the Court allowing the Appeal.
- ii. **AN ORDER** setting aside the entire proceedings of trial Court or dismissing or striking out **SUIT NO: I/221/2026 BETWEEN IBRAHIM LAWAL, ESQ & ORS V. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ORS** for lack of jurisdiction of the Court.

### **ALTERNATIVELY:**

- iii. **AN ORDER** setting aside the proceedings of trial Court conducted on 4<sup>th</sup> day of March, 2026 in **SUIT NO: I/221/2026 BETWEEN IBRAHIM LAWAL,**



**ESQ & ORS V. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ORS**, for lack of jurisdiction.

- iv. **AN ORDER** setting aside the exparte order of injunction granted by the trial court on 4<sup>th</sup> March, 2026 in **SUIT NO: I/221/2026 BETWEEN IBRAHIM LAWAL, ESQ & ORS V. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ORS**, for lack of jurisdiction.

**PERSONS DIRECTLY AFFECTED BY THE APPEAL  
THE APPELLANTS**

1. AHAM EJELAM, SAN.
2. IBRAHIM ALIYU NASARAWA, ESQ.
3. MUHAMMAD M. NUHU, ESQ.
4. UJU OKAFOR, ESQ.
5. UME MADUKA, ESQ.

C/O Their Counsel,

J. J. USMAN, SAN.

J.J. USMAN, SAN & CO.

(OJOCHOGWU CHAMBERS)

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**THE 1<sup>ST</sup> -8<sup>TH</sup> RESPONDENTS**

1. IBRAHIM LAWAL, ESQ.
2. RAYMOND OKI, ESQ.
3. OMOTAN OLUSOLA OGUNMODEDE, ESQ.
4. CHIEF GABRIEL OJO ADEKUNLE IJALANA, ESQ.
5. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION (NBA)
6. MAZI AFAM JOSIAH OSIGWE, SAN.
7. THE BODY OF BENCHERS
8. THE ATTORNEY-GENERAL OF THE FEDERATION  
(IN HIS CAPACITY AS CHAIRMAN, GENERAL COUNCIL OF THE BAR)

Dated this 9<sup>th</sup> Day of March, 2026.





✓  
**HIGH CHIEF A.A MALIK, SAN.**  
**EKO EJEMBI EKO, SAN.**  
**J.J USMAN, SAN.**  
**M.S IBRAHIM, SAN.**  
**CHIEF YAKUBU PHILEMON, SAN.**

Dr. Samuel Oguche, Esq.  
Isiaka Kadiri, Esq.  
H.I. Hassan, Esq.  
A.O.F Philip, Esq.  
S.T. Momoh, Esq.  
C.O. Ogbu, Esq.  
D.O Atita, Esq.  
Asma'u Ahmed, Esq.  
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**FOR SERVICE ON:**

**THE 1<sup>ST</sup>-4<sup>TH</sup> RESPONDENTS**

**C/O Their Counsel**

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**CHIEF YOMI ALIYU, SAN.**

**KAZEEM A. GBADAMOSI, SAN.**

**SOJI OWOLOLAFE, SAN.**

**SEUN AJAYI, SAN.**

**R.O BALOGUN, SAN.**

**TUNJI OGUNRINDE, SAN.**

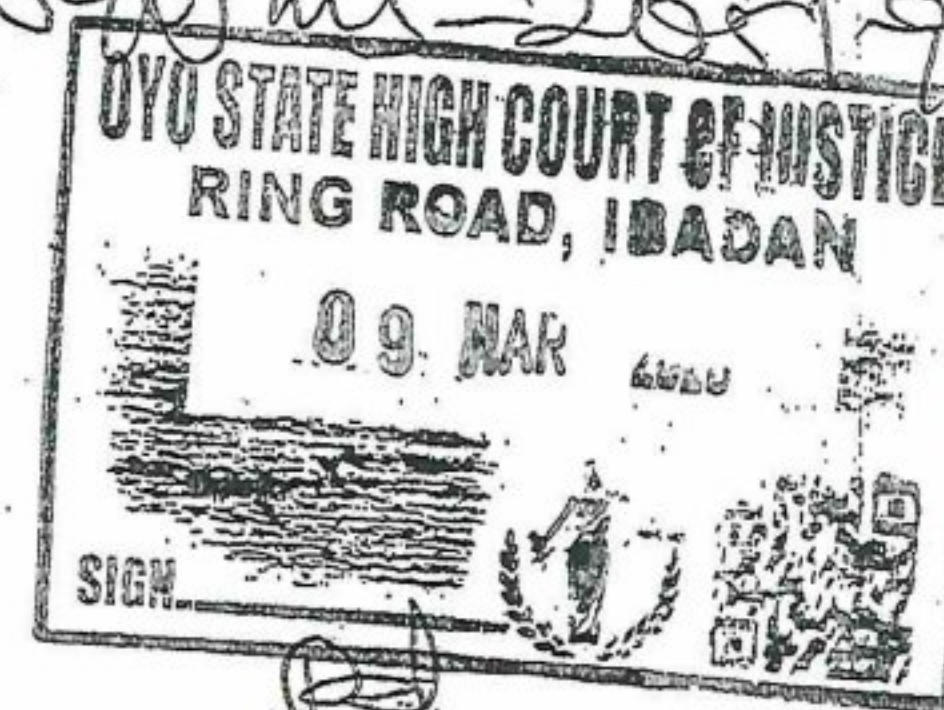
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**THE 5<sup>TH</sup> RESPONDENT**

