IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA

ON THURSDAY THE 30TH DAY OF APRIL, 2026

BEFORE THEIR LORDSHIPS

MOHAMMED LAWAL GARBA	JUSTICE, SUPREME COURT
CHIOMA EGONDU NWOSU-IHEME	JUSTICE, SUPREME COURT
HARUNA SIMON TSAMMANI	JUSTICE, SUPREME COURT
STEPHEN JONAH ADAH	JUSTICE, SUPREME COURT
ABUBAKAR SADIQ UMAR	JUSTICE, SUPREME COURT

APPEAL NO: SC/CV/164/2026

BETWEEN:

PEOPLES' DEMOCRATIC PARTY (PDP) == APPELLANT

AND

1. **ALHAJI SULE LAMIDO**
2. **INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)**
3. **HON. AUSTINE NWACHUKWU** (PDP Chairman, Imo State)
4. **HON. AMAH ABRAHAM NNANNA** (PDP Chairman, Abia State)
5. **TURNA ALABH GEORGE** (PDP Secretary, South-South Geo-Political Zone)

== RESPONDENTS

JUDGMENT
[DELIVERED BY STEPHEN JONAH ADAH, JSC]

This appeal constitutes a challenge to the judgment of the Court of Appeal, Abuja Judicial Division, delivered on 9th March, 2026, in **Appeal No. CA/ABJ/1695/2025**, Coram: M.

A. Danjuma, JCA; Uchechukwu Onyemenam, JCA, and M. Mustapha, JCA. In that decision, the court below affirmed the judgment of the Federal High Court, Abuja, which had assumed jurisdiction and proceeded to grant the claims of the 1st respondent.

Dissatisfied with the said judgment, the appellant, by a Notice of Appeal filed on 17th March 2026, has invoked the appellate jurisdiction of this court seeking to set aside the decision of the court below.

The material facts, shorn of embellishment, are that the National Executive Committee (NEC) of the appellant, at its 101st meeting held on 24th July 2025, upon the consideration, adoption, and approval of a memorandum presented by its National Organising Secretary, purportedly sanctioned the conduct of the appellant's National Convention slated for 15th and 16th November 2025, in Ibadan, Oyo State. Consequent upon this approval, the Appellant is said to have published, on 3rd August, 2025, the timetable and schedule of activities for the said National Convention.

It was further alleged that the said NEC meeting was monitored by the 2nd respondent, and that all requisite notices in respect of the Convention, particularly, the statutory 21-day

notice to the 2nd respondent pursuant to Section 82(1) of the Electoral Act, 2022, were duly issued on 25th August, 2025 and served on INEC on 29th August, 2025.

The 1st respondent, it is also alleged, visited the Appellant's National Secretariat at Wadata Plaza, Abuja, on 27th October, 2025 with a view to purchasing a nomination form, but was denied same notwithstanding his status as a duly registered and financially up-to-date member of the appellant, on the ground that the period for the sale of nomination forms for party offices had elapsed. Aggrieved by this development, the 1st respondent, by an Amended Originating Summons filed on 10th November, 2025, sought the following reliefs:

1. **A Declaration that the 1st Defendant, that is, the Peoples' Democratic Party is legally bound to adhere to its Constitution and Guidelines in the conduct of its affairs including in the conduct of elections into its National Offices, especially the Office of the National Chairman of the Party scheduled by fatty through if National Executive Committee for the 15th and 16th November, 2025 or any other date the Party may determine.**

2. **A Declaration that by the Constitution of the Peoples' Democratic Party (PDP) and the Party Guidelines, the PDP is under obligation to create opportunities for its members, including the Plaintiff, to serve by putting in place deliberate measures aimed at enabling**

any Party member (including the Plaintiff), who is eligible to contest for any of the Party offices, including the position of the National Chairman of the Party to realize his aspiration.

3. A Declaration that the 1st Defendant is in breach of its Constitution and Guidelines by deliberately denying the Plaintiff Nomination Form for election into the office of the National Chairman of the Party scheduled by the Party through its National Executive Committee for the 15th and 16th November, 2025, or any other date the Party may determine.
4. An Order of Mandatory Injunction compelling the 1st Defendant to make available to the Plaintiff for purchase, Nomination Form for election into the office of the National Chairman of the Party scheduled by the Party through its National Executive Committee for the 15th and 16th November, 2025, or any other date the Party may determine.

5. An Order of court prohibiting the 2nd Defendant from supervising or in any manner whatsoever, aiding or recognizing the 1st Defendant's conduct of election into the office of the National Chairman of the 1st Defendant until the 15th Defendant makes available for purchase, to the Plaintiff and all other eligible Party members who desire to contest, Nomination Form for election into the office of the National Chairman of the Party scheduled by the Party through its National Executive Committee for the 15th and 16th November, 2025, or any other date the Party may determine.

6. Cost of action.

Upon service of the Amended Originating Summons, the Appellant reacted by filing a Notice of Preliminary Objection contesting the jurisdiction of the trial Court, alongside a Counter-Affidavit opposing the claims therein. Notwithstanding these processes, the trial Court assumed jurisdiction and proceeded to grant the declaratory and injunctive reliefs sought. One of the reliefs granted reads thus:

> **An order is herein made compelling the 1st Defendant (before any convention is held) to make available to the Plaintiff for purchase, nomination form for election into the office of the National Chairman of the party scheduled by the party through its National Executive Committee for the 15th and 16th of November, 2025, or any other date the party may determine.**

The court also ordered that the convention should be put on hold until the form was given to the plaintiff.

This order was not carried out by appellant rather the appellant went to a court of coordinate jurisdiction and secured an order to override the subsisting order of the Federal High Court. After the forbidden Convention was held,

the appellant then lodged an appeal before the lower Court by a Notice of Appeal filed on 26th November, 2025.

The Court of Appeal affirmed the trial Court's decision and dismissed the appellant's appeal. Being dissatisfied with the decision the appellant further appealed to this court vide a notice of appeal containing two grounds of appeal filed on the 17th March,2026.

The Appellant's Brief of Argument was filed on 2nd April, 2026. It was settled by learned Senior Advocate of Nigeria, Paul Erokoro, SAN, with the appellant's legal team led by Chief Chris Uche, SAN. The 1st Respondent's brief was signed by Ewere A. Aliemeke, Esq., a member of the 1st respondent's team of counsel led by Jeph C. Njikonye, SAN.

The 2nd Respondent's Brief of Argument was signed by Adeyemi Olufemi, Esq., on behalf of the team of counsel led by Sulayman O. Ibrahim, SAN.

The 3rd to the 5th respondents filed a Joint Brief of Argument, which was settled by J. B. Daudu, SAN, who led the team of counsel representing the said respondents.

The appellant filed reply briefs in response to the briefs filed by the 1st and 2nd respondents. These reply briefs were filed on 16th April, 2026 and 20th April, 2026, respectively, while the

appellant filed a Reply Brief on 20th April, 2026 addressing the issues raised in the brief filed by the 3rd to 5th respondents' joint brief of argument.

Subsequently, a Notice of Preliminary Objection was filed on behalf of the 3rd to the 5th respondents, challenging the competence of the appeal on the ground that the appellant failed to obtain the requisite leave of Court, the grounds of appeal being, according to the objectors, grounds of mixed law and fact. The said Preliminary Objection was filed on 17th April, 2026.

The position of the law is settled beyond peradventure that a preliminary objection, once properly raised, constitutes a threshold issue touching on the competence of the proceedings. Being jurisdictional in nature, it strikes at the root of the Court's authority to entertain the matter. Consequently, it must, as a matter of procedural discipline and judicial prudence, be taken and determined at the earliest opportunity. In **Galadima v. Tambai & Ors (2000) LPELR-1302(SC)**, this court held that:

> **"A preliminary objection to the hearing of an appeal is a special procedure whereby a respondent may contend the competence of the appeal which, if upheld, has the effect of striking out the appeal. Such is the**

intendment of Order 2 Rule 9(1) of the Supreme Court Rules (as amended in 1999)."

The jurisprudential underpinning of this rule lies in the doctrine that jurisdiction is the lifeblood of adjudication. Where a court lacks jurisdiction, any step taken in the proceedings, no matter how well conducted, is a nullity. It is therefore imperative that the Court first satisfies itself of its competence before embarking on the exercise of adjudicatory powers.

In ***Jim-Jaja v. C.O.P.*** **Rivers State & Ors (2012) LPELR-20621(SC),** this Court emphasised that a preliminary objection, where it challenges the competence of the suit or appeal, must be resolved first, as its success renders further proceedings otiose. Similarly, in ***Mainasara v. First Bank*** **of Nigeria PLC (2021) LPELR-56612(SC),** the Court reiterated that the hearing of substantive issues in the face of a pending objection to competence amounts to a misdirection in law. The Court, in **Yaro v. Arewa Construction Ltd & Ors (2007) 17 NWLR (Pt1063) 333**, further reinforced the principle that courts must avoid dissipating judicial time on matters that may ultimately be struck out for incompetence. This court therein held:

..the whole essence of preliminary objection is to foreclose hearing the appeal and like questions of objection, it is always best to

take it first as it could result in saving valuable time. See Okafor v. Nwude (1999) 7 S.C. (Pt. 1) 106."

The rationale is both practical and doctrinal. Practically, it preserves judicial time and resources by preventing a Court from engaging in a full-scale determination of issues that may be rendered academic. Doctrinally, it upholds the hierarchical order of legal inquiry, placing jurisdictional questions above substantive adjudication.

Accordingly, where a preliminary objection is upheld, the proceedings terminate *in limine*. Conversely, where it fails, the Court proceeds to consider the merits. This sequential approach ensures procedural propriety, safeguards the integrity of judicial proceedings, and aligns with the constitutional imperative that courts act only within the bounds of their jurisdiction.

I shall therefore start with the preliminary objection.

Preliminary Objection:

The objection is premised on the issue of failure to obtain the requisite leave of court. This objection is common in theme with the preliminary objection raised by the 1st Respondent.

The crux of the objection is that the grounds of the Notice of Appeal are grounds of fact or at best mixed law and fact that requires leave of the lower court before this Court can be vested with jurisdiction, failure to first seek and obtain it renders the Notice of Appeal incompetent.

This was argued at pages 5-16 of the brief of the 1st respondent and pages 10-13 of the brief of the 3rd to 5th respondents.

For the 1st respondent by way of preliminary objection, challenges the validity/competence of the appellant's appeal and the jurisdiction of this Court to entertain the Appellant's Appeal on the grounds set out therein, thusly:

i. **The Supreme Court lacks jurisdiction to entertain an appeal on grounds of facts or mixed law and facts at all or without prior leave of the lower Court or the Supreme Court sought and obtained by the appellant.**

ii. **The two grounds of Appeal in the Appellant's Notice of Appeal dated 16th March, 2026 but filed on 17th March, 2026 are all grounds of facts or at best grounds of mixed law and facts.**

iii. **By the nature of the appellant's appeal, the appellant must first seek the leave of either the Court below or the Supreme Court before filing the Notice of Appeal by virtue of Section 233(2) and (3) of the CFRN 1999, as amended.**

iv. **The Record of Appeal clearly shows that the Appellant did not obtain the required leave before filing her Notice of Appeal.**

v. **The failure to obtain leave goes to the root of the appeal and robs the Supreme Court of jurisdiction to hear and determine the appellant's appeal.**

vi. **The Appellant's appeal and the relief therein sought are ex facie self-defeating, dooming the appeal to be struck out or dismissed *in limine*.**

vii. **The appellant's appeal failed to challenge the reasons for the decision of the lower Court rendering same incompetent.**

The respondents' counsel contended that the Notice of Appeal is incompetent for failure to obtain prior leave, where required, rendering the appeal fundamentally defective and liable to be struck out ab initio. The Counsel relied on the case of **Destra Investment Ltd v. FRN (2017) 2 NWLR (Pt. 1550) 485**. Counsel further submits that the mere designation of grounds as "errors of law" is not determinative; rather, the Court must scrutinize the substance of the grounds and their particulars to ascertain whether they raise issues of law or mixed law and fact, in line with **Enterprise Bank Ltd v. Aroso (2014)3 NWLR (Pt.1394) 256**.

Applying this principle, it is argued that the grounds of appeal herein are, in substance, grounds of fact or at best mixed law

and fact, particularly, as they require evaluation of affidavit evidence and the conduct of parties, thereby necessitating prior leave, which was not obtained. Consequently, the grounds are incompetent, and the sole issue distilled therefrom is equally incompetent. Counsel further submits that where competent and incompetent grounds or issues are argued together, the entire issue is vitiated, and the Court is not obliged to sift valid arguments from invalid ones, as restated in **Nze v. Onyeachugwo (2022)5NWLR (Pt.1822) 187.**

On the whole, learned counsel urged the court to strike out the Notice of Appeal and the issue formulated therefrom for want of competence, while proceeding to argue the appeal on the merits only in the alternative.

The appellant responded to the preliminary objection in the Appellant's Reply Brief where the learned counsel contended that ground one of the Notice of Appeal was a ground of pure law. That it is the duty of counsel who objects to the competence of a ground of appeal to establish it, as he who alleges must prove. He submitted therefore that the Appellant's Grounds 1 and 2 do not require this Court to re-assess evidence, resolve conflicts in testimony, or make fresh

findings of fact. It simply calls for a determination of whether the Court of Appeal correctly applied the law to the undisputed facts, particularly in relation to jurisdiction and statutory interpretation. It is an undisputed fact that the 1st Respondent did not exhaust the internal dispute resolution provisions in the 1st Respondent's constitution before commencing the suit. The ground therefore alleged that the Court of Appeal had wrongly applied the law to the undisputed facts, an issue of pure law. He contended that the consistent position of this court as seen in **Ojemen v. Momodu II (1983) 1 SCNLR 188**, is that such complaints fall squarely within the realm of law. Accordingly, he submitted that the appellant's Grounds 1 and 2 are grounds of law, and no leave was required for their determination. He further submitted that the two cases cited by the 3rd - 5th respondents do not apply to the instant grounds of appeal, as they were pre-election matters decided by this court. He urged the court to dismiss the preliminary objection.

I have carefully looked at the two grounds of appeal in the instant case and the arguments of the objectors and the appellant.

It is trite law that the character of a ground of appeal is not determined by its label, but by its substance. A ground

qualifies as one of law where it impugns the correctness of the lower court's application or interpretation of legal principles, as opposed to disputing primary facts or the evaluation of evidence. Thus, where the complaint is directed at the legal effect ascribed to established or undisputed facts, such a ground is, in essence, one of law.

In the instant case, Grounds 1 and 2 question the propriety of the Court of Appeal's legal conclusion affirming the jurisdiction of the trial Court. The gravamen of the complaint is not that the facts were wrongly found, nor that evidence was improperly evaluated, but that the lower court, having correctly identified the nature of the dispute, misdirected itself in law by treating same as an exception to the settled principle that courts lack jurisdiction over the internal affairs of political parties. This is a classic challenge to the legal inference drawn from admitted or uncontroverted facts.

The law is firmly established that where the complaint in a ground of appeal attacks the conclusion of law reached by a court on the basis of undisputed facts, such a ground is one of law simpliciter. In such circumstances, no leave is required to appeal, as the appellant is entitled to proceed as of right. This principle was emphatically restated by this Court in

Adagun v. Satumari (2023)14 NWLR (Pt.1904)243, where it was held that a ground founded on accepted or admitted facts, but challenging the legal conclusion drawn therefrom, constitutes a ground of law.

Accordingly, Grounds 1 and 2 in the present appeal, being direct attack on the legal reasoning and conclusion of the Court of Appeal on Jurisdiction, falls squarely within the category of grounds of law, and are therefore competent without the necessity of prior leave. It follows therefore that this appeal is competent before the court and the court has jurisdiction to entertain it. The preliminary objection therefore, fails and its hereby dismissed. I will now look at the main appeal.

Main Appeal:

The appellant in the brief raised a sole issue for the determination of this appeal. The issue is couched as follows:

> **Was the lower Court not in error when it held that the 1st respondent's claim which centered on the appellant's failure to sell a nomination form to the 1st respondent to enable him contest for the office of National Chairman, is one that is**

justiciable and within the jurisdiction of the trial Court, (Grounds 1 and 2).

The other parties distilled similar issue in their respective briefs of argument so I will adopt the sole issue generated by the appellant for the consideration of this appeal.

Issue for Determination:

The learned counsel for the appellant canvassed that jurisdiction is the gateway through which a litigant can access the courtroom and have his matter determined. It is the livewire and the heart of litigation. That where there is no jurisdiction, the Court cannot sit, where it does sit, the proceedings are a nullity. He contended that it has long been established by a long line of cases that it is the claim of the plaintiff that determines jurisdiction. The decisions on this are legion. He cited **A.G Federation of Nigeria v. A.G Anambra State (2019) All FWLR (Pt. 1003) I at 25-26, Para H-C; Osha v. Ogundeji (2025)16 NWLR (Pt. 2011) 391 at 424-425; (Pt 2011) at 391 at 424-423 (CA); Tukur v. Govt. of Gongola (1989) 6 NWLR (Pt. 117) 517 at 541-2, Para H-A; 569, Para E; Manasseh v. Goshwe (2024) 6 NWLR (Pt. 1934) 203 at 243, Para E-G; Ahmed v. Ahmed (2013) 15 NWLR (Pt. 1377) 274 at 336-348; Madukolu v. Nkemdilim & Ors (1962) 2 SCNLR 34.** He contended that that contrary to the lower

Court's reasoning, the 1st respondent's claim before the trial Court was outside the jurisdiction of the Federal High Court, being a court of enumerated jurisdiction. This is because, the 1st respondent's claim were primarily and essentially against the appellant, a political party.

That the 1st respondent had in four of the reliefs, sought various declarations against the appellant, his own political party. That the only relief that touched the 2nd respondent was the consequential mandatory order of injunction, which is dependent on the successful grant of the other four reliefs. That the lower court was in palpable error in dismissing the appellant's appeal. He urged the court to allow the appeal, vacate the judgments of the two lower courts and strike out and/ or dismiss the 1st respondent's claim in its entirety. I must say that the conclusion of the learned Senior Counsel for the appellant has exceeded his reliefs in his notice of appeal which are only to allow the appeal and to set aside the lower court's judgment delivered on the 9th day of March,2026. An appellant cannot in any form enlarge his reliefs as subscribed to in his notice of appeal without leave of court.

The respondents in their respective briefs contended that the court below was right in affirming the decision of the trial court. That the claim of the 1st respondent complained of the

appellant's infractions and violations of its Constitution and Guidelines in a manner that directly affected the 1st respondent's right to vie for the position of the National Chairman of the appellant, being eligible and financially up-to-date member of the Appellant. The 1st respondent's suit at the trial court is that the appellant fixed its National Convention for election of Party Officers on the 15th – 16th of November, 2025 at Ibadan, Oyo State and that by the tenor of Article 6.6(V)(2)(3) of the Appellant's Guidelines, "Every registered member who has satisfied the requirement for nomination and election under the Party's Constitution, the Constitution of the Federal Republic of Nigeria, or any other law, rules or regulations in force shall be eligible to contest for any of the offices of the Party." The 1st respondent's uncontroverted affidavit evidence is to the effect that he is a fully registered member of the appellant in Kiyako Ward, Birnin Kudu Local Government Area of Jigawa State and of good financial standing, and thus eligible to contest for the office of the National Chairman of the Party in line with Article 9.0(h) of the Appellant's Guidelines, i.e., Exhibit 3 found in Vol. 2, Record pages 959-994. That the appellant acted in contravention of its constitution, the Constitution of the Federal Republic of Nigeria, the Electoral Act and their own Guidelines. They

urged the court to dismiss the appeal contending that the lower courts were right in their decisions.

In the instant case the crux of the argument of the parties is on the justiciability and competence of the cause of action and the jurisdiction of the trial court.

This court in a plethora of cases such as **Onuoha v. Okafor (1983) 14 NSCC 494; APC v. Moses (2021) 14 NWLR (Pt. 1796) 278 at 321; Manasseh v. Goshwe (2024) 6 NWLR (Pt. 1934) 203 at 249; Jegede v. INEC (2021) 14 NWLR (Pt. 1797) at 562; Anyawu v. Emmanuel (2025) 14 NWLR (Pt. 2006) 531; Oye v. Odidan (2025) 19 NWLR (Pt. 2020) 263 at 288; Oni v. Oyebanji (2023) 13 NWLR (Pt. 1902) 507; Agi v. PDP (2017) 17 NWLR (Pt. 1595) 336 at 450. Para E-F; Suleiman v. APC (2023) 5 NWLR (Pt. 1877) 211@ page 253; Jegede v. INEC (2021) 14 NWLR (Pt. 1797) 409, at 562-3; Ufomba v. INEC (2017) 13 NWLR (Pt. 1582) 175,** has maintained that the internal or domestic affairs of a political party are not to be meddled with by the courts. These decisions are perfectly in place and they remain the law but where as in the instant case a political party violates its own constitution and rubbish the Electoral Act and the Constitution the court must intervene to prevent anarchy and ensure the survival of democracy in Nigeria. See sections 223 and 228 of the Constitution and more particularly section 82(3) of the Electoral Act which provides:

> **(3) The election of members of the executive committee or other governing body of a political party, including the election to till 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.**

The appellant and other political parties in Nigeria are not above the law. They are registered under the authority of the Constitution of the Federal Republic of Nigeria to promote democracy and the rule of law in Nigeria.

