

Copy

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

FHC/Warri/111/2026

SUIT NO FHC/ /2026

BETWEEN
HON. TOSAN DESMOND OYOWE

PLAINTIFF

AND



- 1. ALL PROGRESSIVE CONGRESS
- 2. INDEPENDENT NATIONAL ELECTORATE COMMISSION (INEC)
- 3. SEN. JOEL ONOWAKPO THOMAS
- 4. PRINCE (EVANG) MICHAEL DIDEN

--- DEFENDANTS

ORIGINATING SUMMONS

PURSUANT TO ORDER 3 RULE 9 FEDERAL HIGH COURT (CIVIL PROCEDURE)
RULES 2019, SECTION 285(14) OF THE CONSTITUTION OF THE FEDERAL
REPUBLIC OF NIGERIA 1999 (AMENDED), SECTION 88(2) OF THE
ELECTORAL ACT, 2026 AND UNDER THE INHERENT JURISDICTION OF THIS
HONOURABLE COURT

LET ALL THE parties especially the Defendants attend this Honorable Court on the _____ day of _____ 2026, within thirty days after service of this summons on him, inclusive of the day of such service, cause an appearance to be entered for him to this summons which is issued by the Plaintiff **HON. TOSAN DESMOND OYOWE** all of Delta State, for the determination of the following question(s):

- 1. **WHETHER** in view of the clear and unambiguous provision of Section 77 (5) of the Electoral Act, 2026 (as amended) the 1st Defendant can validly conduct a primary election for the Delta State South Senatorial Zone (District) without the use of party membership Register lodged with INEC, the 2nd Defendant.
- 2. **WHETHER** in view of the fact that the Electoral Act, 2026 expressly provides that primary election must either be by consensus or direct primary election, the 1st Defendant can validly conduct primary election without accrediting the voters in the said primary election.
- 3. **WHETHER** in view of the fact that the 3rd and 4th Defendant openly and flagrantly violated the Electoral Act, 2026 and the Constitution and guidelines of the 1st Defendant in respect of the conduct of the Delta South Senatorial Zone primary election held on 18/5/2026, they have not thereby incurred a disqualification from emerging as candidates of the 1st Defendant in respect of the Delta South Senatorial Zone for the General election scheduled to hold in January/ February, 2027.

ALTERNATIVELY

4. **WHETHER** in view of the clear and unambiguous provision of Section 88(3) of the Electoral Act, 2026 the 1st Defendant having been shown to have violated the clear provision of the Electoral Act, 2026, the Constitution of the Federal Republic of Nigeria is not disqualified or precluded from fielding any candidate for the 2027 general election in respect of the Delta South Senatorial Zone.

ALTERNATIVELY

5. **WHETHER** in view of the persistent refusal of the 2nd Defendant to give effect to the Supreme Court decision in SC/413/2016 – GEORGE TIMINIMI V. INEC, the said 2nd Defendant can validly conduct any election in the Warri Federal Constituency of Delta State and consequently the election into the Senate of the Delta South Senatorial Zone in respect of the general election scheduled to hold in January/February 2027.

Upon a favourable resolution of the above question in favour of the Plaintiff, the Plaintiff seeks the following reliefs: -

1. **A DECLARATION** that the primary election conducted by the 1st Defendant in respect of the Delta South Senatorial Zone / district held on 18/5/2026 is null and void for being conducted without compliance with the Electoral Act, 2026, the Guidelines of the 1st Defendant, the Constitution of the Federal Republic of Nigeria and all other enabling laws in that behalf.
2. **A DECLARATION** that the Plaintiff having been cleared to contest the primary election of the 1st Defendant for the Delta South Senatorial Zone and being the only candidate who did not violate the laid down Rules and Regulation for the conduct of the said primary election is the only qualified ASPIRANT and ought to be declared the candidate of the 1st Defendant in respect of the Senatorial Ticket for the Delta South Senatorial Zone.

ALTERNATIVELY

3. **A DECLARATION** that in view of the clear and ambiguous provision of Section 88(3) of the Electoral Act, 2026, the 1st Defendant is disqualified from having any candidate for the Delta South Senatorial Zone in respect of the 2027 general election.