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**THE 6<sup>TH</sup> RESPONDENT**

C/o His Counsel,

**Musibau Adetunbi, SAN.**

Musibau Adetunbi & Co,

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**THE 7<sup>TH</sup> RESPONDENT**

**BODY OF BENCHERS,**

Y.C Maikyau Crescent,

Jabi, Abuja.

**THE 8<sup>TH</sup> RESPONDENT**

**THE ATTORNEY-GENERAL OF THE FEDERATION**

(In His Capacity As Chairman, General  
Council Of The Bar)

Federal Ministry of Justice, Abuja.





ELECTORAL COMMITTEE OF THE NIGERIAN BAR  
ASSOCIATION

ECNBA Secretariat NBA House 24 Oro Ago Street Garki Abuja.

[info@ecnba.org.ng](mailto:info@ecnba.org.ng)

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**ECNBA NOTICE NO. 6**

**REQUEST FOR NOMINATIONS FOR THE ELECTIONS OF  
NATIONAL OFFICERS AND THE REPRESENTATIVES OF NBA IN  
THE GENERAL COUNCIL OF THE BAR RESPECTIVELY**

- 1.0 This request by ECNBA for the nominations of candidates for the elections as National Officers and as the Representatives of the NBA in the General Council of the Bar respectively is made pursuant to the provisions of Section 10 of the Constitution of the Nigerian Bar Association 2015 (as amended in 2025) and PARTS III & IV respectively of the Second Schedule to the said Constitution.
- 2.0 Intending Candidates should obtain their forms from the ECNBA Secretariat at No. 9 Oro Ago Crescent, Garki Abuja or download same from [info@ecnba.org.ng](mailto:info@ecnba.org.ng) and complete same as required. The ECNBA Secretariat will be open between 09:00 and 17:00 hours every day except Saturdays, Sundays and declared public holidays to give out and also receive completed nomination Forms and accompanying documents from members of the NBA who are interested.
- 3.0 For the avoidance of any doubt, apart from the detailed requirements as contained in the Nomination Forms, Candidates and their nominators should also take note of the following amongst others:-
  - a) A Candidate shall be nominated by a member of the NBA and seconded by another member both of whom shall be qualified to be voted for in the position sought by the candidate to be nominated in accordance with the provisions of the Constitution relevant to the office.



- b) Candidates shall submit along with their nomination Forms, copies of their Curriculum Vitae of not more than four pages of A4-size paper, comprehensive manifestoes, and other campaign materials to the ECNBA for publication when appropriate and necessary on the NBA website and on all media operated by the Association.
- c) Nominations shall be guided by the provisions of the Constitution in relation to zoning of offices and the eligibility to stand for election as provided by PART VII (a)-(e) of the Second Schedule to the Constitution respectively which provides that candidates:-
  - a) Must be a Nigerian Citizen.
  - b) Must not be a member of a registered political party in Nigeria;
  - c) Must not have been adjudged bankrupt or has made a compromise or arrangement with his creditors;
  - d) Must not have been adjudged mentally unfit to take up the position by a competent medical authority.
  - e) Must not have been convicted of a crime involving fraud or dishonesty by a court of competent jurisdiction or has been found guilty of misconduct or professional impropriety by the Legal Practitioners Disciplinary Committee;

4.0 Hard copy of the duly Completed Nomination Form of each nominee accompanied with the supporting documents should be physically delivered in sealed envelope clearly marked: **“ECNBA 2026” (with the name of the candidate and the office he/she is contesting for)** or sent to ECNBA by a reputable registered courier company at the latest on **Wednesday the 8<sup>th</sup> day of April, 2026**. Each set should be addressed to:

The Secretary,

Electoral Committee of the Nigerian Bar Association (ECNBA)

ECNBA Secretariat, No. 9 Oro Ago Crescent, Garki Abuja.