Lawlessness in the political arena also manifests in the brazen conduct of party affairs in defiance of internal rules and statutory prescriptions. Political parties, though voluntary associations, are subject to the discipline of the law when their actions affect civil rights and obligations of their members and others. Internal democracy is not a slogan; it is a legal imperative. The courts will not hesitate to intervene where party actions breach statutory or constitutional provisions.

A democracy cannot survive where those who seek to govern operate outside the law. The erosion of legal norms breeds instability, weakens institutions, and ultimately destroys public confidence in governance. The rule of law demands fidelity, not convenience; obedience, not opportunism.

In this wise, the survival of Nigeria's constitutional order depends on the unwavering commitment of its political class to legality. Politicians and political parties must be reminded, firmly and repeatedly, that power is held in trust, and that trust is conditioned upon strict adherence to the law. Any deviation is not merely a political misstep; it is a constitutional transgression that must attract the full weight of judicial sanction.

The 1st respondent's claim here goes beyond the internal affairs of the party. His right was violated and he called out on the 2nd respondent INEC which under the constitution and the Electoral Act has the duty of oversight and control of political parties. The relief sought against the said 2nd respondent was injunctive relative to the oversight duties of the 2nd respondent under the constitution and the Electoral Act. Where the acts complained of concern the performance of statutory or oversight obligations of a party to the suit such as the Independent National Electoral Commission (INEC), a claim for injunctive relief enforcing or restraining such acts transcends the realm of internal party affairs and becomes justiciable; accordingly, a plaintiff cannot be precluded from approaching the court to enforce compliance with statutory duties, as such matters implicate legal rights beyond mere

intra-party disagreements. That is what has crept into the claim of the 1st respondent in the instant case. There is therefore jurisdiction of the trial court in the circumstance. This was the position of the lower court. The lower court's judgment in that respect is right. The sole issue generated in this appeal is resolved against the appellant. The appeal is lacking in merit and will be dismissed.

In this appeal of the parties there is the serious and fatal finding of the lower court at pages 1965-1966 of the record. The lower court held as follows:

> **"On the Disobedience of Court Order; It is not disputed that after the trial court granted orders restraining the holding of the National Convention pending compliance with its directives, the Appellant proceeded to conduct the Convention. The rule of law presupposes obedience to court orders. An order of court, whether rightly of wrongly made, subsists and must be obeyed until set aside. See: State v. Solomon (2021) 13 NWLR (Pt. 1793) 301 (SC); 8. P.E. v. BFI Group Corp. (2025) 2 NWLR (Pt. 1976) 371; Fidelity Bank Plc v. SAGECOM Concepts Ltd. (2025) 9 NWLR (Pt. 1994) 435 (SC; Olowe v. Aluko (2025) 13 NWLR (Pt. 2003) 517 (SC). Self-help is not permissible under the rule of law as court orders must be obeyed. The disobedience of a subsisting court order amounts to a direct affront on the authority of the Court and cannot be condoned. The appellant proceeded with its National**

Convention on 15th and 16th November, 2025 in defiance of a valid subsisting order of the Federal High Court restraining the Convention. Where a party chooses obedience to an order of a court of coordinate jurisdiction over a subsisting order of the Federal High Court, the proper course is to resolve the conflict by judicial processes (appeal, stay application), not by unilateral action. Civil litigants cannot decide for themselves which court order to obey. See: Bukoye v. Adeyemo (2017) I NWLR (Pt. 1546) 173.

The appellant's argument that it chose to obey another order of a court of coordinate jurisdiction does not avail it. Where conflicting orders exist, the proper course is to approach the appellate court for clarification or stay, not to embark on self-help. The sanctity of judicial orders cannot be subjected to selective obedience. The conduct of the Convention in defiance of a subsisting order of the Federal High Court constitutes a flagrant act of contempt and an abuse of judicial process. Courts cannot fold their arms while their authority is ridiculed. It is settled that acts done in disobedience of a subsisting court order are liable to be nullified. A person who is in contempt of a subsisting court order is not entitled to be granted the court's discretion to enable him continue with the breach. This Court most strongly condemn the appellant's contemptuous conduct. A litigant who acts in defiance of a court order stands in defiance of the rule of law itself."

The appellant was not aggrieved by this so no ground of appeal was raised over it by the appellant in the notice of appeal before this court. The implication is that the appellant agrees with this part of the decision. The appellant and all the parties are bound by it. See - **Tomtec Nig. Ltd v. Federal Housing Authority (2009) LPELR – 3256 (SC); Ofunne & Ors. v. Okoye & Ors. (1966) LPELR – 25364 (SC).** It is sad that the scenario captured by the lower court happened. One may ask why is this issue raised *suo motu* in this appeal it is because I saw this issue captured extensively in the record of appeal before this court, while considering the instant appeal, and it is an issue of jurisdiction and abuse of court process. Furthermore, it is settled that it is not in all circumstances that a court raising an issue *suo motu* should call on parties to address it on the said issue or issues raised *suo motu* before resolving the issue. This issue was eloquently addressed by this Court in several cases which were referred to in the case of **IGP v. Achi (2024) LPELR – 61781 (SC),** where his lordship, Okoro, JSC, held thus:

> **"My lords, the general principle of law that states that an appellate Court, as well as other hierarchy of Courts, should not raise an issue, *suo motu*, and resolve same without affording the parties or their counsel the opportunity of addressing the Court on the issue so raised,**

like most legal principles, admits of exceptions. These exceptions have received the imprimatur of this Court in a behemoth of decided cases, namely Gbagbarigha v. Toruemi [2013] 6 NWLR (Pt. 1350) 289; Aderibigbe v. Abidoye [2009] 10 NWLR (Pt. 1 150) 592; Omokuwajo v. F.R.N. [2013] 9 NWLR (Pt 1359) 300; Edevie v. Orohwedor? (2022) LPELR- 58939 (SC), 12023] 8 NWLR (Pt. 1886) 219. See also Angadi v. PDP (201 8) LPELR - 44375 (SC), (2018) 15 NWLR (Pt 1641) 1; Comptoir Commercial and Ind S.PR. Ltd. v. O.G.S.W.C. (2002) FWLR (Pt. 105) 839, [2002] 9 NWLR (Pt. 773) 629; M.D. Kolawole and Ors v. A.-G., Oyo and 3 Ors. [2006] 3 NWLF3 (Pt. 966) 50.

In the case of Gbagbarigha v. Toruemi (supra), this Court, per Rhodes-Mviour, JSC, held at page 31 0, paragraphs C- G, as follows:
The well laid down position of the law is that when an issue is raised *suo motu* the parties should be heard before a decision is reached on the issue. This is what procedural fairness entails. See Kuti v. Balogun (1978) 1 SC p. 53; Ogiamien v, Ogiamien (1967) NMLR 246, (1967) SCNLR 31 1; Adeniji v. Adeniji (1 972) 4 SC 10; Iriri v. Erhurhobara (1991) 2 NWLR (Pt 173) 252, But there is an exception to this procedure. There would be no need to call on counsel to address the Court on an issue raised *suo motu* by the Judge-

1. When the issue relates to the Court's own jurisdiction;
2. When both parties are not aware or ignored a statute which may have a bearing on the case; or
3. When on the face of the record serious questions of the fairness of the

proceedings is evident. See Comptoir Commercial and Ind S.PR. Ltd. v. O.G.S.W.C. (2002) FWLR (Pt I05) 839, (2002) 9 NWLR (Pt. 773) 629; M. D. Kolawole and Ors v. A,-G., Oyo and 3 Ors (2006) 3 NWLFI (Pt 966) 50. Similarly, and more recently, in the case of Edevie v. Orohivedor (supra), this Court held at page 275, paras D-F, thus:

In any case, it is settled law, that it is not in all circumstances that raising an issue by a Court *suo motu* and the Court deciding the same without calling on parties to address it is fatal to a judgment based on the said issue or issues raised *suo motu*. See Angadi v. PDP (2018) LPELR 44375 (SC), (2018) 15 NWLR (Pt. 1641) 1, where this Court held that there would be no need to call on counsel to address the Court on an issue raised *suo motu* by the Judge in circumstances:

(a) when the issue relates to the Court's own jurisdiction;

(b) When both parties are not aware or ignored a statute which may have bearing on the case; or

(c) When on the face of the record serious questions of the fairness of the proceedings is evident. "

What happened as documented in the record of appeal is an abuse of the process of court and a threat to the due administration of justice in Nigeria. If we fold our hands my lords, and let it go, we may wake up one day and discover the irredeemable collapse of administration of justice in Nigeria.

To start with the appellant is a registered political party in Nigeria. A political party in Nigeria is not a club or a tea party. It is an association defined in Section 229, allowed by Sections 221 and 222 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) for the raising and election of leaders including the President, Vice-President, Governor, Deputy Governor or membership of a legislative House or of a Local Government Council. The appellant from the records before the court was sued by the 1st respondent one of its members before the Federal High Court, a court established under section 249 and listed in section 6(1) and (5)(c) of the 1999 Constitution of Nigeria (as amended), as one of the superior courts of record in Nigeria and one of the courts vested with the judicial powers of the Federation. This court was approached by the 1st respondent to make a claim of right against the appellant his Political party. The court heard his grievances and made orders inclusive of the one directing the appellant to suspend is scheduled Convention and serve the 1st respondent with a Form to enable the 1st respondent participate in the party election going to take place during the Convention. The appellant not only contemptuously ignored the order of the Federal High Court. The appellant did not go on appeal as is her right under the Constitution but went to

another High Court of coordination jurisdiction to obtain an order of that court, to override the existing order of the Federal High Court and carried on with the Party Convention. It was after holding that convention that the appellant now started pursuing the appeal to the lower court and now to this court. It is a fact that the appellant was challenging the jurisdiction of the Federal High Court so the issue of contempt can be kept in abeyance on the authority of the cases of: **Group Danone & Anor. v. Voltic (Nig.) Ltd. (2008) 7 NWLR (Pt. 1087) 637; Onwochei Odogwu v. Otemeoku Odogwu (1992) 2 NWLR (Pt. 225) 539(@ 554; INEC & Anor v. Oguebego & Ors. (2017) LPELR - 42609 (SC) @ 14-17 A-B.**

The recurring spectacle of calculated defiance of law and judicial authority by political actors in Nigeria must be condemned in the strongest possible terms. The rule of law is not an ornamental ideal to be invoked in rhetoric and discarded in practice; it is the foundational architecture upon which the legitimacy of governance rests. Once political parties and their actors begin to treat lawful processes as optional, the very essence of constitutional democracy is imperiled.

It is a grave aberration for politicians, who are the primary beneficiaries and custodians of the democratic order, to descend into conduct that undermines legality. The Constitution of the Constitution of the Federal Republic of Nigeria 1999 is supreme, and its provisions bind all persons and authorities without exception. Political expediency cannot override constitutional command. Any attempt to manipulate, circumvent, or outright disregard legal norms for partisan advantage constitutes a direct assault on the sovereignty of the law.

Particularly, reprehensible is the growing tendency of political parties to flout subsisting court orders, engage in forum shopping, or deploy procedural subterfuge to frustrate the course of justice. Such conduct is not merely irregular, it is subversive. The authority of the courts, once diminished, cannot be selectively restored. It is settled law that court orders, whether rightly or wrongly made, must be obeyed until set aside by due process. To act otherwise is to invite anarchy.

Generally, orders of a competent court must be obeyed as long as they subsist, if the authority and administration of the court are not to be brought into disrepute, scorn or disrespect.

They remain binding on parties thereto until set aside by a court of competent jurisdiction or declared null and void as the case may be. Thus, once a party knows of an order of the court, whether it be valid or not and whether regular or irregular or even perverse, he is obliged to obey it. **Komolafe v. Omole (1993) 1 NWLR (Pt.268) 213; Aladegbemi v. Fasanmade (1988) 3 NWLR (Pt.81) 129; Rossek v. African Continental Bank Ltd. (1993) 8 NWLR (Pt.312) 382; Adebayo v. Johnson (1969) 1 All NLR 176.**

Seriously, where a party refuses to obey a subsisting order of court, the court will not give him a hearing until such a time he purges himself of his contempt **F.A.T.B. v. Ezegbu (1992) 9 NWLR (Pt. 264) 132; Odogwu v. Odogwu (1992) 2 NWLR (Pt.225) 539**, The exceptions to the general rule that a party in content may not be heard are as follows:

(1) **where the party is seeking for leave to appeal against the order of which he is in contempt;**

(2) **where the opposition to the order is on the ground of lack of jurisdiction;**

(3) **where the contemnor is seeking to be heard in define. of the order;**

(4) **where it can be shown that there were certain procedural irregularities in the**

making of the orders which irregularities make the order unsustainable.

The instant case is outside these exceptions. The appellant did not take the order contemptuously disobeyed immediately to the court of appeal but went to a court of co-ordinate jurisdiction to secure an order overriding the order of the Federal High Court. It was after the Convention that the appellant now came to the appeal court. The question is what again did the appellant want the Court of Appeal to do? To review the order, he disobeyed and egregiously went to the court of coordinate jurisdiction to secure an order countering the original existing order of the court? What this is, is nothing but an abuse of process ridiculing the due administration of justice in Nigeria. Contempt of court is not as horrifying as an abuse of the process of court. In clear terms what is grievous here is the act of abuse and interfering with the due process of administration of justice. This type of abuse of court process is unpardonable.

Abuse of court process is a grave procedural vice which strikes at the very root of the administration of justice and cannot be tolerated by any court of law. It connotes the improper use of judicial machinery by a party in litigation, aimed not at the bona fide ventilation of a legitimate

grievance, but at harassing, irritating, or oppressing the adversary, or at frustrating the due process of the court.

The courts have consistently deprecated, in the strongest possible terms, any conduct that amounts to abuse of process. Where a party engages in multiplicity of actions on the same subject matter against the same parties, or institutes parallel proceedings in different courts with a view to securing a favourable forum, or employs judicial processes for ulterior or collateral purposes, such conduct constitutes a flagrant abuse of court process and an affront to the dignity and authority of the court.

It is settled law that once an abuse of court process is established, the court is not only entitled but duty-bound to invoke its inherent jurisdiction to prevent the misuse of its process. This includes the power to dismiss or strike out the offending action, as the justice of the case may demand. The rationale is simple: the court will not lend its machinery to a litigant who seeks to pervert it. See the case of **Main Street Ban Registrars Ltd v. Temitope O. Oshinugo & Ors. (2024) LPELR – 62980 (SC) and the cases of – Dingyadi v. INEC (No. 1) (2010) 18 NWLR (Pt. 1224) 1 SC; Oyegun v. Nzeribe (2010) 7 NWLR (Pt. 1194) 577 (SC); Narigha v. PDP (2013)**

All FWLR (Pt. 696) 414 (SC); Ikechukwu v. Nwoye (2015) 3 NWLR (Pt. 1446) 367 (SC); Brittania-U Nig. Ltd v. Seplat Pet. Dev. Co. Ltd. (2016) 4 NWLR (Pt. 1503) 541; Alafia v. Gbode Ventures Ltd (supra); Ezenwo v. Festus (No. 1) (2002) NWLR (Pt. 1750) 324 (SC), referred to in the judgment of my lord M.L. Garba, JSC.

Accordingly, any litigant who engages in abuse of court process does so at his peril. The court must, in clear and unmistakable terms, condemn such conduct and take decisive steps to preserve the integrity of the judicial system. Abuse of court process is not a mere irregularity; it is a fundamental defect that robs the proceedings of legitimacy and renders them liable to summary termination.

The appellant abused the process of the court to conduct the party Convention. The Party Convention of the appellant conducted on 15th and 16th November, 2025, in defiance of the subsisting order of the Federal High Court in its Judgment delivered on the 14th day of November, 2025, in **Suit No: FHC/ABJ/CS/2299/2025**, is null, void and of no effect and consequence. It is accordingly nullified.

Having resolved the only issue raised against the appellant, the appeal is lacking in merit.

The appeal is accordingly dismissed.

Parties are to bear their respective costs.

Appeal Dismissed.

Cross-Appeal:

The Cross-Appeal is in the circumstance of the decision in the main appeal, dismissed.

Cross-Appeal Dismissed.

STEPHEN JONAH ADAH
JUSTICE, SUPREME COURT

Certified True Copy
Obioma D. Ibenge-Oloto
(Mrs.) 8/5/26
REGISTRAR
SUPREME COURT OF NIGERIA

APPEARANCES:

Paul Erokoro, SAN, Eyitayo Jegede, SAN, T.J. Aondo, SAN, **with them are** – E.E.E. Ekere, Esq., Ugochi Igwenyi, Esq., E.N. Igu, Esq., E. Agerea, Esq., and I.I. Wuny Esq., **for the Appellants.**

Jeph Njikonye, SAN, **with** Ewere A. Aliemeka, Esq., Chinonso L. Obasi, Esq., A.G. Sampson-Orji (Mrs.) and S.C. Iroha, Esq., **for the 1st Respondent**.

O.A. Adeyemi, Esq., **with** Kingsley, Esq., Magbuin, Esq., **for the 2nd Respondent.**

J.B. Daudu, SAN, Adebayo Adedeji, SAN, **with them are** – Gbenga Makanjuola, Esq., E.C. Onyekwere, Esq., Shuaibu Muhammed, Esq., Aishetu Isa Esq., C.E. Onwere, Esq., for the 3rd to 5th Respondent.

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON THURSDAY THE 30TH DAY OF APRIL, 2026
BEFORE THEIR LORDSHIPS

MOHAMMED LAWAL GARBA	**JUSTICE, SUPREME COURT**
CHIOMA EGONDU NWOSU-IHEME	**JUSTICE, SUPREME COURT**
HARUNA SIMON TSAMMANI	**JUSTICE, SUPREME COURT**
STEPHEN JONAH ADAH	**JUSTICE, SUPREME COURT**
ABUBAKAR SADIQ UMAR	**JUSTICE, SUPREME COURT**

SC/CV/164/2026

BETWEEN

PEOPLES DEMOCRATIC PARTY ..... **APPELLANT**

AND

1. **ALHAJI SULE LAMIDO**
2. **INDEPENDENT NATIONAL ELECTORAL COMMISSION.**
3. **HON. AUSTINE NWACHUKWU**
4. **HON. AMAH ABRAHAM NNANNA**
5. **TURWAH ALABH GEORGE**

RESPONDENTS

DISSENTING JUDGMENT
(DELIVERED BY HARUNA SIMON TSAMMANI, JSC)

This appeal is against the Judgment of the Court of Appeal, Abuja Division delivered on the 9th day of March, 2026, Coram: M. A. Danjuma, Uchechukwu Onyemenam and M. Mustapha, JJCA in Appeal No. CA/ABJ/1695/2025.

The decision that gave birth to the judgment subject of this appeal originated from the suit filed at the Federal High Court, Abuja Division.