ALTERNATIVELY

4. **A DECLARATION** that INEC (2nd Defendant) having violated the judgment of the Supreme Court in SC/413/2016 – GEORGE TIMINIMI V. INEC and there being no valid wards and units in the Warri Federal Constituency which makes up about 33.3% of the Delta South Senatorial Zone, the primary election conducted by the 1st Defendant on 18/5/2026 is a nullity and cannot produce any candidate.
5. **A DECLARATION** that the 2nd Defendant cannot validly supervise any primary election or conduct any general election in the Warri Federal Constituency of the

- Delta State which make up a large chunk of the Delta South Senatorial Zone/ District in view of the flagrant violation of a subsisting judgment of the Supreme Court.
6. **ANY** other suitable relief(s) that the court may deem fit to grant.

*This summons was taken out by **IKHIDE EHIGHELUA, ESQ.**, of Ikhide Ehighelua & Co, Onoriode Chambers, 2, Ikhide Ehighelua Close off Ovie palace Road Effurun legal practitioner for the above-named Claimants.*

The Defendants may appear hereunto by entering appearance personally or by a legal practitioner either by filing the appropriate processes in response at the Federal High Court Registry of the Warri Judicial Division of Delta State, or by sending them to that office by any of the methods allowed by the Rules of Court.


REGISTRAR
28/05/2026

Note:

If the Defendants does not respond within the time and at the place above mentioned, such orders will be made and proceedings may be taken as the Judge may think just and expedient.

Dated this 27th of May, 2026.




✓ IKHIDE EHIGHELUA ESQ. ✓

O. J. OBODAYA ESQ

K. K. AKPULE ESQ

IKHIDE EHIGHELUA & CO

ONORIODE CHAMBERS

2, IKHIDE EHIGHELUA CLOSE,

OFF PLACE ROAD, OFF P.T.I ROAD

EFFURUN

08057767096

ikhidelaw@gmail.com

FOR SERVICE ON

1) **THE 1ST DEFENDANT**

APC SECRETARIAT

ASABA

DELTA STATE

2) **THE 2ND DEFENDANT**

INDEPENDENT NATIONAL ELECTOAL COMMISSION

INEC OFFICE

NTA ROAD

ASABA

DELTA STATE

3) THE 3RD DEFENDANT
SEN. JOEL ONOWAKPO THMAS
NATIONAL ASSEMBLY
ABUJA
08022233571

4) THE 4TH DEFENDANT
PRINCE (EVANG) MICHAEL DIDEN
WARRI NORTH L.G.A
DELTA STATE
09081919191



2714 - 7121 - 1415

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

FHC/WAR/11/2026

SUIT NO FHC/ /2026

BETWEEN
HON. TOSAN DESMOND OYOWE

PLAINTIFF

AND

1. ALL PROGRESSIVE CONGRESS
2. INDEPENDENT NATIONAL ELECTORATE COMMISSION (INEC)
3. SEN. JOEL ONOWAKPO THOMAS
4. PRINCE (EVANG) MICHAEL DIDEN

--- DEFENDANTS

AFFIDAVIT IN SUPPORT

I TOSAN DESMOND OYOWE, male, Christian, Nigerian citizen of Warri North L.G.A of Delta State do hereby make an oath and state as follows: -

1. That I am the Plaintiff in this suit.
2. That the fact deposed to herein are within my personal knowledge.
3. That I know as a fact that: -
 - a) That I am a Registered member of the All Progressives Congress (APC) which is a political party duly registered within the Federal Republic of Nigeria (hereafter I will refer to the party as the APC). That same political party, APC is the 1st Defendant in this suit. Herewith attached as **Exhibit A** is evidence of my membership of the APC.
 - b) The 2nd Defendant is the Independent National Electoral Commission (INEC), it was duly created by law and charged with the responsibility of conducting the general election in Nigeria including election into the Delta South Senatorial Zone which is in contention in this suit. The 2nd Defendant is also empowered to monitor the primary election of political parties in Nigeria including the primary election of the APC for the Delta South Senatorial Zone which held on 18/5/2026. The 2nd Defendant shall hereafter be simply referred to as INEC.
 - c) The 3rd Defendant is currently the serving Senator representing the Delta South Senatorial Zone in the Senate of the Federal Republic of Nigeria he participated in the primary election in dispute in this case and purported to produce result claiming to have won the primary election.
 - d) The 4th Defendant is also a member of the APC who participated in the primary election of the 1st Defendant which is in dispute in this suit. He has also produced his own set of results claiming to have won the primary election.