5.0 Any unsealed envelope would be rejected. Once a form is submitted and accepted, the form cannot be retrieved or retracted. A Candidate for election may wish to send notification of already submitted and acknowledged Nomination Forms to the Secretary of the ECNBA by email: [info@ecnba.org](mailto:info@ecnba.org).

6.0 Candidates should endeavour to go through and be guided by the provisions of the Constitution of the Nigerian Bar Association 2015 (as amended in 2025) and the Schedules thereto.







**IN THE COURT OF APPEAL OF NIGERIA**  
**IN THE IBADAN JUDICIAL DIVISION**  
**HOLDEN AT IBADAN**

APPEAL NO:CA/IB/110/2026  
SUIT NO: I/221/2026

**BETWEEN:**

1. AHAM EJELAM, SAN
2. IBRAHIM ALIYU NASARAWA, ESQ.
3. MUHAMMAD M. NUHU, ESQ.
4. UJU OKAFOR, ESQ.
5. UME MADUKA, ESQ.

APPELLANTS/RESPONDENTS

**AND**

1. IBRAHIM LAWAL, ESQ.
2. RAYMOND OKI, ESQ.
3. OMOTAN OLUSOLA OGUNMODEDE, ESQ.
4. CHIEF GABRIEL OJO ADEKUNLE IJALANA, ESQ.
5. INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION
6. MAZI AFAM JOSIAH OSIGWE, SAN
7. THE BODY OF BENCHERS
8. THE ATTORNEY GENERAL OF THE FEDERATION  
(IN HIS CAPACITY AS CHAIRMAN, GENERAL COUNCIL OF THE BAR)

RESPONDENTS/APPLICANTS

RESPONDENTS

**WRITTEN ADDRESS IN SUPPORT OF MOTION ON NOTICE**

**1.0 INTRODUCTION**

1.01 This Written Address is filed in support of the 1<sup>st</sup> to 4<sup>th</sup> Respondent /Applicants' Motion on Notice seeking, inter alia, an order of this Honourable Court setting aside all acts, steps, decisions, and proceedings undertaken by the Appellants/Respondents in violation of the subsisting interim order of Oyo State High Court made on the 4<sup>th</sup> day of March, 2026, and an order restraining them from further acts in breach thereof.

1.02 The instant application is supported by an affidavit of 25 paragraphs with three Exhibits attached.

**1.03 BRIEF STATEMENT OF FACTS**

1.04 The Appellants/Respondents filed this appeal to challenge the interim order made by the lower on 4<sup>th</sup> March, 2026 restraining the Appellants, whether by themselves, their agents, privies, or assigns, from acting as Chairman, Secretary, or members of the Electoral Committee of the Nigerian Bar Association (ECNBA), or from taking any steps in furtherance of the election, pending the hearing and determination of the Motion on Notice for Interlocutory Injunction filed by the Applicants at the lower court.

1.05 Notwithstanding the subsistence of the said order which is yet to be set aside by the lower court or this court, the Appellants/Respondents have continued to act as ECNBA officials and issued ECNBA Notice No. 6 dated 16<sup>th</sup> March, 2026, among other directives which include the launching of the ECNBA website for the conduct of the election on the 28<sup>th</sup> of March, 2026 in clear violation of the order of the Honourable Court.



1.06 The actions of the Appellants/Respondents constitute self-help, undermine the authority of the Court, and threaten to render the proceedings in this appeal nugatory. There is a real and imminent risk that the subject matter of this appeal, including the validity of the composition of the Appellants/Respondents and the conduct of the 2026 NBA National Officers' Election will be compromised if the Respondents are not restrained. The 1<sup>st</sup> to 4<sup>th</sup> Respondents/Applicants therefore seek the intervention of this Honourable Court to enforce the subsisting order of the lower court, preserve the status quo and ensure the proper conduct of the NBA electoral process.