The Suit was initiated by an Originating Summons wherein, the 1st Respondent as Plaintiff posed the following questions for determination, to wit:

1. ***Whether the 1st Defendant, that is the Peoples Democratic Party is not legally bound to adhere to its Constitution and Guidelines in the conduct of its affairs including in the conduct of election into its National Offices, especially in the Office of the National Chairman of the Party Scheduled by the Party through its National Executive Committee for the 15th and 16th November, 2025; or any other date the Party may determine.***

2. ***Whether by the Constitution of the Peoples Democratic Party (PDP) and the Party Guidelines, the PDP is not under Obligation to create opportunities for its members, including the Plaintiff, to serve by putting in place deliberate measures aimed at enabling any party member including (the Plaintiff), who is eligible to contest for any of the Party Offices including the position of the National Chairman of the Party to realize his aspiration.***

3. ***Whether the 1st Defendant is not in breach of its Constitution and Guidelines by deliberately denying the Plaintiff Nomination Form for election into the office of the National Chairman of the Party scheduled by the party through its National Executive Committee for the 15th and 16th November, 2025; or any other date the Party may determine.***

That if the above stated questions are answered or resolved in favour of the Plaintiff/1st Respondent, he is entitled to the following reliefs:

i. ***A DECLARATION that the 1st Defendant, that is, the People's Democratic Party is legally bound to adhere to its Constitution and Guidelines in the conduct of its affairs including in the conduct of elections into its National Offices, especially the Office of the National Chairman of the Party scheduled by the Party's National Executive Committee for the 15th and 16th November, 2025 or any other date the party may determine.***

ii. ***A DECLARATION that by the Constitution of the People's Democratic Party (PDP) and the Party Guidelines, the PDP is under obligation to create***

opportunities for its members, including the Plaintiff, to serve by putting in place deliberate measures aimed at enabling any party member (including the Plaintiff) who is eligible to contest for any of the party offices, including the position of the National Chairman of the Party to realize his aspiration.

iii. *A DECLARATION that the 1st Defendant is in breach of its Constitution and Guidelines by deliberately denying the Plaintiff Nomination Form for election into the office of the National Chairman of the Party scheduled by the party through its National Executive Committee for the 15th and 16th November, 2025 or any other date the party may determine.*

iv. *AN ORDER OF MANDATORY INJUNCTION compelling the 1st Defendant to make available to the Plaintiff for purchase, Nomination Form for election into the office of the National Chairman of the Party scheduled by the Party through its National Executive Committee for the 15th and 16th November, 2025 or any other date the party may determine.*

v. ***AN ORDER OF COURT prohibiting the 2nd Defendant from supervising or in any manner whatever, aiding or recognizing the 1st Defendant's conduct of election into the office of the National Chairman of the 1st Defendant until the 1st Defendant makes available for purchase, to the Plaintiff and all other eligible party members who desire to contest, Nomination Form for election into the office of the National Chairman of the Party scheduled by the party through its National Executive Committee for the 15th and 16th November, 2025 or any other date the party may determine.***

The Originating Summons was supported by an Affidavit of 25 paragraphs deposed to by the Plaintiff/1st Respondent. Attached to the Summons were some documents marked as Exhibits 1 – 5. It is further supported by a Written Address of eleven (11) pages.

In opposition to the Originating Summons, the 1st Defendant (Appellant), the People's Democratic Party filed a Counter-Affidavit of six (6) paragraphs deposed to by one Felix Kpekya a Litigation Secretary in the Chambers of O.A. Dada, SAN of counsel. A Written Address of nine (9) pages was filed along with the 1st Defendant's (Appellant's)

Counter-Affidavit. The 2nd Defendant (INEC), now 2nd Respondent also filed a Counter-Affidavit deposed to by one Johnson Sule an Assistant Executive Officer in the employment of the 2nd Respondent. A Written Address was also filed along with same. In the course of the proceedings, the 3rd, 4th and 5th Respondents were joined by leave of the trial court as the 3rd, 4th and 5th Defendants. The learned trial Judge heard the suit, and in a considered judgment delivered on the 31st day of October, 2025, resolved all the issues in favour of the Respondents herein and granted all the reliefs sought. The Appellant's appeal to the Court of Appeal was dismissed and the judgment of the trial court affirmed. Still undaunted, the Appellant filed this appeal before us.

The Notice of Appeal consisting of two Grounds of Appeal was filed on the 17/3/2026. The parties, in due fidelity with the Rules of this Court, filed and exchanged Briefs of Arguments. The Appellant's Brief of Argument was filed on the 02/4/2026 wherein only one issue was raised for determination as follows:

> ***"Was the lower court not in error when it held that the 1st Respondent's claim which centered on the Appellant's failure to sell a nomination form to the 1st Respondent to***

enable him contest for the office of National Chairman, is one that is justiciable and within the jurisdiction of the trial court".

(Grounds 1 and 2)

The 1st Respondent's Brief of Argument was filed on the 13/4/2026, and like the Appellant, the 1st Respondent raised only one issue for determination as follows: -

"Whether having regard to the questions for determination and the reliefs sought by the 1st Respondent at the trial court, which concern the Appellant's violation of its Constitution and Guidelines to the detriment of the 1st Respondent, the Court of Appeal was right to have affirmed that the learned trial court had, in such circumstances, the jurisdiction to hear and determine the 1st Respondent's suit and to discountenance the contention that the 1st Respondent did not exhaust the internal dispute resolution mechanism of the Appellant/

(Grounds 1 and 2).

The 2nd Respondent's Brief of Argument settled by Sulayman O. Ibrahim, SAN was filed on the 17/4/2026, wherein only one issue was distilled for determination as follows:

"Whether the Lower Court was right when it affirmed the decision of the trial court and dismissed the Appellant's Appeal for lacking in merit?

(Distilled from Grounds 1 and 2).

The 3rd – 5th Respondents' Brief of Arguments was filed on the 17/4/2026. Therein, one issue was raised for determination as follows:

"Whether the Court of Appeal was right to have affirmed the decision of the Trial Court which assumed jurisdiction and granted the 1st Respondent's claims, on the ground that the Appellant's breach of its own Constitution and Guidelines regarding the conduct of it's National Convention constitutes a justiciable exception to the doctrine of internal affairs of a political party?

(Distilled from Grounds 1 and 2).

Before I proceed, let me remind myself that the 2nd Respondent raised and argued a Notice of Preliminary Objection at pages 5 – 16 of his Brief of Arguments. The 3rd – 5th Respondents also filed a Notice of Preliminary Objection on the 17/4/2026 and same was duly argued at pages 10 – 13 of their Brief of Argument also filed on the 17/4/2026.

I have carefully and soberly read the resolution of the issues by my learned brother, ***Stephen Jonah Adah; JSC*** on the Preliminary

Objections. I agree with the conclusion arrived at by my learned brother that both Preliminary Objections are unmeritorious. They are accordingly refused and dismissed.

I have also deligently read and reflected on the reasoning and conclusion arrived at by my learned brother that this appeal has no merit. Having thus considered, I am with the greatest respect, unable to concur with the reasoning of my learned brother on the issue of jurisdiction of the trial court to determine on the cause of action placed before the trial court for adjudication. In other words, after a sober reflection on the entire circumstances, I am unable to dismiss this appeal for reasons to be adumbrated in the course of this judgment.

Now, let me discuss the issue raised for determination in this appeal. Ultimately, the sole issue that calls for consideration is whether the complaint of the 1st Respondent which bothers on the refusal of the Appellant to sell a Nomination Form to the said 1st Respondent to enable him contest for the office of National Chairman of the Appellant is one that is justiciable and therefore, within the jurisdiction of the trial court. Learned Senior Counsel for the Appellant argued the issue at pages 5 – 17 of the Appellant's Brief of Argument filed on the 02/4/2026.

Learned counsel for the Appellant, argued in the main, that jurisdiction is a threshold issue and gateway through which a litigant can access the court and have his matter determined. The cases of ***A.G; Federation of Nigeria v. A. G. Anambra State (2019) All FWLR (Pt. 103) 1 at 25 – 26; OSHA v. Ogundeji (2025) 16 NWLR (Pt. 2011) 391 at 424 – 425; Tukur v. Gov't of Gongola State (1989) 6 NWLR (Pt. 117) 517 at 541 – 542; Manasseh v. Goshwe (2024) 6 NWLR (Pt. 1934) 203 at 243; Ahmed v. Ahmed (2013) 15 NWLR (Pt. 1377) 274 at 336 – 348; Madukolu v. Nkemdilim & Ors. (1962) 2 SCNLR 341*** were referred to. The conclusion of the trial court at page 1695 of vol. 3 of the record of appeal was also referred to in submitting that, the 1st Respondent's claim before the trial court was outside the jurisdiction of the Federal High Court, because, the 1st Respondent's claim was primarily against the Appellant, a political party. That the only relief out of the five reliefs sought, was against the 2nd Respondent (INEC), which is a consequential order of injunction grantable only upon the success of the four (4) principal reliefs.

Learned Senior Counsel for the Appellant then referred to the three (3) questions posed for determination by the 1st Respondent, to further

submit that, the 1st Respondent's claim is against his political party (the Appellant), which are claims outside the jurisdiction of the Federal High Court. A plethora of cases, such as ***Manasseh v. Goshwe (supra) at 243; Tukur v. Govt' of Gongola State (supra); Ogbebor v. INEC (2018) 6 NWLR (Pt. 1614) 1 at 21 – 22; Egbuonu v. Bornu Radio, Television Corporation (1997) LPELR – 1040 (SC); Kakih v. Peoples Democratic Party (2014) 15 NWLR (Pt. 1430) 374; WAEC v. Folorunsho (2025) 17 NWLR (Pt. 2014) 283 at 304 – 305*** and ***Ohakim v. Agbaso (2010) 19 NWLR (Pt. 1226) 172 at 236 -237*** were cited in support. That the Federal High Court is a Court of special jurisdiction as circumscribed by Section 251(1) of the 1999 Constitution; and as prescribed by an Act of the National Assembly. The case of ***ROC Ltd. v. University of Nigeria (2018) All FWLR (Pt. 938) 1924 at 1943 para. G – H*** was referred to.

Learned Senior Counsel also cited the cases of ***Ohakim v. Agbaso (supra) at 236 – 237 paras. G – D; Bababe v. FRN (2019) 1 NWLR (Pt. 1652) 100 at 120*** and ***Ahmed v. Ahmed (supra) at 336 paras. A – F***, to submit that, it is not sufficient to merely include the Federal Government or any of its agencies as a defendant. The cases of ***Kakih v PDP (2014) 15 NWLR (Pt.1430) 374 at 414; Tukur v Gov't of Gongola State***

(supra); PDP v Sylva (2012) 13 NWLR (PT. 1316) 85; Gafar v Gov't of Kwara State (2007) LPELR-8073 (SC); Precision Ass. Ltd v Fed. Min. of Finance (2025) 14 NWLR (Pt. 2004) 175 at 204 – 205; Oluyemi v FHA (2023) 3 NWLR (Pt 1872) 445 at 485 and ***Ogbebor v INEC (supra) at 21-22*** were then cited to submit that, the Federal High Court can only exercise jurisdiction where the entire claim or principal claim is one within its jurisdiction.

Learned Counsel for the Appellant went on to submit that, neither section 285(9) nor 6(6) (a) of the 1999 Constitution relied on by the lower court, vest jurisdiction in the Federal High Court to adjudicate on the claim of the 1st Respondent. That Section 285(9) of the Constitution relate to pre-election matters. That the 1st Respondent's suit does not relate to pre-election matters as defined in Section 285(14) of the Constitution while the instant claim relates to a person seeking a leadership position in a political party. The cases of ***Onuoha v Okafor (1983) 14 NSCC 494; APC v Moses (2021) 14 NWLR (Pt.1796) 278 at 321; Manasseh v Goshwe (supra); Jegede v INEC (2021) 14 NWLR (Pt. 1797) at 562; Anyanwu v Emmanuel (2025)14 NWLR (Pt.2006) 531; Oye v Odidan (2025) 19 NWLR (Pt. 2020) 263 at 288*** and ***Oni v***

Oyebanji (2023) 13 NWLR (Pt. 1902) 507 at 546 were also cited to stress, that issues touching on the management of a political party or contest to occupy the office of Chairman, or any other office in a political party are outside the jurisdiction of the Federal High Court. That the case of ***Oni v Oyebanji (supra)*** referred to by the lower Court is not apposite to the facts of this case, as it was a case on the nomination or sponsorship of a candidate for elective public office, which is regulated by Section 285(14) of the 1999 Constitution

Learned Counsel for the Appellant went on to submit that, the 1st Respondent's claims in the Originating Summons, particularly the questions posed for resolution, the reliefs sought, and the facts deposed in the Affidavit in support is simply an agitation to occupy the office of the National Chairman of the Appellant (PDP). That, the law as espoused in the cases of ***Suleiman v APC (2023) 5 NWLR (Pt.1877) 211 at 253; Jegede v INEC (supra) at 562 – 563 para. H-B; Onuoha v Okafor (1983) 2 SCNLR 244 at 254 and Ufomba v INEC (2017) 13 NWLR (Pt.1582) 175,*** is that, any political question and quest for leadership position within a party, is a "nogo area" for our Courts. That a Court can only intervene in respect of nomination and sponsorship of

candidates for election into public office by a political party as defined by Section 285 (14) of the 1999 Constitution. That, despite the numerous decisions in this settled area, the Court below, still proceeded to affirm the decision of the trial Federal High Court on a purely intra-party or domestic dispute in a political party.

Learned Counsel for the Appellant went on to submit that, assuming without conceding, that the subject matter of the 1st Respondent's claim was justiciable, the suit will still not be competent by reason of the 1st Respondent's failure to comply with the mandatory internal dispute resolution mechanism prescribed by the Constitution of the 1st Respondent. The case of ***Yalewa v Shafarma (2025) LPELR-83091 (SC)*** was then cited to further submit that, where a statute, or Constitution of an association has provided a condition precedent for the institution of an action, such condition must be fulfilled before a Court can assume jurisdiction. That where such condition precedent is not satisfied, the action is incompetent and the Court will be robbed of jurisdiction ***ab initio***. That in the instant case, the 1st Respondent who alleged denial of nomination form and breach of the Appellant's constitution, failed, neglected and/or refused to activate and/or exhaust

the said internal dispute resolution mechanism before approaching the Court. That the failure rendered the action premature and incompetent.

The response of the 1st Respondent is at pages 16-41 of the 1st Respondent's Brief of Argument. Therein, learned Senior Counsel contended that, the Court below was right in affirming the trial Court's jurisdiction to determine the 1st Respondent's suit which complained of the Appellant's infractions and violation of its Constitution and Guidelines in a manner that directly affected the 1st Respondent's right to vie for the office of National Chairman of the Appellant. That, the Appellant's refusal to make available the Nomination Form to the 1st Respondent who is not just a member but financially up-to-date member was a brazen violation of Article 6.6 (v) (2) (3) of the Appellant's Guidelines.

Learned Counsel then contended that, by Section 2 of the Appellant's Constitution, its provisions are binding on all members and organs of the party, therefore, a political party cannot be allowed to act arbitrarily, especially where the rights of its members will be adversely affected. That, in the circumstances, it became necessary for Courts to interfere where political parties act in violation of the Constitution of the

Federal Republic of Nigeria, the Electoral Act, or its own Constitution and Guidelines. The case of ***Agi v P.D.P. & Ors (2016) 12 NWLR (Pt. 1527) 1 at 37-38 paras. F-A*** was referred to. Furthermore, that Section 6(6) (b) of the 1999 Constitution has vested judicial powers in the Courts for determination of civil rights and obligations of citizens. The cases of ***Magaji v A. P. C. (2024) 1 NWLR (Pt. 1918) 1 at 41-42; Uzodinma v Izunaso (No.2) (2011) 17 NWLR (Pt.1275) 30 at 60-61*** and ***APC v Karfi (2018) 6 NWLR (Pt. 1616) 479 at 526 paras. A-B*** were also referred to.

Learned Counsel for the 1st Respondent also submitted that, the Constitution of a Political Party and the Guidelines of the party constitute a contract between the party and its members, breach of which would entitle the aggrieved member to judicial relief. The case of ***Manasseh v Goshwe (2024) 6 NWLR (Pt. 1934) 203*** was cited in support. The cases of ***Akpatason v Adjoto & Ors (2019) LPELR-48119(SC)*** and ***Nasiru Dambram Abubakar v Hajiya Laila Salisu Buhari & Ors (2023) LPELR-60108 (SC)*** were also referred to, and to submit that, the violation of the party Constitution by the Appellant was by implication undemocratic and a violation of the 1999 Constitution. That the

Appellant had a duty to avail the 1st Respondent the opportunity to exercise his right to participate in the election.

It was therefore argued by the 1st Respondent that, the cases of ***APC v Moses (2021) 14 NWLR (Pt. 1796) 278; Onuoha v Okafor (1983) 4 NSCC; Jegede v INEC (2021) 14 NWLR (Pt. 1797)409*** are not apposite to the facts of this case. The case of ***Uzodinma v Izunaso (No.1) (2011) 17 NWLR (Pt.1275) 30 at 60*** was then cited to submit that, once there is evidence that a political party has violated its own constitution or has acted arbitrarily, the Court would intervene. That in the instant case, the case of the 1st Respondent centers on the violation of the Appellant's Constitution which affected his eligibility to seek election to elective position contrary to Section 223 (1) (a) of the Constitution, Sections 2 and 6(1) of the Appellant's Constitution and Article 6 of its Guidelines. The case of ***Magaji v A. P. C. (2024) 1 NWLR (Pt. 1918) 1 at 41-42 paras. G-B*** was then referred to. That in that respect, the cases of ***Suleiman v APC (supra); Jegede v INEC (2021) 14 NWLR (Pt.1797) 409; Manasseh v Goshwe (supra)*** and ***Anyanwu v Emmanuel (supra)*** referred to by the Appellant are distinguishable from the facts of this case.

Learned Counsel then contended that, the doctrine of "internal affairs" of political parties is not intended to oust the jurisdiction of Courts where parties act arbitrarily. Furthermore, that the 1st Respondent sought an injunction prohibiting the 2nd Respondent, an agency of the Federal Government, from supervising the Appellant's convention. That in that respect, the reliefs sought by the 1st Respondent properly situated the cause of action within the parameters of Section 251(1) (r) of the Constitution, therefore, vesting on the Federal High Court with the jurisdiction to determine the suit and grant the reliefs sought.

On the issue of failure of the 1st Respondent to exhaust the internal dispute resolution mechanism of the Appellant, learned Counsel relied on the cases of ***Okoli v Uden (2008) 10 NWLR (Pt. 1095) 213 at 261 paras. A-D; Magaji v A. P. C. (2024) 1 NWLR (Pt.1918)1 at 41-42 paras G-B; Hon. Joshua M. Ishaku v All Progressives Congress & 2 Ors.*** unreported appeal ***No. SC/CV/35/2025*** delivered on the 16/2/2026 to submit that, the 1st Respondent could not resort to the Appellant's internal dispute resolution mechanism because, as found by the trial court, the party was polarized, therefore there was no structure on ground

to resolve any internal dispute. The case of ***Jonathan v. INEC (2025) 3 NWLR (Pt. 1978) 1*** was then relied on in support of this submission.

Learned counsel for the 1st Respondent went on to submit that, assuming that there was such mechanism on ground, it was impracticable for the 1st Respondent to conclude the procedure before the scheduled date for the convention billed for the 15th and 16th November, 2025. The case of ***Hon. Joshua M. Ishaku v. All progressives Congress & 2 Ors. (supra)*** was then referred to. The case of ***Bako v. Nungwa (2019) 1 NWLR (Pt. 1654) 395 at 435*** was then cited to submit that, the provision of the Constitution cannot oust the jurisdiction of courts to entertain a matter nor prevent an aggrieved party from seeking remedy from a court of competent jurisdiction. We were accordingly urged to resolve the lone issued raised in this appeal against the Appellant.

The 2nd Respondent argued this appeal at pages 6 – 12 of the said 2nd Respondent's Brief. Therein, counsel argued in the main that, the 2nd Respondent has constitutional and statutory duty to regulate the activities of the Appellant and ensure that parties comply with the provisions of the Constitution of the Country, the Electoral Act, the

Constitution of the Party and Regulations/Guidelines of the Party. That in the circumstances, the Appellant's contention that the refusal to sell nomination form is a non-justiciable domestic affair of the party (Appellant) is misconceived. Learned counsel conceded that intra-party leadership dispute may be non-justiciable but where there is a flagrant breach of the party's own Constitution and Guidelines, as in the instant case, the courts have jurisdiction to intervene. The cases of ***Magaji v. APC (2024) 1 NWLR (Pt. 1918) 1 at 41 – 42*** and ***Hon. Joshua M. Ishaku v. All Progressives Congress & 2 Ors. In Appeal No. SC/CV/35/2025*** delivered on the 16/2/2026 was referred to in urging us to affirm the decision of the trial court that the Appellant was wrong in denying the 1st Respondent the right to purchase the Nomination Form contrary to Article 9.0(h) of the Appellant's Guidelines.

On the issue of whether the 1st Respondent exhausted the internal dispute mechanism, learned counsel referred to the cases of ***Orainzi v. Attorney-General of Rivers State (2017) 6 NWLR (Pt. 1561) 224 at 288; Okoli v. Udeh (2008) 10 NWLR (Pt. 1095) 224 at 288*** to submit that the 1st Respondent had the locus standi to institute the action. That in the circumstance there was the need to hold the Appellant accountable

and to bear true allegiance to its constitution. The case of ***Christian v. Innocent & Ors. (2023) LPELR – 60589 (SC)*** was then cited to submit that when a political party acts in its own interest and goes contrary to the law, the court has jurisdiction to intervene, even where it is domestic or internal affairs.