1.07 **ISSUE FOR DETERMINATION**

1.08 *Whether this Honourable Court should not, in the exercise of its inherent and statutory powers, set aside all acts and steps taken by the Appellants/Respondents in disobedience of its subsisting interim order of 4<sup>th</sup> March, 2026 and restrain the Appellants from further acting in violation of the said order.*

2.00 **LEGAL ARGUMENT**

2.01 We respectfully urge this Honourable Court to hold that, in the exercise of its inherent and statutory powers, it is both competent and necessary to set aside all acts, steps, and decisions undertaken by the Appellants in clear disobedience of the subsisting interim order of the Honourable Court made on 4<sup>th</sup> March, 2026. Furthermore, this Honourable Court should restrain the Appellants/Respondents from taking any further actions or steps that would violate or circumvent the said interim order, in order to preserve the authority, dignity, and integrity of the Honourable Court. The Appellant has appealed to this court to challenge the interim order of the lower court but despite the said appeal still pending, the Appellants have continued to go against the existing order of the lower court.

2.02 My Lord, we submit that by virtue of Sections 6 and 287(3) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), this Honourable Court is vested with judicial powers which are not only statutory but also inherent in nature. These powers are designed to ensure that the administration of justice is effective and that orders of Court are respected. The instant application is necessitated by the deliberate acts of the Appellants, who have acted and continue to act in manners calculated to undermine, frustrate, and circumvent the powers and authority of the lower Honourable Court. Such actions, if left unchecked, threaten to render the proceedings in this appeal nugatory, compromise the status quo and occasion irreparable prejudice to the Applicants.

2.03 For ease of reference, Section 287(3) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) provides as follows:

*“The decisions of the Federal High Court, National industrial Court, a High Court, and all other Courts established by this Constitution shall be enforced in any part of the Federation by all authorities and persons, and by other courts of law of subordinate jurisdiction to that of the Federal High Court, National Industrial Court, a High court, and those other courts, respectively.*

2.04 The above quoted provisions clearly recognizes the authority of this Honourable Court to enforce the orders, prevent abuse of process, and ensure that its judicial mandate is not undermined by acts of disobedience or self-help by parties before the Court.

2.05 This Honourable Court, as will be further demonstrated herein, possesses the inherent and statutory power to make orders that discipline any party who undermines its processes, disobeys its judgments, or otherwise acts in contempt of its authority. Such powers are



essential to preserve the rule of law, maintain the integrity of judicial proceedings, and ensure that the orders of the Court are respected and enforced. It is settled law that the Court is not powerless in the face of disobedience; rather, it may exercise its disciplinary jurisdiction to prevent abuse of its processes and to uphold the authority and dignity of the judiciary.

**2.06 My Lords, it is our humble submission that the Interim Order of the lower Court (Exhibit A attached to the instant application) remains valid, subsisting and binding on the Respondents herein** and has not been discharged or set aside by the High Court or this Court. It is a fundamental principle of law that a subsisting order of Court is binding on all parties, and non-compliance constitutes contempt of Court. This is the position of the Court in **Oshodi v. Minister of Works & Housing (2003) 11 NWLR (Pt. 835) 417**. The Supreme Court in **Kubor v. Dickson (2013) 4 NWLR (Pt. 1345) 534** held on the *bindingness and subsistence of order of court until set aside – thus:*

**“An order of a competent court of law no matter its nature is absolute and binding on all and sundry without question until it is legally and legitimately set aside by a competent court of appellate jurisdiction. The fact of its being final or interim does not therefore affect its application and effectiveness. It remains valid and enforceable and must be obeyed. (P. 592, paras. F-G)**

**2.07 We further submit that the acts of the Appellants/Respondents by issuing Exhibit C attached to the instant application amount to Disobedience to the orders Court and Self-Help.**

**2.08 My Lord, the Appellants/Respondents, despite being aware of the interim order and the pendency of the interlocutory application, continued to act as ECNBA officials and issued ECNBA Notice No. 6 dated 16<sup>th</sup> March, 2026 and launching of the ECNBA website on 28<sup>th</sup> of March, 2026 (Exhibit C attached to the instant application). Such acts constitute self-help and were designed to pre-empt and undermine the pending Motion on Notice for Interlocutory Injunction and this appeal, in clear violation of the Honourable Court’s authority.**

**2.09 In this case, it is not in dispute as can be seen from the affidavit in support and the exhibits annexed thereto that the Respondents were not just aware of the pendency of the suit at the lower court, the motion on notice for interlocutory injunction and the interim order of injunction made on the 4<sup>th</sup> day of March, 2026 but that in a commando style and in utter disregard and contempt of the interim order of this Honourable Court and the instant appeal proceeded to determine the suit pending at the lower court by doing exactly what the interim order sought to stop them from doing and then proceeded to take the law into their hands by issuing Exhibit C and taking further steps while the interim order is still valid and subsisting and the motion notice for interlocutory injunction is yet to be argued. The position of the law is that no party before the court should do anything to undermine the authority of the court. When that is done, it is a challenge to the administration of justice and in appropriate cases such should be visited with the proper and appropriate sanctions. We refer the court to **Etaluku vs. A.G., Delta State (1997) 8 NWLR (Pt.516) 308 at 318-319 paras G-A.****

**2.10 In ODOGWU Vs. ODOGWU (1991) 8 NWLR (PT. 208) 253 AT 260, paras. A-C.** The court deprecated the attitude of taking away the subject matter of litigation from the court in the following words:



‘The application for stay was filed on 25<sup>th</sup> April, 1991 and was served on the respondent’s counsel on 29<sup>th</sup> April, 1991. While the application was pending in this court, the respondent went and took away the children, the subject matter of the application from their school and out of reach of the applicant. At the same time, there was pending in the High Court, the contempt proceedings filed by the respondent against the applicant in respect of the same children. With these matters pending in both courts, the respondent proceeded to take the law into his own hands and seized the children from their school without any specific order from either of the courts mentioned above. This conduct of the respondent is in my view reprehensible and constituted an utter disregard of court process. It is also an attempt to anticipate or pre-empt the result of the application for stay. The courts frown against this and would almost always invoke disciplinary powers to restore the status quo.’

2.11 The law is now settled that when parties have turned over their dispute to court and seek the intervention of court in adjudicatory processes none of the parties will be allowed to take extra-judicial steps to undermine the order, judgment or pending proceeding as done by the Defendants in this suit. To do so amounts to self-help. Thus, in **REGISTERED TRUSTEES, APOSTOLIC CHURCH Vs. OLOWOLENI (1990) 6 NWLR (Pt.158) 514 at 537, paras. D-F.** The Supreme Court held that:

“I wish to begin by recalling some of the decisions and pronouncements of this court and, indeed, the Court of Appeal, as well as courts in other common law countries in the area of self-help vis-à-vis the rule of law. They all come to this: that once parties have turned their dispute over to the court for determination, the right to resort to self-help ends. So, it is not permissible for one of the parties to take any step during the pending of this suit which may have the effect of foisting upon the court a situation of complete helplessness or which may give the impression that the court is being used as a mere subterfuge, to tie the hands of one party while the party helps himself extra-judicially. Both parties are expected to await the result of the litigation and the appropriate order of court before acting further. In **CHIEF EMEKA ODUMEGWU OJUKWU VS. MILITARY GOVERNOR OF LAGOS STATE & ORS (NO.1) (1985) 2 NWLR (PT. 10) 806 at pp. 821-827,** in the Court of Appeal, I invoked the principle to order a mandatory injunction to restore the applicant to possession which was wrested from him, vi et armis, during the pendency of the litigation. Cases decided in other common law jurisdictions show that the principle is the same.”

2.12 We submit that where any party misbehaves as the Appellants/Respondents have done by the decisions they purported to have taken after the interim order of the Court was granted, this Honourable Court will be justified to exercise its disciplinary powers and undo what was done to steal a match. In **OKOYA VS SANTILLI (1991) 7 NWLR (PT. 206) 753 at 766, paras. D-G** it was held as follows:

‘The law is trite that a court of law in the exercise of its judicial powers under section 6(6) of the 1979 Constitution can make use of its inherent powers as provided for specifically in section 6(6)(a) thereof in the process of the invocation of its traditional disciplinary jurisdiction against a recalcitrant litigants, who is in contempt. And the courts are prepared to invoke the jurisdiction in appropriate cases. The jurisdiction inheres in the court as adjudicator qua judex. The power is designed for the maintenance of the dignity and integrity of the court. Unless the court exercises its disciplinary jurisdiction in appropriate circumstances, it will lose its dignity and integrity in the judicial process. The institution of the court, which the law has placed



in an exalted and sacred position surrounded by all aura of legalism and sanctity, will be reduced to a toothless dog which can bark but cannot bite.’