The argument of the 3rd – 5th Respondents is contained at pages 14 – 27 of the said 3rd – 5th Respondents' Brief of Argument. Therein, J. B. Daudu, SAN of learned counsel for the 3rd – 5th Respondents began by contending that, courts have no power to expand the jurisdiction conferred on them, but they have been enjoined to guard their jurisdiction zealously and jealously. That, they have the power to determine whether or not they have jurisdiction. The case of ***Agbakoba v. INEC (2008) 18 NWLR (Pt. 1119) 489 at 571 paras. D – E*** was referred to. That in determining whether or not they have jurisdiction, they will consider the reliefs sought, therefore, whenever the relief sought comes within jurisdiction of the court, the court will assume jurisdiction. The cases of ***Onwudiwe v. FRN (2006) 10 NWLR (Pt. 988) 382 at 428*** was referred to.

Learned Senior counsel referred to the case of ***Mai-Jega v. Haruna & Ors. (2025) LPELR – 81021 (SC)*** to submit that, it is the Plaintiff's claim that determines the jurisdiction of the court. That a review of the 6 reliefs sought by the Plaintiff (1st Respondent) show that all the reliefs are targeted at preventing unjustified, illegal, unlawful and unconstitutional breach of the Appellant's Constitution, Guidelines and Statutory Obligation which the 2nd Respondent (an agency of the Federal Government) has a duty to uphold and ensure compliance with its resolutions.

Learned counsel for the 3rd -5th Respondents then submitted that, while it is the law that internal affairs of political parties, including the management, administration and leadership of the party are non-justiciable, the principle is not absolute. That in appropriate circumstances such as breach of the Constitution and Guidelines of the party, the court can invoke its jurisdiction. The cases of ***Magaji v. APC (2024) 1 NWLR (Pt. 1918) 1 at 41 – 42; Hon. Joshua M. Ishaku v. All Progressive Congress & 2 Ors.*** Unreported ***Appeal No. SC/CV/35/2025*** delivered on the 16/2/2026 and ***Gana v. PDP (2019) 11 NWLR (Pt. 1684) 510*** were then cited to submit that, the instant appeal does not

relate to the internal affairs of the Appellant but instituted to enforce the internal democracy and supremacy of the Appellant's Constitution.

Learned counsel for the 3rd – 5th Respondents went on to submit that, once a political party operates under a Constitutional and Statutory framework that requires mandatory INEC oversight, especially in the face of regulations authorizing INEC's intervention, monitoring, and declaration of invalidity, the issue of internal affairs no longer applies.

Learned counsel for the 3rd – 5th Respondents went on to submit that, the 1st Respondent's case before the trial court was hinged on breach of the Appellant's Constitution and Guidelines, which denied an eligible member access to nomination forms to enable him contest for the office of National Chairman of the party. That where a political party acts in violation of its own rules, the courts are duty bound to intervene in order to uphold legality and the rule of law, and that same cannot be waived off on the basis of internal affairs of a political party. Referring to the cases of ***Onuoha v. Okafor (1983) 2 SCNLR 244*** and ***Dalhatu v. Turaki (2003) 15 NWLR (Pt. 843) 310***, learned counsel submitted that, the principles of internal affairs of political parties has been modified and subjected to Constitutional and Statutory adjustments such as Sections

221 – 229 of the Constitution of the Federal Republic of Nigeria, 1999 (as altered), and Sections 82 and 83 of the Electoral Act, 2026, and Guidelines made to the extant Electoral Act in order to ensure internal democracy in political parties.

Learned counsel also contended that while internal affairs of political parties are generally non-justiciable, there are exceptions to the doctrine as decided by this court in ***Lau v. PDP (2018) 4 NWLR (Pt. 1608) 60 at 126*** and ***Akpatason v. Adjoto (2019)14 NWLR (Pt. 1693) 501 at 515*** and ***Mato v. Hember (2018) 5 NWLR (Pt. 1612) 258 at 297.*** That the internal affairs doctrine does not apply where the complaint is anchored on the violation of the party's own rules. That in the instant case, the 1st Respondent's case before the trial court clearly falls within the exceptions to the internal affairs doctrine as it was based on the breach of the Appellant's Constitution and Guidelines which the 1st Respondent was denied the opportunity to purchase nomination form.

On the issue of exhaustion of internal dispute resolution mechanism enshrined in the Constitution of the Appellant, learned counsel contended that, the doctrine is not absolute as there may be circumstances where a party may be excused from exhausting internal

remedies before approaching the court. The cases of ***Orianzi v. A. G; Rivers State (2017) 6 NWLR (Pt. 1561) 224 at 288 paras. C – G*** and ***Lau v. PDP (supra)*** were then cited to submit that, the Court of Appeal found, quite rightly that, given the multiplicity of factions within the Appellant and the imminent timeline of the proposed National Convention, insisting that the 1st Respondent exhaust internal party remedies would have been illusory and oppressive. On that note, we were urged to resolve the sole issue in this appeal against the Appellant, and dismiss the appeal.

Now, having carefully read the submissions of counsel and the judgments of the two courts below, I am of the view that, two profound issues called for resolution in this appeal. These are the issue of internal or domestic affairs of political parties, and whether they are justiciable. The Appellant also contended that, the Federal High Court had no jurisdiction to determine the suit because, the claims of the 1st Respondent does not relate to any action affecting the validity of any executive or administrative action or decision by the Federal Government or any of its agencies. That in any of these instances, the

trial court had no jurisdiction to hear and determine the 1st Respondent's claims.

Let me begin by stating that, where a Defendant challenges the jurisdiction of a court, he is saying that the court has no vires or authority to hear and determine the suit initiated against him. It therefore means that, jurisdiction is the authority a court of law has to entertain and decide a matter brought before it. It is the power of a court to decide a matter in controversy and it presupposes the existence of a valid cause of action and a duly constituted court with control over the subject matter and also the parties. See ***Alloke v. Oye (2018) 18 NWLR (Pt. 1651) 249 at 260; Madukolu v. Nkemdilim (1962) 2 SCNLR 341; Skenconsult Nig. Ltd. V. Ukey (1981) 1 SC 6*** and ***PDP v. Okorocha & Ors. (2012) 15 NWLR (Pt. 1323) 205***. Thus, in the case of ***Shetta – Bey v. Attorney -General, Federation (1998) 10 NWLR (Pt.570) 392***, this court defined jurisdiction as follows:

> ***"It is authority a court of law has to entertain and decide a matter brought before it by litigants. It embraces every kind of judicial action be it criminal, civil and what nots. It is the power of court to decide a matter in controversy and it presupposes the existence of a duly constituted***

court with control over the subject matter and the parties".

A court will be said to have jurisdiction where:

a. ***the subject matter of the case is within the jurisdiction of the court and there is no feature in the case which prevents the court from exercising jurisdiction.***

b. ***the court is properly constituted as regards members and their requisite qualification and no member is disqualified for one reason or the other; and***

c. ***the case comes before the court initiated by the due process of law and upon fulfillment of any condition precedent to the exercise of jurisdiction.***

In the instant case, the first complaint of the Appellant is that the issue raised by the 1st Respondent does not affect any administrative or executive action of any agency of the Federal Government. That though INEC, an agency of the Federal Government is a party, the 1st Respondent did not make any complaint against the 2nd Respondent, and that the complaints of the 1st Respondent is directed at the action or inaction of the Peoples Democratic Party (PDP) which is not an agency of the Federal Government. That in that respect, the suit filed by the 1st

Respondent cannot be situated under Section 251(1)(r) of the 1999 Constitution of the Federal Republic of Nigeria (as amended). The said Section 251(1)(r) of the Constitution states that:

> ***"251(1) 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 –***
>
> ***(r) 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".***

Now, for a matter to fall under the exclusive jurisdiction of the Federal High Court, both the parties and the subject matter of the suit must be considered. Therefore, both the status of the party or parties (whether it is the Federal Government or any of its agencies) and the subject matter of the claim (whether it relates to any of the enumerated items in Section 251(1) (a) – (s). In other words, even where the party is an agency of the Federal Government but the cause of action does not

fall within the enumerated items in Section 251(1) of the 1999 Constitution, the Federal High Court will not be seised of jurisdiction over the matter. Therefore, in considering the issue of jurisdiction of the Federal High Court, both the status of the parties and the subject matter of the claim have to be scrutinized. See ***Wema Securities and Finance Ltd. v. Nigeria Agricultural Insurance Corporation (2015) 16 NWLR (Pt. 1484) 93; Ahmed v. Ahmed (2013) 15 NWLR (Pt. 1377) 274 NWLR (Pt. 1394) 256*** and ***Abdulraheem & Ors. V. Oduleye & Ors. (2019) LPELR – 48892 (SC).*** Thus, in ***Rahman Brothers v. NPA (2019) LPELR – 46415 (SC)***, this court held that:

> ***"It is settled law that the question of jurisdiction is fundamental and crucial to adjudication and that the very fact of its absence automatically results in a nullity of proceedings no mater how well conducted. It is for the above reason that it is further settled law that when raised in a proceeding, it must be specifically dealt with and resolved. There is no doubt that Respondent/Cross-Appellant is a Federal Government Agency but it is the contention of learned senior counsel for the Respondent/Cross-Appellant that the status of the said Respondent/Cross-Appellant as a Federal Government***

Agency, without more, does not confer the requisite jurisdiction on the Federal High Court to hear and determine the action as constituted particularly as the cause of action as before the trial court is grounded on negligence and landlord and tenant relationship……..once again I have to repeat that though…..the Respondent is an Agency of the Federal Government by virtue of which it is subject to the jurisdiction of the Federal High Court in appropriate cases, that fact alone is not enough to confer jurisdiction on the Federal High Court in all cases. In addition to the above, the subject matter of the action must also fall within the jurisdiction of the court, Federal High Court in order to enable the court, exercise its jurisdiction unhindered".

To determine whether or not the court has jurisdiction to determine the matter, the court will peruse the claim, the reliefs sought and the depositions contained in the Affidavit in Support of the Originating Summons. The reliefs sought have been reproduced at the inception of this judgment. I notice that reliefs 1, 2 and 3 are directly sought against the Appellant. Through relief 4 is directed at the 2nd Respondent, it does not refer to any wrong committed or alleged to be committed by the said 2nd Respondent. A careful perusal shows clearly that, none of the

paragraphs of the Affidavit in Support of the Originating Summons alleged any act affecting the validity of any executive or administrative action or decision by the 2nd Respondent. Indeed, all the paragraphs of the Affidavit are complaints against the decision or refusal of the Appellant to sell nomination form to the 1st Respondent to enable him contest for the office of National Chairman of the Appellant the (PDP).

There is no gainsaying the fact that, the Appellant is a political party registered in Nigeria. It is not an Agency of the Federal Government. It therefore means that, the Appellant cannot be classified as an Agency of the Federal Government. As for the Independent National Electoral Commission, there is no doubt, and indeed none of the Respondents has claimed that it is not an Agency of the Federal Government. None of the 3rd, 4th or 5th Respondents is an Agency of the Federal Government; even remotely. The suit subject of this appeal interrogated the refusal or decision of the Appellant not to sell nomination form to the 1st Respondent. Therefore, the subject matter of this suit is outside he enumerated items in Section 251(1)(a) –(s) of the 1999 Constitution. It should be noted that, the relief sought against INEC

(2nd Respondent) is an order of prohibition. An order of prohibition is sought.

I notice also that there is a Proviso to Section 251(1) of the Constitution. It stipulates that:

> ***"Provided that nothing in the provisions of paragraphs (p), (q) and (r) of this subsection shall prevent a person from seeking redress against the Federal Government or any of its agencies in an action for damages, injunction or specific performance where the action is based on any enactment, law or equity".***

Here, it has been determined that the Appellant is not an Agency of the Federal Government. The 2nd Respondent (INEC), though an agent of the Federal Government, none of the complaints as deposed in the Affidavit has been directed at any wrong, administrative or otherwise committed by the said 2nd Respondent. The claim of the Appellant or the relief sought against the 2nd Respondent does not relate to an action for damages, injunction or specific performance. The relief 5 which seeks an order of prohibition against the 2nd Respondent, does not relate to an action for damages, injunction or specific performance.

Generally, an order of prohibition is sought to restrain an inferior court or tribunal or any body of persons with quasi judicial powers to determine questions affecting the rights of persons, from exceeding its jurisdiction. It cannot therefore be claimed nor granted to prohibit a purely administrative, executive, ministerial or legislative act. It had also be held, to be used where there is complaint of excess of, or lack of jurisdiction and to prevent breach of natural justice, particularly when the body sought to be restrained has pecuniary or proprietary interest in the subject matter he is to preside on. See ***Nwaoboshi & Ors. V. Military Governor of Delta State & Ors. (2003) LPELR – 2113(SC), Attorney General of Lagos State v. Eko Hotels Ltd. (2006) 18 NWLR (Pt. 1011) 378.*** The 2nd Respondent (INEC) is one of the executive bodies established under Part 1 of the Third Schedule to the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Consequently, the 1st Respondent could not have the *locus standi* to challenge it in the exercise of its Constitutional and/or executive functions. If its actions are sought to be challenged, it can only be by the Appellant pursuant to Section 285 (14) of the Constitution (supra). Therefore, relief five (5) sought by the 1st Respondent is such that could not have the *locus* to sue, and the

Federal High Court to assume jurisdiction to determine and/or grant such relief.

That then brings me to Section 252 (2) of the 1999 Constitution (supra) which stipulates that:

> *"252. (2) Notwithstanding subsection 1 of this Section, the National Assembly may by law make provisions conferring upon the Federal High Court powers additional to those conferred by this Section, as may appear necessary or desirable for enabling the Court more effectively to exercise its jurisdiction"*

I think that is the provision that paved way to the National Assembly to enact the Electoral Act. Since the inception of the democratic dispensation in 1999, the National Assembly has made concerted effects to make Laws for smooth registration and regulation of political parties and conduct of credible elections in Nigeria. It also makes provisions for orderly conduct and administration of political parties, and the regulation of the relationship between the political parties and their members. Political parties are also enjoined to make and register with the Electoral Body; their Constitutions and Guidelines.

Recently, this Court in ***Magaji v A. P. C (2024) 1 NWLR (Pt. 1918) 1 at 41-42*** held that:

> ***"A party is like a club. It has its own rules, regulations, guidelines, and constitution. Members join the party on their own free will. By joining they freely give their consent to be bound by the rules, regulations, guidelines and constitution of the party. The rules on the party must be obeyed by all members of the party, as the party's decision is final over its own affairs. Members of the party need to understand and appreciate the finality of a party' decision over its domestic or internal affairs. The Court would only interfere where the party has violated its own rules."***

Over the years, the Courts have held that, issues or matters affecting either leadership and membership of political parties are the internal or domestic affairs of the party. In other words, that of leadership and membership are internal or domestic affairs of the political party, and it is not open for a Court to inquire into the membership or leadership dispute of a political party. The Court will also not adjudicate on actions or activities of the political party towards the congresses or convention of the party for the purposes of electing

leaders of the party. Thus, in ***Ufomba v INEC & Ors (2017) LPELR-42079(SC),*** this Court per Sanusi, JSC held that:

> ***"The issue now is; are claims against the nomination of members or leaders of the political party justiciable? No. The law is trite that Courts jurisdiction is ousted in matters dealing with the internal affairs or resolution of a political party regarding nomination or leadership of that political party …"***

This case was decided under the provisions of the Electoral Act, 2010. Under the Electoral Act, 2022, provision was made under Section 84 to regulate the conduct of political party primaries to nominate its candidates for election into public offices. Thus, it is provided under Section 84 (14) of the Act as follows:

> ***"Notwithstanding the provisions of this Act or rules of a political party, an aspirant who complains that any of the provisions of this Act and the guidelines of a political party have not been complied with in the selection or nomination of a candidate of a political party for election, may apply to the Federal High Court for redress."***

The resultant effect is that, any issue or complaint by a party member, no matter his standing in the party, that does not bother on pre-

election as defined by Section 285 (14) of the 1999 Constitution is a domestic or internal affairs of the party. Thus, issues of election of delegates to participate at the convention or congress of the party to elect leaders of the political party, or preparation for the primaries of the party are issues that pertain to the internal affairs of the party. That is why the National Assembly has made a distinction between internal affairs of political parties, and pre-election matters when it enacted Section 84(1) – (14) of the Electoral Act, 2022. All such matters as defined as pre-election are made justiciable by virtue of Section 84(2) of the Electoral Act, 2026. Thus, it is my view, which I hold, that any matter not falling within the ambit of a pre-election matter as defined in Section 285 (14) (a) – (c) of the 1999 Constitution, must fall under the domestic or internal affairs of the political party and therefore non-justiciable. Of recent, this court in the case of ***Anyanwu v. Emmanuel (2025) 14 NWLR (Pt. 2006) 531 at 595*** per Agim, JSC held thus:

> ***"My brother has brilliantly restated the law settled by unending line of decisions of this court spanning over five decades that, disputes about who should occupy what office in a political party being a voluntary organization,***

is not justiciable and therefore, not within the jurisdiction of a court".

Another distinction between domestic or internal affairs of a political party and a pre-election matter which is justiciable, is that while pre-election matters have been codified in the Constitution and Electoral Act, matters of internal affairs of political parties have not been so codified. That informs the reason why what qualifies as internal matter of a political party are left wide open to the decision of the majority in the running of the party, so that our courts are not inundated with all manner of complaints, minor or small, that are of political nature.

It appears to me therefore, that the Federal High Court will only have jurisdiction to entertain action arising from the actions or activities of a political party if it relates to pre-election or primaries of a political party to nominate candidates for election under the Electoral Act. It is my view, therefore, that acts by political parties which are not done in the course of party primaries to nominate candidates for election into public offices are outside the jurisdiction of the Federal High Court unless it touches on any executive or administrative action or decision

of the Independent National Electoral Commission (an Agency of the Federal Government).

In the instant case, the 1st Respondent complained that he is eligible to contest for the position of National Chairman of Peoples Democratic Party (Appellant) and did express his desire to contest when he went to the offices of the Appellant to buy the nomination form but he was denied same. That he instituted the action so that the Appellant will be compelled to abide by its Constitution and Guidelines. The issue is therefore about the contractual rights as relate to leadership position in the party. The Respondents have drawn our attention to Sections 223(1) (a) of the 1999 Constitution and 82(3) of the Election Act, 2022 (now Section 82(4) of the Electoral Act, 2026). Section 223 (1) (a) of the 1999 Constitution states that:

> 223. (1) The Constitution and rules of a political party shall-
>
> (a). Provide for periodical election on a democratic basis of the principal officers and members of the executive committee or other governing body of the political party;

It is on the background of this Constitutional provision that Section 82(3) of the Electoral Act, 2022 has stipulated that:

> ***82. (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."***

A combined reading of Sections 223(1)(a) of the 1999 Constitution and Section 82(3) of the Electoral Act, 2022 will show that political parties are enjoined to ensure internal democracy in the process of choice of their principal officers and leaders in the various executive bodies of the party. Those provisions are therefore enshrined so that democratic tenets are observed by allowing the members of the party to vote for leaders or candidates of their choice. Section 82(3) of the said Electoral Act, specifically gives members of the party or duly elected delegates to vote for candidates of their choice. It does not create a right for members to be nominated to contest for leadership positions in the party as the 1st Respondent seems to impute into that provision. It remains the settled

law that, processes leading to election of leaders of a political party at the party congress or convention remain non-judiciable. That is why it is always necessary to distinguish between congresses of political parties. Thus, in all ***Progressives Congress & Ors v Muttaka Bala Sulaiman & Ors (2022) LPELR-56938(CA),*** I stated thus:

> ***"Congresses of political parties are to be distinguished from primary election. A primary election is the process whereby a political party's members nominate or select candidates of that party to contest or run in a general election. Party congresses are generally conducted to select the leadership of a political party. That is why it is considered as an internal affair of the political party. See Black's Law Dictionary (17th ed.) at p.536 and the case of Honourable Abdullahi Shaibu v Husseni Aladein & Ors (2020) LPELR5532(CA)"***

It follows therefore, that while primary elections of political parties are justiciable, matters relating to party congresses or conventions of political parties are non-justiciable. In other words, issues arising from the conduct of congresses of political parties are treated as the internal affairs of political parties, unlike primary elections which are conducted for election and/or nomination of candidates of the political party to

contest for public offices at a general election which are justiciable as pre-election matters. In such cases, political parties are enjoined to give due fidelity to the provisions of the Constitution and Guidelines of their parties, and any breach will give a right to a member who is an aspirant to institute an action against the party as a pre-election matter pursuant to section 84(14) of the Electoral Act, 2022 (now Section 88(2) of the Electoral Act, 2026). See ***Onuoha v Okafor (1983) 14 NSCC 494; APC v Moses (2021) (supra)***; ***Eyitayo Jegede v INEC & Ors (2021) LPELR-55481 (SC); Terver Kakih v People Democratic Party & Ors (2014 15 NWLR (Pt. 1430) 374 at 413-414, Chief Olusegun Oni & Anor v Abiodun Abayomi Oyebanji & Ors (2023) LPELR-60699(SC); Aguma v APC (2021) 14 NWLR (Pt. 1796) 351 at 406; Senator Professor Sandy Ojang Onor & Anor v Independent National Electoral Commission & Ors (2024) LPELR-61788(SC); Yusuf Abba Kabir v All Progressives Congress & Ors (2024) LPELR-61712 (SC) and Mutfwang Caleb Manasseh v Nentawe Yilwatda Goshwe & Ors (2024) LPELR-616 73(SC).*** Thus, in ***People's Democratic Party (PDP) v Chief Joseph Ogwulegbo & Ors (22) LPELR-59168(SC)***, this Court per Agim, JSC held thus:

"It is not in dispute that the suit sought for redress concerning the failure or refusal of the appellant to sell or give the respondent forms for nomination as aspirants to membership of Local Government and Ward Congresses for election to various political party offices. The availability of nomination forms for Local Government and Ward Congresses for election of party members to party offices, the alleged boarding of the said forms or the alleged failure or refusal to give or sell same to some members of the political party are all part of the administration of the party and its internal affairs. The trial court correctly held that the subject matter of the suit is the internal affair of the Appellant. The law is settled by repeated decision of this court.....and several other cases that disputes as to leadership, election of persons to party offices or membership of a political party or its administration and control is a dispute concerning the internal affairs or organization of a political party and that courts have no jurisdiction to entertain and try such a dispute as it is a political dispute and not justiciable. The trial court rightly held that it has no jurisdiction to entertain the suit".

The above quoted portion of the decision of this court is on all fours with the case presented by the 1st Respondent for determination. He

complained that he expressed the desire to contest for the Chairmanship of his party (PDP) but he was denied the purchase of the expression of interest form. The decision of this Court in ***PDP v. Ogwulegbo & Ors.*** is binding on this court and I see no reason to depart therefrom.

My learned brother Stephen Jonah Adah, JSC has dwelled extensively on the issue of disobedience to the order of the trial court and/or abuse of court process. I sincerely agree with my lord in the comments made on the despicable conduct of the Appellant. No reasonable Court or Tribunal will tolerate disobedience to its subsisting order or abuse of its process. I therefore, whole heartedly, share those sentiments and admonitions of my learned brother. However, I am unable to, with the greatest respects, agree with him that, that should be the basis for the dismissal of this appeal. I checked through the records and the Briefs filed by the Appellant and the Respondents. None of the parties raised the issue of disobedience to the orders of the trial court nor the abuse of court process. If any of the Respondents has commented on it, no cross-appeal or notice of contention that the judgment of the court below be affirmed on that ground or that the appeal be dismissed on that ground has been urged on us.

On that note, it is my view that this issue has been raised *suo motu* without the parties being given the opportunity to have a say on that point. This court, which has always drummed it into the ears of lower court Judges not to raise and determine any issue *suo motu*, without calling on parties to address on same. Therefore, while I deprecate the action of the Appellant, like the court below did, I am unable to go along with my learned brother in the lead Judgment that, the appeal be dismissed on that ground. Afterall, a party exercising his right of appeal cannot be damnified or shut out on the ground that he is in contempt of the orders of court.

It also the law that, the duty of the court, whether trial or appellate is to consider and determine the case before it in the light of the complaint of the complainant. Therefore, the court has no business setting up for the parties, a case different to the one set up by the parties. If the court must raise any issue which has not been put before it by the parties, it has a duty to draw the attention of the parties to it and give them the opportunity to address on it. It does not matter that the judex is the Supreme Court. That is what the Constitutional right requires, for it is the law that, a person should not be condemned or damnified unheard.

reasoning and conclusion reached in the lead judgment just delivered by my learned brother, Adah, JSC, that this appeal be dismissed for being without merit. Therefore, I am of the considered view that the appeal has great merit and should be allowed. The issue raised in the suit leading to this appeal was on the domestic affairs of the Peoples Democratic Party (Appellant). Thus, the trial Federal High Court lacked the jurisdiction to hear and determine same.

In conclusion, I allow the appeal and set aside the Judgment of the Court of Appeal, Abuja Division delivered on the 9th day of March, 2026 in Appeal No. CA/ABJ/1695/2025. Since the trial court lacked jurisdiction to adjudicate on the matter, the Suit or Originating Summons filed on the 28th day of October, 2025 is hereby struck out.

However, I am in complete agreement with my learned brother that the Cross-Appeal is unmeritorious. It is accordingly dismissed.

HARUNA SIMON TSAMMANI

JUSTICE, SUPREME COURT.

Certified True Copy
Obioma H. George-Oloto
(MRS) 8/5/26
REGISTRAR
SUPREME COURT OF NIGERIA

official

APPEARANCES:

T. J. Aondo; SAN with Ojochenemi Fatima Audu; Esq; Emmanuel Igu, Esq and I. I. Wacly; Esq for the Appellant.

Ewere A. ALiemeke; Esq for the 1st Respondent.

Odinaka Ikoroha; Esq for the 2nd Respondent.

C. E. Onwere; Esq for the 3red – 5th Respondents.

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY THE 30TH DAY OF APRIL, 2026
BEFORE THEIR LORDSHIPS

MOHAMMED LAWAL GARBA	**JUSTICE, SUPREME COURT**
CHIOMA EGONDU NWOSU-IHEME	**JUSTICE, SUPREME COURT**
HARUNA SIMON TSAMMANI	**JUSTICE, SUPREME COURT**
STEPHEN JONAH ADAH	**JUSTICE, SUPREME COURT**
ABUBAKAR SADIQ UMAR	**JUSTICE, SUPREME COURT**

SC/CV/166/2026

BETWEEN

1. **PEOPLES DEMOCRATIC PARTY**
2. **NATIONAL WORKING COMMITTEE OF THE PEOPLES DEMOCRATIC PARTY**
3. **NATIONAL EXECUTIVE COMMITTEE OF THE PEOPLES DEMOCRATIC PARTY**

APPELLANTS

AND

1. **HON. AUSTINE NWACHUKWU (PDP chairman, Imo State Chapter)**
2. **HON. AMAH ABRAHAM NANNA (PDP Chairman, Abia State Chapter)**
3. **TURWAH ALABH GEORGE (PDP Secretary, South-South Geo-Political Zone**
4. **INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)**
5. **SENATOR SAMUEL ANYANWU (National Secretary, Peoples Democratic Party**
6. **HON. UMAR M. BATURE (National Organizing Secretary, Peoples Democratic Party).**
7. **UMAR ILIYA DAMAGUM (National Chairman, PDP)**
8. **CHIEF ALI ODEFA**
9. **CHIEF EMMANUEL OGIDI**

RESPONDENTS

DISSENTING JUDGMENT
(DELIVERED BY HARUNA SIMON TSAMMANI, JSC)

I had the benefit of reading the draft of the Judgment prepared and just delivered by my learned brother ***Chioma Egondu Nwosu-Iheme, JSC.***

I have carefully read and reflected on the reasoning and conclusion arrived at by my learned brother. I have also perused the entire record of appeal containing the claims of the 1st – 3rd Respondents as endorsed in the Originating Summons, the Judgments of the two Courts below including the Notice of Appeal filed and the submissions of counsel. I have no hesitation in agreeing with my learned brother in the lead Judgment that the Preliminary Objection filed by the 1st – 3rd Respondents is unmeritorious and, it is accordingly dismissed. However, upon a careful consideration of the reasoning and conclusion in the main appeal, I have with due deference and respect to my learned brother, come to the conclusion that I cannot but disagree with my learned brother in his conclusion that the appeal is unmeritorious and that same be dismissed.

A sober consideration of the questions posed for determination, the reliefs sought and the Affidavit in Support of the Originating Summons will undoubtedly show that the 1st – 3rd Respondents that initiated the suit at the trial Federal High Court are nothing but meddlesome interlopers. They had no locus standi to institute the action.

Locus standi simply means the legal capacity to institute an action in a Court of Law given the particular facts giving rise to the cause of action. The Black's Law Dictionary (11th Ed) defines locus standi as the right to bring an action or to be heard in a given forum. See also ***Nyesom v Peterside & Ors (2016) LPELR-40036(SC); Alhaji Saka Opobiyi & Anor v Layiwola Muniru (2011) LPELR-8232(SC); Pacers Multi-Dynamics Ltd v MVD Dancing Sisters & Anor (2012) 1 SC(Pt.1)75*** and ***Peoples Democratic Party (PDP) v Independent National Electoral Commission (INEC) & Ors (2022) LPELR-60457(SC)***. Thus, in Asset ***Management Corporation of Nigeria v Suru Worldwide Ventures Nigeria Limited & Ors (2024) LPELR-62162(SC)***, this Court per Jauro, JSC said:

> ***" ..... No doubt, the issue of locus standi is a fundamental matter that goes to the root of the jurisdiction of the Court, for where the Plaintiff lacks***

locus standi, the Court cannot create one for him or manufacture another Plaintiff to maintain the action. Hence, the law is firmly settled that where there is no locus standi, a Court cannot exercise jurisdiction to entertain the action or suit brought by the Plaintiff ....."

As I stated at the inception of this judgment, I have studiously scrutinized the Originating Summons, and the Affidavit in support. It appears to me that, the fulcrum, foundation and kernel of the 1st -3rd Respondents complaints at the trial Court are as captured in paragraphs 2, 3. 4, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and 37 of the Affidavit in support of the Originating Summons which read as follows:

2. ***That I know the 1st and 2nd Plaintiffs on record who are the Chairman, Imo State Chapter and the Chairman, Abia State Chapter of the Peoples Democratic Party (2nd Defendant) respectively and I have their consent and mandate to depose to this affidavit for myself and their behalf.***
3. ***That we all as Plaintiffs have a common interest in this matter being persons who have interest in contesting for one National Office or another at the National Convention of the 2nd Defendant.***

4. *That I am interested in contesting for the Office of the National Secretary of the 2nd Defendant (Party), which the 1st and 2nd Plaintiffs have indicated their interest in contesting for the office of Deputy National Secretary and Deputy National Chairman (South) respectively of the Party at the National Convention.*

19. *All political parties in Nigeria, including the 2nd Defendant are required to hold periodic elections on a democratic basis and in a democratic manner to elect their principal officers, members of the executive committee and other governing body of the party.*

20. *That for this purpose the 2nd Defendant provided for the regular holding of conventions for the election of its principal officers, executive committees and other governing body of the party. The Constitution of the 2nd Defendant (as amended in 2017) which is the current constitution of the 2nd Defendant is tendered herewith, referred to and marked Exhibit G. T. 2.*

21. *That I am aware that under the Constitution of the 2nd Defendant as provided for under article 36, it is the duty of the 3rd Defendant as the National Secretary of the 2nd Defendant to case to be issued notices of meetings of the National Convention, the National Executive Committee, the National Caucus and the National Working Committee, to conduct or direct the conduct of*

the correspondences of the party and to supervise the day-to-day activities of the party among others.

22. *That in the capacity of the National Secretary of the 2nd Defendant, it is only the 3rd Defendant that can issue or cause to be issued notice of meeting of the National Executive Committee, National Caucus and National Working Committee of the 2nd Defendant and no other person.*

23. *That I am also aware that under the Constitution of the 2nd Defendant that for the purpose of democratic conduct of National Convention of the party as provided for in Article 33, delegates that are entitled to attend and vote at the convention include elected members of the Zonal Executive Committee and State Working Committee including the Federal Capital Territory, Party Chairmen of the Local Government Areas, one National delegate from each Local Government Area to be elected at the Local Government Area congresses for the purpose and one physically challenged person per State and the Federal Capital Territory nominated by the state caucus.*

24. *That currently, there are no elected members of the Zonal Executive Committee for the South East Geo-Political Zone a situation that deprives members of the zone of franchise at the National convention, which*

affects me and the 1st and 2nd Plaintiffs in our quest to be voted into the nations offices in respect of which we have indicated interest as we are all very popular in the South East Zone.

25. *That no congresses have been held at all, or where held, no congress been conclusively held in at least 14 out of the 36 States of the Federation and in all the 14 States no result of election from any congress has been forwarded by the 3rd Defendant to the 1st Defendant or at all for its acceptance or recognition as elected National delegates from each Local Government Area of the State thereby disenfranchising entitled delegates from these States for the purpose of participation at the convention or voting at the convention scheduled for November 15th and 16th 2025 and indeed denying all party members from these States the right of representation at the convention.*

26. *That the affected States include Borno, Kebbi, Adamawa, Cross-River, Kogi, Zamfara, Kwara, Oyo, Ebonyi, Lagos, Plateau, Niger, Anambra and Ondo among others. These are States where I am very popular and expect overwhelming votes of the elected delegates and I am informed by the 1st and 2nd Plaintiffs at our meeting held at No. 18 Thomas Sankara Street, Asokoro, Abuja on the 4th day of October 2025 at about 3pm in the*

course of briefing our lawyer, and I verily believe them, that they are equally very popular in those States and are expecting to receive a substantial number of votes from the elected delegates of the States at the convention if congresses are held.

27. *That without first holding the Ward, Local Government and States Congresses, it will be impossible to hold a National Convention of the 2nd Defendant on a democratic basis, in a democratic manner allowing for all members of the party or their duly elected delegates to vote.*

28. *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 and after the successful holding of those congresses, another 21 days' notice is required to be given to the 1st Defendant and it is only at the expiration of the notice that a convention can be held.*

29. *That a minimum of 43 days is now required for the giving of notices for congress, holding of congresses and giving of notice for convention before the holding of convention but the 2nd to 6th Defendants now say and insist that convention must be held at Ibadan on the 15th and 16th day of November 2025 which is less than 39 days from today.*

30. *That rather than take steps to comply with the requirements of holding congresses to elect delegates for the convention, the 2nd Defendant has immersed itself in a maze of confusion making conflicting claims over the holding of congresses, cancellation of congresses purportedly held, fixing of dates of congresses and postponement or cancellation of such dates, all of which have resulted in not holding the required congresses for .the election of delegates for the convention, including failure to hold the South East Zonal Congress. Letters and documents evidencing this fact including the Newspaper publication in the Vanguard Newspaper of Thursday October 2, 2025 are tendered herewith, referred to and marked Exhibits GT3, GT4, GT5, GT6 and GTZ respectively.*

31. *That although the 2nd Defendant scheduled repeat congresses to be held for the election of Ward Executive members, the Ad hoc Delegates, Local Government Executives and National Delegates, and State Executive Officers for Anambra and Ebonyi States and South East Zonal Congress none was successfully held or held at all and no result or outcome of the congresses were notified to the 1 st Defendant.*

32. *That the 2nd Defendant has also refused to observe the basic rule of internal democracy including abiding with its own constitution, regulations or guidelines as well as the Regulations and Guidelines of the 1st Defendant for Political Parties, 2022.*

33. *That in an attempt to get the 2nd Defendant to observe rules of internal democracy and conduct its affairs in a democratic manner, the 6th Defendant at its 102nd meeting of Monday August 25, 2025 passed a resolution that status quo be maintained and that for the purpose, "all NWC positions presently occupied in the northern area remain in the North, while all positions occupied by the Southern divide remain in the South, without micro-zoning." The Resolution is tendered herewith, referred to and marked Exhibit GT8.*

34. *That notwithstanding the said Resolution of 29th August 2025 (Exhibit GT8) the 2nd, 3rd, 4th and 5th Defendants in breach of the Resolution accepted a contradictory Resolution purporting to be a resolution of the South which purported to implement a contradictory micro-zoning policy for the offices of the National Financial Secretary (NFS), Deputy National Secretary (DNS), National Women's Leader (NWT,) among others.*

The Resolution dated September 01, 2025 is tendered herewith and marked Exhibit GT9.

35. *That the 2nd Defendant has now ignored the Resolution of its own National Executive Committee and it is currently implementing the Resolution of the South notwithstanding that the Resolution was not passed by persons who are qualified to overrule the 6th Defendant and that those who passed the Resolution included one Chief Dr. Ali Odefa who had been expelled from the party and whose expulsion has received judicial sanction as well as one Chief Emmanuel Ogidi who the 1st and 2nd Defendants herein had been restrained by a subsisting Order of the Federal High Court from dealing with as a member of the South-South Zonal Caretaker Working Committee or a member of the governing Committee of the South-South Zone of the 2nd Defendant. The said Chief Dr. Ali Odefa purported to have signed the Resolution as the National Vice Chairman, South East of the 2nd Defendant which he is not while the said Chief Emmanuel Ogidi purported to sign the Resolution as the Chairman of the South-South Caretaker Committee which he is not. Judgment of the Federal High Court Abakaliki Judicial Division of 10th April 2025 in FHC/AI/CS/2/2025: EGWU CHIDIEBERE GOODLUCK v. CHIEF ALI ODEFA and 2 Others upholding the expulsion is tendered herewith, referred*

hereto and marked Exhibit G.T.IO and the drawn-up Order of the Federal High Court Abuja Judicial Division dated 4th April 2025 restraining the 1st and 2nd Defendants herein from dealing with the said Emmanuel Ogidi who was the 3rd Defendant in that case and therein addressed as Bro. Emma Ogidi is tendered herewith, referred hereto and marked Exhibit GT11.

36. ***That I am aware that the 2nd Defendant did not issue any notice for the holding of National Executive Committee meeting which the 2nd Defendant persists must hold on the 15th day of October 2025.***

37. ***That I am aware that the main agenda for that meeting is to direct the issuance of the mandatory 21 days' notice for the holding of the national convention and to appoint hand-picked caretaker committee members to vote at the convention notwithstanding that congresses have not been held and that caretaker Committee members are not elected persons and that they are persons who are NOT qualified to vote at conventions.***

A careful reflection on the facts deposed in the affidavit in support of the Originating Summons, show clearly that the 1st -3rd Respondents' complaint before the trial Court were directed at the conpresses and planned convention of the Appellant scheduled for the 15th and 16th day of November, 2025. Those are the facts that gave rise to cause of action.

Though it has been suggested that the said Respondents' complaints called for the interpretation of the Constitution of the Federal Republic of Nigeria as relates to the actions or in actions of the 4th Respondent, it must be remembered that the Court cannot embark on such course in vacuum. There must be a cause that will ignite such interpretative jurisdiction of the Court.

I note also that all the reliefs sought by the 1st-3rd Respondents against the 4th Respondent relate to the functions of the 4th Respondent in its relationship with the Appellant. Therefore, it is my view that, it is only the Appellant that has the *locus standi* to complain by virtue of Section 285(14)(c) of the Constitution of the Federal Republic of Nigeria, 1999 (as altered). There is no complaint on the acts of the 4th Respondent that touch on the personal rights of the 1st - 3rd Respondents as members of the Appellant. The main or principal claims of the 1st – 3rd Respondents are undoubtedly built on the domestic or internal affairs of the People Democratic Party. The complaints or rather the reliefs sought against the 4th Respondent were deliberately introduced in order to complicate the essence of the 1st – 3rd Respondents complaints. Essentially, the Appellants are ventilating their desire to contest for

leadership positions in the Appellant at its convention which was slated for the 15th and 16th November, 2025. Those facts in the Affidavit only disclose issues relating to internal affairs of the Appellant; which are not justiciable and could not give locus standi to the 1st -3rd Respondents to institute the suit at the trial Court. See ***Edede v Att. General of the Federation (2025) 18 NWLR (Pt. 2016) 1 at 140; and Daniel v INEC (2015) 8 NWLR (Pt. 1463) 113 at 158.***

On the whole therefore, it is my view, which I hold that the 1st-3rd Respondents had no *locus standi* to institute the suit at the Federal High Court. This is because, the issues arising under Sections 82(1) and 83(1) of the Electoral Act, 2022 concerns the relationship between the Appellant and the Electoral body (4th Respondent). The issue of monitoring of political party conventions, recognition of notice of party convention etc are issues between INEC (4th Respondent) and the Appellant; and cannot confer on the 1st – 3rd Respondents who are merely members of the political party, the *locus standi* to institute the action subject of this appeal.

Let me state here that, it is high time for the courts to allow our politicians to learned and garner experience in the practice of internal

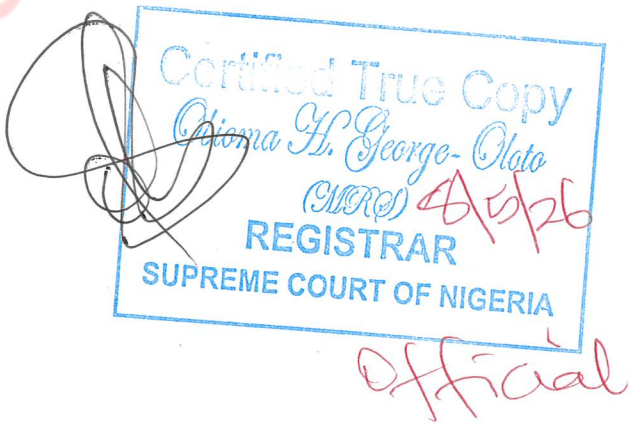
democracy. They can rise and fall with each given experience without courting the hands of our Courts to resolve their internal disputes. That is, the only way they can develop an enduring democratic culture. If our Courts continue to indulge them, lethargy will set in to stymie the advancement of political culture, free from the internal wrangling we are witnessing in this country. It is with each experience that a purposeful and progressive political culture will be engendered. When that is done, our courts will be spared the agony and time to attend to other cases requiring equal attention.