2.13 Indeed, the purported issuance of Exhibit C while the motion for interlocutory injunction is yet to be heard and determined and interim order yet to be set aside was done in contempt of the orders of the Court and same undermines the authority of the Honourable Court. That cannot be allowed to stand. In the case of SAIDU GARBA VS. FEDERAL CIVIL SERVICE COMMISSION (1988) 2 SC (Pt. 2) 170 at p. 211, paras. 5-30 the Supreme Court held that:

“As I stated, the claim was amended to enable the appellant challenge his dismissal by the Permanent Secretary, Ministry of Internal Affairs during the pendency of the suit. The third issue is whether the respondents could on 11<sup>th</sup> April, 1984, rightly dismiss the appellant during the pendency on his action challenging his interdiction as unlawful which he filed on the 25<sup>th</sup> of May, 1983. It cannot be doubted that the act of dismissing him was purely an administrative act (see Dr. Akinlade Ore Falomo v. Lagos State Public Service Commission (1977) 5 SC). Nor can it be doubted that the effect of that administrative act was to frustrate and render nugatory whatever judgment the appellant might have in the pending suit. The straight question is whether the executive could rightly do so. In my judgment, they could not either at common law or by the letters and spirit of our Constitution. As I stated in Chief Emeka Odumegwu Ojukwu v. Military Governor of Lagos State (1985) 2 NWLR (pt. 10) 806 at common law where two parties have a dispute and one of them has turned over the matter to the court claiming an injunction, it is not proper for the other party who has got notice of the action to do anything which could have the effect of anticipating or frustrating the order of the court. If he does, mandatory injunction could issue against him to reverse such an act.”

2.14 In addition to the above, we respectfully submit that there exists a real and imminent risk to the subject matter of this appeal arising from the actions of the Respondents, whose continued conduct threatens to compromise the legality and validity of the composition of the ECNBA and the conduct of the 2026 NBA National Officers’ Election. If left unchecked, these acts will undermine the purpose of these proceedings, render the relief sought nugatory and occasion irreparable prejudice to the Applicants.

2.15 Your lordship is humbly invited to also consider the case of KWANKWASO VS. GOV. KANO STATE (2006)14 NWLR (PT.1000) 444 where it was also decided that where a court is seized of a dispute submitted to it by parties to the dispute for the adjudication, a court can invoke its power to try cases before it from being frustrated or stultified for the purpose of maintaining the rule of Law and integrity of the Court.

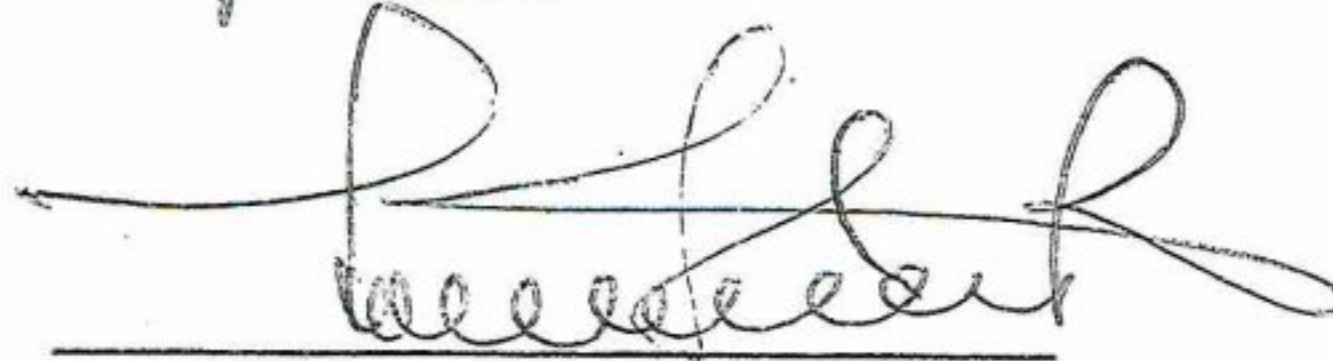
2.16 We respectfully submit that this is a proper case for Your Lordships to exercise the inherent powers of this Honourable Court to ensure that all parties are placed in a position where the dignity, authority, and sanctity of this Court as the ultimate arbiter are fully restored, upheld, and duly respected by all parties before it.

## 2.17 CONCLUSION

2.18 We urge the Honourable court to resolve this issue in favour of the applicants and the instant application in the interest of justice.



Dated the 17<sup>th</sup> day of April 2026



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