If the courts continue to assume jurisdiction to attend to such highly charged political disputes, the political space will always be muddied thereby leaving the courts with the task of "draining the swamp". That should not be the case, particularly in a society like ours where the ordinary folks are yearning for emancipation from illiteracy, hunger, insecurity and diseases. Therefore, let the abracabra to get political advantage be things of the past.

On the whole, I align with my learned brother, Abubakar Sadiq Umar, JSC in coming to the conclusion that this appeal is meritorious and should be allowed. It is accordingly allowed.

The Cross-Appeal is without merit and is hereby dismissed. Accordingly, I hereby order that the Judgment of the Court of Appeal delivered on the 31st day of October, 2025 affirming the Judgment of the trial Federal High Court is hereby set aside. Consequently, the Suit instituted in the Federal High Court on the 7th day of October, 2025 is hereby struck out for want of jurisdiction.

HARUNA SIMON TSAMMANI
JUSTICE, SUPREME COURT



APPEARANCES:

Chief Chris Uche, SAN and Gordy Uche, SAN and Oba Madnabuchi, SAN with Olakunle Lawal, Esq. Francis Nsiegbuem, Esq. Abdul-Jahl Musa, Esq. and Emeka YUchenna, Esq for **the Appellants.**

J.B. Daudu, SAN and Emmanuel C. Ukala, SAN. S. I. Ameh, SAN. D. C. Dennigwe, SAN K. C. O. Njemanze, SAN. Chief Fordin and O. Nbih, SAN and Dr. J. Y. Musa, SAN with Dike Udenna, Esq for **the 1st -3rd Respondents**

O. A. Adegun, Esq. with Kingsley Magbani, Esq for **the 4th Respondent**

M. S. Atolagbe, Esq. with C. T. Mene, Esq, Pricilla Ejeh, Esq M. T. Abu, Esq and L. O. Abdulrazak, Esq for **the 5th Respondent.**

B. F. Folorusho, Esq with A. H. Adebayo, Esq. H. O. Lawal, Esq and Q. O. O. Omoyibi, Esq for **the 6th Respondent.**

Timileyin Kehinde, Esq. with Osahon Igiehan, Esq for **the 7th Respondent.**

Audu Anuga, SAN with Jacob Otokpa, Esq and Ini Ememobang, Esq Ndianabasi Gorge, Esq. and Sumaiya Babayo, Esq for **the 8th – 9th Respondent.**

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON THURSDAY, THE 30TH DAY OF APRIL, 2026.
BEFORE THEIR LORDSHIPS

MOHAMMED LAWAL GARBA	**JUSTICE SUPREME COURT**
CHIOMA EGONDU NWOSU-IHEME	**JUSTICE SUPREME COURT**
HARUNA SIMON TSAMMANI	**JUSTICE SUPREME COURT**
STEPHEN JONAH ADAH	**JUSTICE SUPREME COURT**
ABUBAKAR SADIQ UMAR	**JUSTICE SUPREME COURT**

SC/CV/164/2026

BETWEEN:

PEOPLES' DEMOCRATIC PARTY (PDP) — APPELLANT

AND

1. ALHAJI SULE LAMIDO
2. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)
3. HON. AUSTINE NWACHUKWU
   (PDP Chairman, Imo State)
4. HON. AMAH ABRAHAM NNANNA
   (PDP Chairman, Abia State)
1. TURNA ALABH GEORGE
   (PDP Secretary, South-South Geo-Political Zone)

— RESPONDENTS

JUDGMENT
(DELIVERED BY CHIOMA EGONDU NWOSU-IHEME, JSC

My learned brother Stephen Jonah Adah, JSC accorded me the opportunity of reading before today, the judgment just delivered.

I am in full Concurrence with the reasoning and Conclusion reached in the judgment to the effect that the preliminary objection stands overruled and is accordingly dismissed.

I entirely agree that having resolved the only issue raised in this appeal against the Appellant, that the appeal is unmeritorious and is hereby dismissed. I also agree that the Cross-Appeal stands dismissed as well.

I abide by the order as to costs made by Adah, JSC in the lead judgment.

CHIOMA EGONDU NWOSU-IHEME (Ph.D)
JUSTICE, SUPREME COURT.

APPEARANCE OF COUNSEL:

PAUL EROKORO, SAN; EYITAYO JEGEDE, SAN; T.J. AONDO, SAN, with them are; **E.E.E. EKERE, ESQ.; UGOCHI IGWENYI, ESQ.; E.N. IGU, ESQ.; E. AGEREA, ESQ.** and **I.I. WUNY ESQ.,** for the Appellants.

JEPH NJIKONYE, SAN, with **EWERE A. ALIEMEKA, ESQ.; CHINONSO L. OBASI, ESQ.; A.G. SAMPSON-ORJI (MRS.)** and **S.C. IROHA, ESQ.,** for the 1st Respondent.

O.A. ADEYEMI, ESQ. with **KINGSLEY,ESQ.; MAGBUIN, ESQ.** for the 2nd Respondent.

J.B. DAUDU SAN; ADEBAYO ADEDEJI, SAN, with them are: **GBENGA MAKANJUOLA, ESQ.; E.C. ONYEKWERE, ESQ.; SHUAIBU MUHAMMED, ESQ.; AISHETU ISA ESQ.; C.E. ONWERE, ESQ.** for the 3rd to 5th Respondents.

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON THURSDAY 30TH APRIL 2026
BEFORE THEIR LORDSHIPS

MOHAMMED LAWAL GARBA	**JUSTICE, SUPREME COURT**
CHIOMA EGONDU NWOSU-IHEME	**JUSTICE, SUPREME COURT**
HARUNA SIMON TSAMMANI	**JUSTICE, SUPREME COURT**
STEPHEN JONAH ADAH	**JUSTICE, SUPREME COURT**
ABUBAKAR SADIQ UMAR	**JUSTICE, SUPREME COURT**

SC/CV/166/2026

BETWEEN

1. **PEOPLES DEMOCRATIC PARTY**
2. **NATIONAL WORKING COMMITTEE OF THE PEOPLES DEMOCRATIC PARTY**
3. **NATIONAL EXECUTIVE COMMITTEE OF THE PEOPLES DEMOCRATIC PARTY..... APPELLANTS**

AND

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)
4. **INDEPENDENT NATIONAL ELECTORAL COMMISSION**
5. **SENATOR SAMUEL ANYANWU**
   (National Secretary, Peoples Democratic Party)
6. **HON. UMAR M. BATURE**
   (National Organizing Secretary, Peoples Democratic Party)
7. **UMAR ILIYA DAMAGUM**
   (National Chairman, PDP)
8. **CHIEF ALI ODEFA**
9. **CHIEF EMMANUEL OGIDI** ..... **RESPONDENTS**

Certified True Copy
Obioma H. George-Oloto
4/5/26
REGISTRAR
SUPREME COURT OF NIGERIA
official

JUDGMENT

(DELIVERED BY CHIOMA EGONDU NWOSU-IHEME, JSC)

1.0 SUMMARY OF JUDGMENT

1.1 The Appellants filed this Appeal against the decision of the Court of Appeal, Abuja Division delivered on 9th March, 2026 in Appeal No. CA/ABJ/1613/2025, Coram: M.A. Danjuma, JCA, U. Onyemenam, JCA, and M. Mustapha, JCA. The judgment affirmed the decision of the trial Federal High Court.

1.2 Dissatisfied with the decision of the Court of Appeal, the Appellants filed their Notice and Grounds of Appeal on 17th March, 2026.

2.0 STATEMENT OF FACTS

2.1 By an amended Originating Summons filed on the 15th of October, 2025, the 1st to 3rd Respondents, as Plaintiffs, claiming to be members of the 1st Appellant (PDP) commenced the suit leading to this appeal. They sought 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

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 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/0r 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 or published by the 2nd Defendant, any or all 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 bod 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 the principal officers, members pf the executive committee or other governing body of the 2nd Defendant.

2.2 The 1st to 3rd Respondents sought the determination of the following questions:

1. Whether upon a proper interpretation of 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, 225(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 the 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), 8(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 the

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 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 if 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 F-15(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), 8(b) of the Constitution 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 the 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 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 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 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 that 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 Secretary of the Party or at his instance, an office currently occupied by the 3rd Defendant?

2.3 The trial Federal High Court assumed jurisdiction and granted all the reliefs. The Appellants appealed to the Court of Appeal and the lower Court dismissed the appeal. The Appellants have now approached this Court and raised four issues for determination.

3.0 THE CASE OF THE APPELLANTS

3.1 The Appellants' Brief of Argument was filed on April 2, 2026. The Brief was settled by Paul Erokoro, SAN and the learned Senior Counsel distilled four (4) issues for the determination of this appeal as follows:

1) Whether the 1st to 3rd Respondent's claims, which were anchored on meetings, congresses, national convention and contest for leadership positions in a political party and the procedural requirement of notice to be given for such meetings, are not outside the jurisdiction of the trial Court and therefore non-justiciable (Grounds 1 and 5)

2) Whether, given the provisions in Sections 6(6) and 251(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), the Court of Appeal was right when it held that the 1st -3rd Respondents' claim disclosed a reasonable cause of action within the jurisdiction of the Federal High Court. (Ground 2).

3) Whether the 1st to 3rd Respondents possessed the requisite locus standi to institute and maintain the claim in their Originating Summons. (Ground 3).

4) Whether the Appellants herein in furtherance of their right to fair hearing under the Constitution of the Federal Republic of Nigeria, 1999 (as amended) were not entitled to be represented by counsel of their choice, notwithstanding the provisions of Article 42(1)(b) of the 1st Appellant's Constitution. (Ground 4).

3.2 ISSUE ONE:

3.2.1 The Appellants argued on Issue One that it is the Plaintiff's claim that determines the jurisdiction of the Court – **AG Federation v. AG Anambra State (2019) All FWLR (Pt. 1003) 1 at 25-26, Para H-C; Osha v. Ogundeji (2025) 16 NWLR (Pt. 2011) 391 at 424-425; Tukur v. Govt. of Gongola State (1989) 6 NWLR (Pt. 117) 517 at 541-2, Para H-A, 569 Para E; Manasseh v. Goshwe (2024) 6 NWLR (Pt. 1934) 203 at 243, Para E-G; Madukolu v. Nkemdilim & Ors (1962) 2 SCNLR 341 etc.**

3.2.2 The Appellants submitted that the principal reliefs of the Plaintiffs at trial were reliefs 2 and 3. All the other reliefs 1, 4, 5, 6, 7, 8 and 9 are ancillary reliefs, and the main purpose of the Plaintiffs was to stop the Appellants' scheduled National Convention fixed for the 15th and 16th of November 2025. It is the subject of the relief that will qualify a relief as either principal or the ancillary- **Olayemi v. FHA (2023) 3 NWLR (Pt. 1872) 445 at 485**.

3.2.3 The lower Courts were misled into finding that there was jurisdiction, when there was none. Contrary to the views of the two lower Courts, the subject matter of the suit was glaringly about congresses/convention and leadership of a political party which are non-justiciable.

3.2.4 The Appellants submitted that matters about a political party's congress to elect officers of any level of its executive committee, the constitution of such executive committee and matters related to the administration of the party are its internal affairs and not within the jurisdiction of courts – **Manasseh v. Goshwe (2024) 6 NWLR (Pt. 1934) 203 at 243, Para F, 270 Para F; Yerima v. Balami & Ors (2023) LPELR – 60319 (SC); Suleiman v. APC (2023) 5 NWLR (Pt. 1877) 211at 253; Onuoha v. Okafor & Ors (1983) 2 SCNLR 244.**

3.2.5 The Appellants further submitted that grievances such as the ones raised by the 1st 3rd Respondents in their Amended Originating Summons, which are not connected with pre-election matters as defined in section 285 (14) of the 1999 Constitution are outside the jurisdiction of the courts. It was submitted that the two lower Courts fell into error in failing to follow the binding decisions of the apex Court, that disputes over congresses, conventions, meetings, quest for leadership position, and occupation of party leadership offices are internal administrative matters for the party to handle and therefore not justiciable – **Onuoha v. Okafor (supra); APC v. Moses (2021) 14 NWLR (Pt. 1796) 278 at 321 Manasseh v. Goshwe (supra) etc.**

3.2.6 The Appellants submitted that the lower Court was in grave error when it failed to set aside the proceedings conducted at the trial Court, which were null and void for want of jurisdiction. Proceedings conducted without jurisdiction amount to a nullity and nay decision reached thereon is liable to be set aside. – **SPDC v. Anaro & Ors (2015) LPELR-24750 (SC).**

3.3 ISSUE TWO:

3.3.1 The Appellants argued that the lower Court wrongly validated the findings of the trial Court 's reliance on sections 6(6) & 251(1) of the 1999 Constitution as the basis for assuming jurisdiction. They submitted that the 1st to 3rd Respondents did not challenge any executive decision made by the 4th Respondent (INEC). There is nothing connecting Section 251(1)(q) & ® with congresses, convention and delegates. They submitted that as the Court held in **Centre for Oil Pollution Watch v. NNPC (2019) 5 NWLR (Pt. 1666) 518** that Section 6(6)(b) of the Constitution is primarily and basically designed to describe the nature and extent of judicial powers vested in the courts. It is not intended to be a catch-all, all purpose provision to be pressed into service for determination of questions ranging from locus standi to the most uncontroversial questions of jurisdiction. Sections 6(6)(b) and 251 (1) of the Constitution does not therefore provide a jurisdictional lifeline to the 1st and 3rd Respondents in respect of their claims.

3.4 ISSUE THREE:

3.4.1 The Appellants argued that contrary to the conclusion of the lower Courts that the 1st to 3rd Respondent had locus standi to institute the action, the 1st to 3rd Respondents as Plaintiffs did not exhibit their membership cards, or any other evidence of their party membership or having expressed any interest to contest elections. They concluded that even assuming the Respondents were members of the Peoples Democratic Party, they still had no standing to sue as they did. They relied on **Aguma v. APC (2021) 14 NWLR (Pt. 1796) 351.** The Appellant submitted that as the Supreme Court reiterated, there is a limit to which the court can be allowed to poke nose into the domestic or internal affairs of a political party or else the court may end up having to micromanage every facet of the electoral process – **Osagie v. PDP (2023) 5 NWLR (Pt. 1877) 388, Para D-H.**

3.4.2 The Appellant further argued that the global claim of the 1st to 3rd Respondents did not disclose any special interest they had in the suit. They also never disclosed their locus standi to ventilate a claim on behalf of all members desirous on voting or interested in seeking national offices from the 36 States of the Federation.

3.4.3 The Appellant also submitted that there is no personal legal right contemplated in any of the provisions of the Electoral Act examined in the claim at the trial Court that would enable or entitle 1st to 3rd Respondent to act as enforcers or ombudsman in a matter that is strictly between the 1st Appellant and INEC and the Court of Appeal ought to have decided that way.

3.5 ISSUE FOUR:

3.5.1 The Appellant argued that the Court of Appeal erroneously upheld the decision of the trial Court in striking out the appearance and process filed by the Appellants' Counsel. It is their submission that the right to representation is a fundamental and constitutional right, and once a party to a case has exercised its right to be represented by a Counsel of its choice, the Courts are loath to inquire whether Counsel is regularly briefed or not – **Ihedioha v. Nwosu & Ors (2019) LPELR -52790 (SC).** They further submitted that it is only the party being represented that can challenge the appearance of a Counsel in court – **Chief MKO Abiola v. Federal Republic of Nigeria (1996) LPELR -40 (SC).**

4.0 THE CASE OF THE 1ST TO 3RD RESPONDENTS:

4.1 The 1st to 3rd Respondents' Brief of Argument was dated and filed on 17th April, 2026. The Brief was settled by Onyebu Josephine Iheko Esq. The 1st to 3rd Respondent filed a Notice of Preliminary Objection asking this Court to strike out the Appellant's appeal for incompetence and want of jurisdiction. In the alternative they raised two issues for determination of the appeal.

4.2 THE PRELIMINARY OBJECTION:

4.3 The 1st to 3rd Respondents raised preliminary objection on the following grounds:

1. That the Appellants Grounds 1, 2, 3, 4 and 5 in the Appellants Notice of Appeal are fictitious and predicated on non-existent factual basis arising from distortion or the Appellants misconception or erroneous

assumption as to the actual state of affairs of the facts of the appeal, as determined by the Court below.

2. That all the 5 grounds of appeal contained Appellants Notice of Appeal filed on 17/03/2026 variously raise issues of facts or mixed law and facts against the judgment/decision of the Court below, and the leave of this Honourable Court or of the Court below was neither sought nor obtained by the Appellants before filing the purported Notice and grounds of appeal.
3. That the issue Nos. 1 and 3 formulated by the Appellants, from grounds 1, 3 and 5 of the Appellants grounds of appeal, do not relate directly to any question as to the correctness or otherwise of the decision of the Court below but rather relates to issues involving the trial court, in respect of which this Honourable Court has no jurisdiction to entertain.
4. That the issue Nos. 1 and 3 formulated by the Appellants Brief of Argument before this Honourable Court are un-arguable as they constitute nothing short of a disguised attempt at relitigating before this Honourable Court the selfsame issues already determined against the Appellants by the concurrent findings of the two Court below and without showing exceptional circumstances.
5. The the issues 1 to 4 formulated and argued by the Appellants in their Appellants Brief of Argument filed on 02/04/2026 were formulated from the admixture of the 5 defective and incompetent grounds of appeal and argued together, which has rendered them variously tainted, contaminated and incompetent before this Honourable Court.
6. That this Honourable Court has no jurisdiction and cannot exercise its jurisdiction to entertain the Appellants appeal as presently constituted.

4.4 The 1st to 3rd Respondents vehemently argued the preliminary objection in paragraphs 3.0 to 3.15 of their Brief.

4.5 In the alternative the following two issues were distilled for the determination of the appeal, to wit:

1. *Whether the Court of Appeal was justified when it affirmed the decision of the Federal High Court assuming jurisdiction to entertain the Originating Summons of the 1st to 3rd Respondents which invoked the interpretative powers and jurisdiction of the Court pursuant to Section 251(1)(p), (r) & (s)*

of the 1999 Constitution, as amended? (Distilled from grounds 1, 2, 3 and 5 of the Appellants)

2. *Whether the decision of the Court of Appeal affirming the striking out of the processes filed by Chief Chris Uche SAN and Eyitayo Jegede SAN, not being the duly authorized Appellants' Counsel retained by the National Legal Adviser of the 1st Appellant, constitutes a denial of the Appellants' right to fair hearing? (Distilled from ground 4 of the Appellants).*

4.6 ARGUMENTS ON ISSUE 1:

4.6.1 The 1st to 3rd Respondents submitted that the learned trial Court duly considered the totality of the questions and reliefs sought in the Amended Originating Summons and came to the specific finding and conclusion "*...The 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.*" The trial Court further held that "*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.*"

4.6.2 The 1st to 3rd Respondents, after quoting excerpts of the decisions of the lower Courts submitted that both the trial Federal High Court and the Court below are unanimous in their findings and conclusions, which therefore makes this a case of concurrent findings of fact against the Appellants. And that this Honourable Court does not readily disturb concurrent findings of fact unless the Appellants are able to demonstrate that they are perverse, unsupportable under the law and have occasioned a miscarriage of justice against the Appellants -**Onuorah v. People of Lagos State (2024) LPELR-62915 (SC) pg 28-29 para. E.**

4.6.3 They submitted that in this case there is nothing which the Appellants have placed before the Honourable Court to suggest that the concurrent findings and conclusions of the two Courts below were erroneous in fact or law or that they have occasioned any miscarriage of justice against the Appellants. They submitted that on the contrary the Appellants did not file any ground of appeal against any of the specific findings of facts and conclusions of the Court of Appeal, and the necessary implication and effect of this state of

affairs is that the Appellants have conceded the correctness of the judgment of the Court below and therefore have no competence to inquire into the issue of the correctness or otherwise of the judgment of the below on the merits of the case, as there is no ground of appeal against same. See **Prince (Dr) B.A. Onafowokan v. Wema Bank Plc (2011) SC 88/2004.**

4.6.4 The 1st to 3rd Respondents argued that it is erroneous and misconceived for the Appellants to argue that the 1st to 3rd Respondents lacked locus standi to institute the action because they failed to take into account that it is the Plaintiff's case, as set out in the Originating Summons that determines the jurisdiction of the Court and not the defence or what the Defendants conceive the case to be -**Musaconi Limited v. Aspinall (2013) LPELR-20745 (SC).**

4.6.5 They further submitted that from the Amended Originating Summons, it was evident that the 1st to 3rd Respondents called for the construction and interpretation of 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, 225(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 the Regulations and Guidelines for Political Parties, 2022. These matters raised in the Amended Originating Summons all fall squarely within the exclusive subject matter jurisdiction of the Federal High Court pursuant to Section 251(1)(p), (q) & (r) of the 1999 Constitution (as amended) – **Council of Legal Education v. Balogun (2012) @ WRN 91 at 117.**

4.6.6 They submitted that to activate the exclusive jurisdiction of the Federal High Court , a Plaintiff must ensure that he has a cause of action against either the Federal Government or any of its agencies, that the cause of action relates to the administration or management and control of the federal Government or any of its agencies or relates to the operation or interpretation of the provisions of the Constitution in so far as it affects the Federal Government or any of its agencies and seeks for a declaration or injunction affecting the validity of any executive or administrative action or decision of the Federal Government or any of its agencies – **CBN & Ors v. Okojie (2015) LPELR-24740 (SC).**

4.6.7 The 1st to 3rd Respondents submitted further, that in so far as the operation and interpretation of the provision of the 1999 Constitution affecting the powers, duties and functions of the INEC, being a Federal Government Agency, is the main subject matter of the Amended Originating Summons, the suit falls within the exclusive jurisdiction of the Federal High Court as rightly held by the trial Court and affirmed by the Court below – **Elelu-Habeeb v. AG Federation (2012) All FWLR (Pt. 629) 1011.**

4.6.8 This Court has decided in **Gafar v. Government of Kwara State (2007) 4 NWLR (Pt. 1024) 375** it is only the Court that has jurisdiction to entertain the main claim that can deal with ancillary or incidental or accessory claims that are inextricably tied to or bound up with the main claim. **Section 7(3)** of the **federal High Court Act** had expanded the jurisdiction of the Federal High Court to include the jurisdiction to hear and determine all issues relating to, arising from or ancillary to its subject matter jurisdiction. The Federal High Court is therefore entitled to take into account the several Constitutional provisions (including Sections 222, 223, 224, 225, 225A, 153 and Item15(b) & (c) of Part 1 of the Third Schedule of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) as well as Section 75, 82 and 83 of the Electoral Act 2022 requiring the involvement, participation and collaboration of the Independent National Electoral Commission with third parties including Political Parties and their Officials and Members in the operation or working of the constitutional scheme of things and come to the conclusion that it will be anomalous to construe the provisions as excluding these categories of persons from participation in the judicial processes when there is a dispute as to the proper interpretation of such provisions. To so construe the said provision will defeat the obvious ends of the Constitution and lead to absurdity, repugnance and injustice which this Honourable Court is not permitted to allow – **Mobil v. Federal Board of Inland Revenue (1977) 3 SC 53; Order 9 Rules 1 and 5 of the Federal High Court Rules 2019.**

4.6.9 On the issue of locus standi, the 1st to 3rd Respondents submitted that the lower Courts were right in their decision that the claims raised by the Amended Originating Summons are justiciable matters in respect of which the 1st to 3rd Respondents had the requisite capacity and locus standi as members of the 1st Appellant and as Nigerian citizens bound by the operation of Nigerian laws to litigate before the Federal High Court pursuant

to Section 6(6) of the 1999 Constitution (as amended) – **Adesanya v. President of the Federal Republic of Nigeria (1981) NCLR 358.** It is also the law that the requirement of *locus standi* is unnecessary in constitutional issues, as in this case, where there are allegations of violations of the provisions of the Constitution, because it will only serve to impede judicial functions – **Fawehinmi v. President, FRN (2007) 14 NWLR (Pt. 1054) 275**

4.7 ARGUMENTS ON ISSUE 2:

4.7.1 The 1st to 3rd Respondents submitted that the trial Court rightly resolved the issue of representation for the 2nd, 5th and 6th Defendants and this was duly affirmed by the Court below. They further submitted that the Appellants did not appeal against this finding of the lower Courts. The necessary implication of that failure is that the findings remain valid, binding and subsisting between the parties and this Honourable Court has no jurisdiction to interfere with it -**Ejowhomu v. Edok-Eter Ltd (1986) 5 NWLR (Pt. 39) 1.**

5.0 THE CASE OF THE 4TH RESPONDENT:

5.1 The 4th Respondents Brief of Argument was dated and filed 17th April 2026. The Brief was settled by Adeyemi O.A. Esq. The 4th Respondent formulated two issues for determination from the grounds of appeal of the Appellants, to wit:

1. *Whether the lower Court was right when it affirmed the decision of the trial Court assuming jurisdiction over the Suit, holding that the claims of the 1st -3rd Respondents disclosed a reasonable cause of action, and that the 1st -3rd Respondents had the requisite locus standi to institute and maintain the action? (Distilled from Grounds 1, 2, 3 and 5 of the Appellants' Notice of Appeal)*
2. *Whether the Appellants were denied fair hearing by not being represented by Counsel of their choice, despite Article 42(1)(b) of the PDP Constitution vesting conduct of Party litigation in the National Legal Adviser? (Distilled from Ground 4 of the Appellants' Notice of Appeal).*

5.2 ARGUMENTS ON ISSUE ONE:

5.2.1 The 4th Respondent submitted that the lower Court was eminently right in affirming the trial Court's judgment because the claims of the 1st to 3rd Respondents were justiciable, disclosed a reasonable cause of action and the claimants possessed the requisite locus standi.

5.2.2 The suit of the 1st to 3rd Respondent directly engages the 4th Respondent's statutory oversight role under the Electoral Act, 2022

5.2.3 The 4th Respondent further submitted that the concurrent findings of the lower Courts cannot be faulted, and it has been the consistent practice of the Supreme Court not to interfere with such concurrent findings unless they are shown to be perverse. See **Afolabi v. State (2022) 2 NWLR (Pt. 1814) 201.**

5.2.4 Suits such as that of the 1st to 3rd Respondents seeking to enforce the 4th Respondent's statutory duty to monitor and sanction non-compliant Party activities under Sections 222-229 of the Constitution and Sections 85-87 of the Electoral Act, 2025 are not confined to internal party disputes. The cause of action is not only reasonable but statutorily mandated.

5.2.5 The 4th Respondent also submitted the view that the 1st to 3rd Respondents being the aggrieved members and officials of the 1st Appellant possess the requisite locus standi to institute the action against the 4th Respondent seeking compliance with electoral laws prior to its schedule National Convention. Learned Counsel cited **Christian v. Innocent & Ors (2023) LPELR-60589 (SC)** to submit that when a political party acts in its own interest and goes contrary to the law, the court has the jurisdiction to intervene even in its domestic/internal affairs.

5.3 ARGUENTS ON ISSUE TWO:

5.3.1 The 4th Respondent agrees with the lower Court's decision that the Appellants were not denied fair hearing. According to the 4th Respondent, Article 42(1)(b) of the PDP Constitution expressly mandates the National Legal Adviser to 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. He submitted that the Appellants are bound by their own Constitution.

5.3.2 The 4th Respondent equally submitted that while Section 36(6)(c) of the 1999 Constitution guarantees the right to Counsel of one's choice, this right is not absolute in the context of a voluntary association whose Constitution regulates internal representation in matters affecting the Party. The lower Court rightly enforced the Party's Constitution on this point.

6.0 THE CASE OF THE 5TH REPONDENT:

6.1 The 5th Respondent's Brief of Argument was dated and filed 17th April, 2026 and settled by M.S. Atolagbe Esq. The Learned Counsel formulated four (4) issues for determination from the Notice of Appeal of the Appellants, i.e.:

1. *Whether the Court of Appeal was right to have held that the learned trial Judge rightly assumed jurisdiction over the 1st – 3rd Respondents' suit as constituted before it.*

2. *Whether the 1st-3rd Respondents who are bona fide members of the 1st Appellant and who have legally expressed their intention to contest for the office of the 1st Appellant are properly clothed with the locus standi to institute this suit.*

3. *Whether the learned Justices of the Lower Court came to a rightful conclusion by affirming that the National Legal Adviser of the 1st Appellant had the right to represent its interest at the Trial Court.*

4. *Whether the Court of Appeal rightly upheld the decision of the trial court when it held that the 1st to 3rd Respondents' case disclosed a reasonable cause of action within the jurisdiction of the Federal High Court.*

6.2 ISSUE ONE:

6.2.1 The 5th Respondent submitted that it is the claim of the plaintiff as endorsed in the writ of summons and elaborated in the statement of claim or any other originating process that determines the judicial competence of a Court. See **Standard Alliance Insurance Coy. Ltd v. FCMB Ltd (2025) 11 NWLR (Pt.1998) 140.**

6.2.2 The 5th Respondent further submitted that the crux of the case was not the internal affairs of the party as the Appellants argued. The court assumed jurisdiction pursuant to the reliefs in the originating summons. Although the Court will not interfere in internal party affairs, where there is non-compliance with the Constitution, the Electoral Act, the Party's Constitution and Guidelines or INEC Regulations, the Court may interfere. See **Ardo v. Nyako (2014) 10 NWLR (Pt.1416) 591.** In the instant case, the trial Court and the lower Court did not concern themselves with who controls the party or who emerges as leader. The sole issue before the courts was the failure of the 1st Appellant to comply with the Electoral Act and the Regulations and Guidelines of the 4th Respondent (INEC) in the conduct of congresses and convention.

6.2.3 The 1st to 3rd Respondents' application was merely to compel the 4th Respondent to activate its statutorily derived monitory and regulatory functions in the affairs of the 1st Appellants. This singular fact removed the matter from the realm of internal politics and placed it squarely within the jurisdiction of the court. See **Obe v. Abubakar (2023) 13 NWLR (Pt. 1901) 381.**

6.3 ISSUE TWO:

6.3.1 While only an aspirant can institute an action on non-compliance with regards to pre-election or election matters, the 1st to 3rd Respondents need not be aspirants before they can institute an action for non-compliance with statutory provisions or regulations. Any member of the political party can institute the suit and if they are able to show that the political party has not acted within the purview of statutory provisions and regulations, the court is empowered to intervene. See **Tukur v. Kusada (2024) 5 NWLR (Pt. 1932) 524-525, paras F-A.**

6.3.2 They submit that a person who is in imminent danger of any conduct of the adverse party has the locus standi to commence an action, once it is established that the result of the litigation outside him will directly affect his legal rights and to his detriment, that person has a locus standi to institute an action – AG, **Lagos v. EKO Hotels Ltd (2006) 9 SC 46.**

6.4 ISSUE THREE:

6.4.1 The 5th Respondent submitted that the issue of representation was settled by the court by a direct interpretation of the Constitution of the 1st Appellant, Article 42 which specifically empowers the National Legal Adviser to represent the Party in litigation amongst other duties. The decision was premised on the decision of the Court of Appeal which held that where a party or member is able to show that the political party has not acted within or complied with statutory provision such as the statutory provisions, electoral act, the political party's constitution and its guidelines, then the court is empowered to intervene. In other words, the court will ensure that the political party acts within the law and comply with its own constitution ad guidelines. See **Tukur v. Kusada (supra).**

6.4.2 There is no denial of fair hearing whatsoever. The Appellants cannot rely on its own internal illegality to complain of a breach of its right to fair hearing neither will they expect the court to descend into an arena of conflict.

6.5 ISSUE FOUR:

6.5.1 The 5th Respondent answered Issue Four in the positive. The law is clear and unequivocal on the issue of notices of congresses, meetings and conventions. These notices must contain details such as time, venue and mode of conducting the meetings, as stipulated by Section 82 of the Electoral Act and Paragraphs 12 and 13 of the Regulations and Guidelines for Political Parties, 2022. The evident of the 1st to 3rd Respondents was substantiated by the 4th Respondents' evidence that the notices served were in contravention of the statutory provision and regulations stated above. The decision of the Court is in line with the decision in **Obe v, Abubakar (2023) 13 NWLR (Pt. 1901) pg. 381.** The Lower Court was in order to have held that the purported Notice of Congress or Convention was in violation of the Electoral Act as required. See **APC v. Sheriff (2024) 2 NWLR (Pt. 1921) 49.**

6.5.2 The 5th Respondent equally submitted that the Appellants have failed to show that the judgment of the trial Judge was perverse, unreasonable or unsupported by evidence. The law is trite that an appellate court will not disturb the concurrent findings of fact of a lower court unless such findings are shown to be perverse – **APC v. Sherriff (supra).**

7.0 THE CASE OF THE 6TH RESPONDENT:

7.1 The 6th Respondents Brief of Argument was dated and filed on 17th April, 2026 and settled by B.F. Folorunsho, Esq. The learned Counsel distilled three (3) issue for determination:

1. *Whether the lower Court was right in holding that the trial Court has jurisdiction over the suit of the Appellants,*

2. *Whether the lower Court was right in holding that 1st to 3rd Respondents possess the requisite locus standi and that their claim disclosed a reasonable cause of action.*

3. *Whether the lower Court was right in holding that the Appellants were not denied fair hearing.*

7.2 ISSUE ONE:

7.2.1 The 6th Respondent submitted that jurisdiction is determined by the real substance of the claim, and the court is enjoined to look beyond clever drafting to ascertain the true nature of the dispute.

7.2.2 Contrary to the Appellants' submission that the subject matter relates to internal party affairs, the question is not whether the claim touches party activities but whether it invokes enforceable legal issues under the Statute. The claim here clearly seeks interpretation and enforcement of Constitutional provisions, application of the Electoral Act 2022, and the 4th Respondent's Statutory duties, all of which had been circumvented by the Appellants. Statutory provisions impose legal duties and not mere party guidelines. See **Charles v. The State of Lagos (2023) 13 NWLR (Pt.1901) 213.**

7.2.3 Submits, that the 4th Respondent is a constitutional body that has statutory duties to monitor political parties. The reliefs directly seek to compel the 4th Respondent to act in accordance with law and prevent recognition of unlawful processes. This brings the matter squarely within public law and the jurisdiction conferred on the Federal High Court by virtue of Section 251(1)(q) and (r) of the Constitution. Where a statute is violated the internal

affairs argument does not apply. See **Anyanwu v. Emmanuel (2025) 14 NWLR (Pt. 2006) 531.**

7.2.4 The 6th Respondent also submitted that the concurrent findings of the trial Court and the Court of Appeal must be respected. This Court would not interfere with such findings unless they are perverse or unsupported by evidence. See **Agbabiaka v. Saibu (1998) 10 NWLR (Pt. 571) 534** and **Asset Mgt. Nominees Ltd v. Forte Oil Plc (2023) 9 NWLR (Pt. 1889) 236.**

7.3 ISSUE TWO:

7.3.1 The locus standi of the 1st to 3rd Respondents is established by their sufficient interest. They assert membership and official positions within the party, and they also allege breach of statutory provisions affecting their rights. This satisfies the requirement of sufficient interest.

7.3.2 The Appellants' argument that the 1st to 3rd Respondents did not exhibit documentary evidence in proof of membership is misplaced. At the stage of Originating Summons, it is settled law that affidavit evidence is sufficient. See **Edede v. A.G., Federation (2025) 18 NWLR (Pt. 2016) 1.** The claims of the 1st to 3rd Respondents as well as the depositions contained in the affidavit in support of their Amended Originating Summons disclosed sufficient interest, obligation and violation of their rights to internal democracy which is recognized by Statutory provisions.

7.3.3 It is settled in law that in determining whether there is a reasonable cause of action, the court is guided and directed to restrict itself to the statement of claim of the plaintiff and nothing else. See **Yare v. N.S.W.I.C. (2013) 11 NWLR (Pt. 1367) 173; Iyeke v. P.T.I (2019) 2 NWLR (Pt. 1656) 217.**

7.3.4 Section 6(6)(b) of the Constitution empowers the courts to determine civil rights and obligations of parties.

7.4 ISSUE THREE:

7.4.1 The 6th Respondent submits that there was no denial of fair hearing, because the Appellants were properly and legally represented by the National Legal Adviser, A. K. Ajibade, SAN. The provision of Article 42 of the PDP

Constitution vests the authority for such representation on the National Legal Adviser.

7.4.2 Section 36 (1) of the Constitution of the Federal Republic of Nigeria 1999 guarantees fair hearing. That section is concerned with the opportunity afforded to a party to present its case. Once such opportunity is given and utilized, a complaint of denial of fair hearing cannot be sustained. See **Inakoju v. Adeleke (2007) 4 NWLR (Pt. 1025) 427; Carnation Reg. Ltd. v. President, N.I.C.N (2023) 14 NWLR (Pt. 1905) 581.** The test is not whether the party is satisfied with the proceedings, but whether it was afforded a reasonable opportunity to present its case. See **Ayoade v. State (2020) 9 NWLR (Pt. 1730) 577.**

7.4.3 It is firmly settled that a complaint of denial of fair hearing must establish not only a breach but also that the alleged breach occasioned a miscarriage of justice. See **Carnation Reg. Ltd v. President N.I.C.N (supra); Ayoade v. State (supra)** and **Agbiti v. Nigerian Navy (2011) 4 NWLR (Pt. 1236) 175.** The Appellant has not established any such denial or miscarriage of justice.

8.0 RESOLUTION OF THE APPEAL:

8.1 I have meticulously read the submissions of all the parties and same have been summarized above. I would like to resolve this appeal on two issues, as follows:

1. Whether the Notice of Preliminary Objection file by the 1st to 3rd Respondents is competent or meritorious.

2. Whether considering the facts before the Court, the lower Court was right in affirming the judgment of the trial Federal High Court.

8.2 ISSUE ONE:

8.2.1 The 1st to 3rd Respondents filed a Preliminary Objection on the basis that the Grounds of Appeal were vague, and that they were issues of facts, or at best, mixed law and facts. I am inclined to align with the submissions of the Appellants and the 4th, 5th and 6th Respondents that the Grounds of Appeal are neither vague nor issues of facts or mixed law and facts.

8.2.2 It is my view that the facts before the Court is to the effect that the Appellants' Grounds of Appeal are regular and are issues of law. To that extent there is indeed no requirement of leave to file the Appeal. This Court has noted in **Onifade v. Olayiwola (1990) 7 NWLR (Pt. 161) 130,** that the line of demarcation between a ground of mixed law and fact on the one hand and a ground of law on the other is very thin.

8.2.3 The Appellants' Ground One is on the decision of the lower Court in assuming jurisdiction of the suit filed by the 1st to 3rd Respondents. Ground Two is on the interpretation of the jurisdiction of the Federal High Court under Section 251 of the Constitution in relation to the 1st to 3rd Respondents. Ground Three is on the question of locus standi of the 1st to 3rd Respondents and the interpretation of Section 6(6) of the Constitution. Ground Four is on the propriety of the lower Court's decision to uphold the striking out of the legal representation of Counsel, and Ground Five is also on jurisdiction.

8.2.4 It is therefore without doubt that the Grounds of Appeal are such that can be filed without leave, and there is nothing fictitious or predicated on non-existent facts. The Preliminary Objection of the 1st to 3rd Respondents are without merit and is hereby **DISMISSED**.

8.3 ISSUE TWO:

8.3.1 The crux of this suit can be summarized by the submission of the 1st to 3rd Respondents, quoting the trial Court thus "*...The 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.*"

8.3.2 The lower Court in its decision stated:

"*Even the 4th Respondent's powers to monitor the organization s and operations of political parties including their finances, conventions, congresses and party Primaries alone under Section 15 of the 1999 Constitution is sufficient reason to confer a duty on it to sue and be sued in conjunction with a political party to determine and compel and prevent the wrongful exercise of that power/duty and for its interpretation and equitable*

remedies by any person interested and who has shown the violation and threatened violation of his right in relation to the performance and abdication of that duty. This public duty infers, litigation/cum personal interest challenge can by no means be seen to be an intrusion into a private internal affair of a political party or a challenge to the 4th Respondent INEC, a public institution and without legal cause shown."

8.3.3 In order to buttress the above, the lower Court went on to state:

"*The appellant at page 31 of the penultimate page of its Brief of Argument pleaded a Notice given to INEC the 4th Respondent and which was pleaded and annexed with an endorsement of receipt on 29-8-22, 3 years before the said date of the Notice and same was also not signed by any named person or official of the 1st Appellant thus strengthening the challenge by the 1st to 3rd Respondents on the non-compliance by the 1st Appellant in giving the statutory Notice for a Convention or congress and in violation of the Electoral Act as required by law. Not signed by an identified named receiver and also prior the alleged event of the Notice which by paragraph 12(2) xiii of the Regulations for Political Parties 2022 must be signed by the National Chairman and National Secretary. Alleged non-compliance averred. This takes the suit out of the mere dispute on the internal affairs of a political party and constitutes an exception to the prohibition of the courts in the internal affairs of political parties, which ban is after all not total in any case, as had been set up. There was, therefore, a reasonable cause of action in several fronts including the above indicated; there was locus standi disclosed and the clear jurisdiction in the trial court to proceed as it did and in granting the reliefs sought before her in respect of acts and omissions that would invalidate the schedule convention as it is only a court of law that can whip apolitical party that is in deviance of the Electoral Act and the Regulations imposed on them in the conduct of their activities.On the state of the authorities of* ***Maigiri vs. Yisif & Ors (2023) LPELR 60609*** *and* ***Christiana vs Innocent & Ors (2023) LPELR 60589 (SC)*** *the trial court rightly intervened and in granting the reliefs sought as it had jurisdiction so to do"*

8.3.4 This decision is consistent with the submissions of all the Respondents relying on the authorities already cited previously in this judgment. I agree entirely with the reasoning of the lower Court. I therefore answer Issue Two

in the affirmative. The lower Court was on sound footing when it affirmed the decision of the trial federal High Court.

8.3.5 It is on the strength of the foregoing submissions and jurisprudence that I dismiss this appeal as being unmeritorious.

APPEAL DISMISSED.

DISOBEDIENCE TO COURT ORDERS

I must not fail to comment on the flagrant disobedience to the orders of injunction of the lower Courts by the Appellants in this appeal. When parties submit themselves to the authority of the Courts, they are bound to obey the orders or injunctions that ordinarily flow from the Courts, whether such orders are in their favour or against them. Some Political Parties in this Country have consistently made a Mockery or Caricature of orders of Courts which do not go in their favour. They do not stop there, they shamelessly, brazenly, and desperately embark on forum shopping. The Party Convention of the 1st Appellant (PDP) in this Appeal which held on the 15th and 16th of November 2025 is a typical example.

Not only did they flagrantly disobey the orders of the Federal High Court in Suit Number FHC/ABJ/CS/2120/2025 by Omotosho, J, they proceeded to taunt the Court by going to a High Court in Oyo State which is clearly a Court of Cordinate jurisdiction to get a Counter order in their favour.

This is nothing but Madness, Gross irresponsibility, quite contemptuous and clearly making a Mockery of a very serious business. I condemn it in very strong terms. The said Convention which is a product of this Madness and irresponsibility is accordingly declared null and void and of no effect whatsoever. All the decisions arrived at by this full-blown Madness are also set aside.

I also condemn the unethical conduct of some Judges who make their Courts available for forum shopping, not due to poor knowledge of the law, but deliberate mischief, thereby diminishing the Majesty of the Courts and the entire Judiciary. They are simply playing with fire with all the attendant consequences.

It is trite that a party in contempt of the order of any Court whatsoever has no reason or justification to seek audience before another Court and no Court should grant such an irresponsible party audience for any reason at all.

Some lawyers, including very Senior Lawyers who appear for these litigants and Political Parties have also not lived up to expectation in this very important aspect of their duty to their clients and to the Courts. This unprofessional Conduct by some lawyers is regrettable. If this gross irresponsibility continues, we will obviously be heading towards dooms day. On our part as a Policy Court and the Apex Court in the Country, we will not fold our hands in our efforts to preserve the integrity of our Judicial System. We must take steps to visit such recklessness with the law as well as stop granting such recalcitrant parties audience in our Court.

CROSS APPEAL

SC/CV/166/2026

BETWEEN

10.HON. AUSTINE NWACHUKWU
(PDP Chairman, Imo State Chapter)
11.HON. AMAH ABRAHAM NNANNA
(PDP Chairman, Abia State Chapter)
12.TURNAH ALABH GEORGE
(PDP Secretary, South-South Geo-Political Zone) **CROSS APPELLANTS**

AND

4. PEOPLES DEMOCRATIC PARTY
5. NATIONAL WORKING COMMITTEE OF THE PEOPLES DEMOCRATIC PARTY
6. NATIONAL EXECUTIVE COMMITTEE OF THE PEOPLES DEMOCRATIC PARTY
13.INDEPENDENT NATIONAL ELECTORAL COMMISSION
14.SENATOR SAMUEL ANYANWU
(National Secretary, Peoples Democratic Party)
15.HON. UMAR M. BATURE
(National Organizing Secretary, Peoples Democratic Party)
16.UMAR ILIYA DAMAGUM
(National Chairman, PDP)
17.CHIEF ALI ODEFA
18.CHIEF EMMANUEL OGIDI ..... **RESPONDENTS**

2.0 INTRODUCTION

1.1 The Cross Appellants filed this Cross Appeal against part of the decision of the Court of Appeal, Abuja Division delivered on 9th March, 2026 in Appeal No. CA/ABJ/1613/2025, between PEOPLES DEMOCRATIC PARTY & 2 ORS V. HON. AUSTINE NWACHUKWU & 8ORS, Coram: M.A. Danjuma, JCA, U. Onyemenam, JCA, and M. Mustapha, JCA, wherein the Court of Appeal (the Lower Court) raised and decided the issue of purported suspension of A. K. Ajibade, SAN by the National Working Committee of the Peoples Democratic Party (PDP) *suo motu,* not being an issue in the appeal and on that ground dismissed the preliminary objection of the Cross Appellants without affording the parties an opportunity of being heard on the issue.

1.2 Dissatisfied with the part of the decision complained against, the Cross Appellants filed a Notice of Appeal on the 13th of April, 2026.

2.0 STATEMENT OF FACTS:

2.1 The appeal determined by the lower Court which led to this Cross appeal arose from the decision of the Federal High Court, Abuja Division delivered on the 31st of October, 2025 by Omotosho, J. in the case of Hon. Austine Nwachukwu & Ors v. INEC & Ors, Suit No. FHC/ABJ/CS/2120/2025.

2.2 The Federal High Court did not determine any issue relating to the suspension of A.K. Ajibade SAN as National Legal Adviser by the National Working Committee of the Peoples Democratic Party, the 1st Respondent.

2.3 According to the lower Court, the alleged suspension of A/K/Ajibade SAN by the National Working Committee of the 1st Respondent took place on the 1st of November, 2025, a day after the judgment of the trial Court.

2.4 No ground of appeal before the lower Court relates to the alleged suspension of A.K. Ajibade, SAN which was not an event in existence at the time the judgment of the trial Court was delivered on the 31st October, 2025.

2.5 The Cross Appellants were surprised when the lower court raised the issue of the alleged suspension of A.K. Ajibade SAN as the National Legal Adviser of the 1st Respondent by the National Working Committee of the 1st

Respondent, a point on which the present Cross Appellants had no opportunity to address the Court.

2.6 Although the Cross Appellants aver that there was no document before the lower court suspending A.K. Ajibade, SAN as the National Legal adviser of the 1st Respondent by any organ of the 1st Respondent in the record of Appeal, the facts as deposed by the 1st to 3rd Respondents suggests that before the hearing of the Notice of Preliminary Objection s, the 1st to 3rd Respondents as the 1st to 3rd Appellants in Appeal No CA/ABJ/CV/1613/2025 filed an Motion on Notice praying for leave to adduce further evidence.

2.7 The main additional evidence sought to be adduced related to the suspension of the said A. K. Ajibade, SAN as National Legal Adviser of the 1st Appellant on the 1st day f November, 2025 as contained in Exhibit PDP1 attached to the application.

3.0 THE CASE OF THE CROSS APPELLANTS:

3.1 The Cross Appellants' Brief of Argument was filed on 17th April, 2026. From the Cross Appellant's Notice and Grounds of Appeal, they formulated two Issues for the determination of this appeal, viz:

1. *Whether it is proper for the lower Court to raise the issue of the suspension of A.K. Ajibade, SAN as the National Legal Adviser of the Peoples Democratic Party suo motu and determine same without hearing the parties on the issue, if not, whether the lower Court was right when it dismissed the Appellants' Preliminary Objection to the Appeal? (Grounds 1 & 3).*

2. *Whether the Appellants' right to fair hearing was breached when the lower court dismissed their preliminary objection based on an issue upon which they were not afforded an opportunity to be heard? (Ground 2).*

3.2 ARGUMENT ON ISSUE ONE:

3.2.1 The Cross Appellant submitted that where issues are submitted to the court, the court has a duty to confine its decision to those issues. If for any reason

the court deems it necessary to raise any issue *suo motu,* the parties ought to be invited to address the court before a decision is taken on the issue. The Cross appellant relied on the case of **Inspector General of Police v. Felix Ngozi Achi (2024) 9 NWLR (Pt. 1943) 273**

3.2.2 The Cross Appellants submitted that the alleged suspension of A.K.Ajibade, SAN is outside the case determined by the trial court from which appeal was lodged at the lower court. Th lower court is not a court of first instance in this case and as such the lower court can only review the case determined by the trial court and the purported suspension of A.K. Ajibade, SAN on 1st November 2025 was never part of the case determined on 31st October, 2025.

3.2.3 The Cross Appellants referred to **Statoil Nigeria Limited v. Inducon Nigeria Limited & Anor (2021) 7 NWLR (Pt. 1774) 1** where the Court held that the Court has not business with any issue that has not been placed before it by parties or raised *suo motu* by it without the input of the parties before the resolution of same. The Cross Appellants cited other authorities on this point including **Christian Okafor v, Bende Divisional Union, Jos Branch &)rs (2017) 5 NWLR (Pt. 1559) 385; Adegoke v. Adibi (1992) 8 NWLR (Pt. 242) 410; AG Leventis Plc v. Akpu (2007) 9 MJSC 124.**

3.2.4 It was further submitted that the issue raised suo motu by the lower Court was the only ground for the dismissal of the Cross Appellants preliminary objection. They argued that in such a situation the Cross Appellants ought to have been heard, and the failure to hear them renders the decision on the issue raised suo motu a nullity. Their Notice of Preliminary Objection was therefore wrongly dismissed.

3.3 ARGUMENT ON ISSUE TWO:

3.3.1 The Cross Appellants answered issue two in the affirmative. The Cross Appellants adopted their arguments in respect of Issue one in arguing Issue two. According to the Cross Appellants, it had been established that the issue of suspension of A.K. Ajibade, SAN was raised suo motu by the lower Court, and the said issue raised suo motu was resolved without hearing the parties.

3.3.2 The Cross Appellants expounded the twin pillars of justice; nemo judex in causa sua, i.e. no man can be a judge in his own cause, and audi alteram partem, i.e. hear the other side. They went on to argue that these twin pillars of justice have been enshrined under **section 36 of the Constitution, 1999 (as amended)** and established in a plethora of judicial authorities including **Kotoye v. CBN (1989) 1 NWLR (Pt.98) 419; National Ear Care Centre v. Cosmas Chikezie Nnadi & Anor (2021) 17 NWLR (Pt.1805) 365.**

3.3.3 The Cross Appellants further submitted that the lack of fair hearing to the Cross Appellants complaint is apparent on the face of the judgment of the lower Court. They also stated that the Record of Appeal before the lower Court did not contain any instrument suspending A.K. Ajibade, SAN, and the judgment of the trial court appealed against to the lower Court does not contain any issue of the suspension.

3.3.4 The Cross Appellants finally submitted that it is as clear as crystal that the Cross Appellants' right to fair hearing was violated by the lower Court when it imported into its judgment the issue of the purported suspension of A.K. Ajibade, SAN as National Legal Adviser of the 1st Respondent by the National Working Committee.

4.0 THE CASE OF THE 1ST TO 3RD RESPONDENTS:

4.1 The 1st to 3rd Respondents filed their 1st to 3rd Respondents' Brief of Argument along with a Notice of Preliminary Objection on 21 April 2026. The Brief was settled by Abduljalil Musa Esq.

4.2 NOTICE OF PRELIMINARY OBJECTION:

4.2.1 The 1st to 3rd Respondents filed a Notice of Preliminary Objection asking this Court to strike out the Cross Appellant's appeal for being incompetent.

4.2.3 The 1st to 3rd Respondents challenged the Cross appeal on the following grounds:

1. The instant Cross appeal is an abuse of court process.
2. The Cross Appellants lack the locus standi to hold brief for Mr. A.K. Ajibade SAN, nor question or challenge which Counsel should represent the 1st to 3rd Respondents.

3. The Cross Appellants have not shown that the holding of the Court below, upholding the suspension of Mr. A.K. Ajibade, SAN, by the 3rd Respondent (National Working Committee of the PDP) and/or refusing to countenance his legal representation for the 1st to 3rd Respondents, which they appeal against, adversely affects their civil rights or obligations.
4. The Cross Appellants have not shown that they are "persons aggrieved" by the decision of the Court below as required by law.
5. The Cross Appellants have not demonstrated any personal, direct, or substantial interest in the subject matter of the appeal.
6. Grounds 1 and 2 of the Cross Appellants' Notice of Appeal are of mixed law and facts, which require leave of the Court before appealing on those grounds.
7. No leave of Court was sought by the Cross Appellants to appeal the decision of the Court below.

4.3 ARGUMENT ON THE NOTICE OF PRELIMINARY OBJECTION:

4.3.1 The 1st to 3rd Respondents argued that Grounds 1 and 2 of the Cross Appellants' Notice of Appeal are both grounds of fact, or at best, mixed law and facts, as they question the evaluation of facts by the Court below relating to the suspension of the erstwhile Legal Adviser of the 1st Respondent.

4.3.2 The 1st to 3rd Respondents submitted that such grounds of appeal cannot be raised at the Supreme Court as of right. Leave of Court is required. The case of **Oforkire v. Maduike (2003) 5 NWLR (Pt. 812) 116; Umoru v. Zibiri (2003) 11 NWLR (Pt 832) 647.** And where leave is not obtained the grounds are incompetent and ought to be struck out. See **Njemanze v. Njemanze (213 LPELR-19885 (SC); Akinyemi v. Odua Investment Co. Ltd (2012) 1 SC (Pt.IV) 4**

4.3.3 The 1st to 3rd Respondents equally challenged the Cross appeal on the basis of want of locus standi and abuse of Court process. Counsel argued that the Cross Appellants were not in any way affected by the decision relating to the representation of the 1st to 3rd Respondents. They do not on that score have the basis to sue or appeal such a decision. See **Adesanya v. President of the Federal Republic of Nigeria (1981) 5 SC 112; Nnabuchi & Ors v. IGP &**

Ors (2025) LPELR-80541 (SC) which decided that only a person aggrieved by a decision of a Court can appeal against same. See also **Jumbo v. Jumbo (2025) LPELR-81698 (SC).**

5.0 RESOLUTION OF THE CROSS APPEAL:

5.1 Having studied the submission of the parties on the Cross-Appeal and the Preliminary Objection of the 1st to 3rd Respondents, I am of the opinion that this cross appeal can be resolved on two issues as follows:

1. "Whether the 1st to 3rd Respondents' Notice of Preliminary Objection is competent to determine this cross appeal."

2. "Whether the Cross Appellants' cross appeal is not all together defective and incompetent before this Honourable Court and therefore liable to be struck out and or dismissed in its entirety."

5.2 ISSUE ONE:

5.2.1 The 1st to 3rd Respondents argued that Grounds 1 and 2 of the Grounds of Appeal are of facts or mixed law and facts. The Cross Appellants dismissed the argument as incorrect because Ground 1 alleges that the court erred in its conclusion drawn from undisputed facts. This is an issue of law as well settled in the case of **Pagade Chemicals Limited & (Ors v. Nigeria Deposit Insurance Corporation (NDIC) (Liquidator of Group Merchant Bank Limited) (2023) 4 NWLR (Pt.1873) 93.**

5.2.2 It is also the submission of the Cross Appellants that ground 2 which raises the issue of fair hearing is clearly an issue of law as fair hearing is enshrined in Section 36(!) of the Constitution of the Federal Republic of Nigeria, 1999. A ground of appeal challenging the jurisdiction of the court is necessarily a ground of law as held in **General Electric Company & 4 Ors v. Harry Ayo Ade Akande (2010) 18 NWLR (Pt. 1225) 596**

5.2.3 The Cross Appellants equally argued that the 1st to 3rd Respondents have not challenged the Cross Appellants' membership of the PDP and they have also not challenged that the Cross Appellants and the 1st to 3rd Respondents are

bound by the same PDP Constitution. As such the 1st to 3rd Respondents cannot challenge their locus standi to institute the cross appeal.

5.2.4 Furthermore, the Cross Appellants submitted on the issue of legal representation of the PDP in any form, Article 42 of the Constitution of the PDP makes it an issue of law and the Cross Appellants have the right to maintain this cross appeal.

5.2.5 I am persuaded by the foregoing submissions of the Cross Appellants in respect of the Notice of Preliminary Objection. I do not subscribe to the 1st to 3rd Respondents' view on the preliminary objection. I therefore resolve the Preliminary objection against the 1st to 3rd Respondents and it is hereby dismissed.

5.3 ISSUE TWO:

I agree with the submission of the 1st to 3rd Respondent that as decided in Mr. **Sunday Adegbite Taiwo v. Sarah Adegbero & Anor (211) 11 NWLR (Pt. 1259) 562** "*the rule about locus standi developed primarily to protect the Courts from being used as a playground by professional litigants, or, and meddlesome interlopers, busy bodies who really have no stake or interest in the subject matter of the litigation*".

5.3 It beats imagination what the interest of the Cross Appellants were regarding the Legal Counsel to represent another party in suit in which the Cross Appellants have their own Counsel.

5.4 As decided in **Abiola v. F.R.N (1996) LPELR-40 (SC) pg.3, para. E** by this Court, "*The best person to decide who represents him as counsel is the appellant, and that is his Constitutional right. To my mind, the energy of the parties should be directed to the appellant to intimate his choice. Time honoured practice is of this issue or representation to be decided by counsel after consulting the appellant, or the appellant writing to intimate his choice of counsel or by any other means e.g. affidavit showing who will be his counsel.*"

5.5 The decision of the Counsel to represent a party is definitely not a contest for third parties to meddle in. At most, it may be between one or more Counsel and the litigant, and all they owe the Court is to resolve, agree and

inform the Court who the litigant has approved or chosen to represent him. However, that decision is made or the effect does not in any way affect another party to the extent of forming a ground of appeal for such party, except there is more to it than meets the eye.

5.6 I hold the view that the conduct of the Cross Appellants in filing this Cross Appeal almost exclusively on the question of Counsel between Chris Uche, SAN and A.K. Ajibade, SAN the proper Counsel to represent the 1st to 3rd Respondents is an abuse of court process.

5.7 On the above score alone, I find this Cross appeal unmeritorious, and an abuse of Court process. It is hereby dismissed.

CROSS APPEAL DISMISSED

In summary, the Preliminary Objection is dismissed. The main Appeal is dismissed, and the Cross Appeal is also dismissed. I make no order as to costs.

CHIOMA EGONDU NWOSU-IHEME (Ph.D)

JUSTICE, SUPREME COURT

Certified True Copy
Chioma H. George-Olotu
(MRS)
REGISTRAR
SUPREME COURT OF NIGERIA
6/5/26
Official

APPEARANCE OF COUNSEL:

Chief Chris Uche, SAN, with him **Gordy Uche, SAN; Oba Maduabuchi,SAN; Olakunle Lawal, Esq.; Francis Nsiegbunam, Esq; Abdul-Jalil Musa, Esq; Emelda Uchenna, Esq;** for the Appellants.

J.B. Daudu, SAN; Emmanuel Ukala, SAN; S.L. Ameh, SAN; D.C. Demwingie, SAN, K.C.O. Njemanze, SAN; Chief Ferdinard O.V. Orbih, SAN; Dr. J.Y. Musa, SAN; with **Dike Udenna, Esq. for the 1st to 3rd Respondents.**

O.A. Adeyemi, Esq. with him **Kingsley Magbuin, Esq.** for the 4th Respondent.

M.S. Atolagbe, Esq. with him **C.T. Mue Esq. Priscillia Ejeh, Esq.; M.T. Abu, Esq.** and **L.O. Abdulrazak, Esq.** for the 5th Respondent.

V.F. Folorunsho, Esq.; A.H. Adebayo, Esq.; H.O. Lawal, Esq. and **Q.O. Omoyibo, Esq.** for the 6th Respondent.

Timileyin Kehinde, Esq. with him **Osahon Igiehon, Esq.** for the 7th Respondent.

Audu Anuga, SAN with him **Jacob Atolepa, Esq.** and **Ini Ememobong, Esq.; R. F. Asine, Esq. Ndianabasi George Esq.; Sumaija Babayon Esq.** for the 8th and 9th Respondents.