- e) I duly, as a member of the 1st Defendant, purchased the expression of interest form and nomination form expressing my intention to contest for the ticket of the APC in respect of the Delta South Senatorial Zone in the forthcoming general election of 2027. Herewith annexed as **Exhibits B and B1** are copies of my said expression of interest form and nomination form.
- f) I was subsequently invited by the screening committee of the 1st Defendant and was duly screened and cleared to contest the said primary election. Herewith annexed as **Exhibit C** is a copy of the list of cleared candidates issued by the 1st Defendant.
- g) Following my clearance and nod to contest the primary election, I embarked on a robust sensitization of my teeming supporters and I fully mobilized for the primary election. Herewith annexed as **Exhibit D** are copies of my campaign posters for the primary election.
- h) Contrary to item 20.4 of the APC Constitution and guidelines, the APC issued a document titled "VENUES FOR SENATORIAL PRIMARY ELECTION". Herewith annexed as **Exhibit E** is a copy of the said document.
- i) Contrary to conducting the primary election by OPEN-SECRET BALLOT, the APC made people to line up in the fields and people were being counted in the most ridiculous and inconsistent manner. Herewith annexed as **Exhibit F** are sundry video clips from the voting was purportedly being recorded.
- j) Surprisingly, at the end of the purported primary election, the 3rd and 4th Defendants produced two different results in the name of the 1st Defendant proclaiming themselves to be winners of the same primary election. Herewith annexed as **Exhibit G** is a copy of the result(s) by which the 3rd defendant is laying claim to victory. While also attached as **Exhibit H** is a copy of result(s) by which the 4th Defendant is also claiming the victory in the said primary election both results purported to have emanated from the 1st Defendant and her officials.
- k) To my greatest shock, none of the two results bears my name and my votes cast for me by my teeming supporters.
- l) It is obvious from the results flying up and down that the 1st Defendant totally lost control of the process and cannot be said to have conducted a primary election as laid down by law.
- m) Both the 3rd and 4th Defendants who have produced their different results are involved in a scheme which is totally unknown to law.
- n) Throughout the primary election, I did not see any register of party members being used and I also did not see any person been accredited to vote in the election.
- o) The scheme to scuttle the application of the Law, Constitution of both the Federal Republic of Nigeria and that of the APC and the Electoral Act, 2026 and the guidelines issued for the conduct of the election.
- p) That I know that the Constitution and the guidelines bar any predetermined candidates who influences or tried to influence the outcome of the primary election.

- q) That of all the aspirants, I went into that contest without any illegal or ulterior motive of all the aspirants.
 - r) I know as a fact that the Supreme Court in 2022 ordered fresh delineation of all wards and units in the Warri Federal constituency. The Warri Federal Constituency makes up about 33.3% of the total Delta South Senatorial Zone / District and without the said delineation, it is impossible to conduct both primary and general election in respect of the Delta South Senatorial Zone. Herewith annexed as **Exhibit I** is a copy of the said Supreme Court judgment; APC and INEC never made any attempt to ensure the compliance with the judgment of the Supreme Court under reference.
 - s) Both the APC and INEC deliberately refused to countenance and comply with the judgment of the Supreme Court in respect of the delineation of the Wards and Units in the Warri Federal Constituency.
 - t) On 15/5/2026, the Court of Appeal in Abuja delivered a judgment in which the Court of Appeal re-emphasized the need to comply with the judgment of the Supreme Court. Herewith annexed as **Exhibit J** is a copy of the said Court of Appeal judgment.
 - u) In flagrant violation of the judgment of the Supreme Court, both the APC and INEC have continued to carry on as if the Supreme Court judgment does not exist at all.
 - v) It will be in the interest of justice to have me declared the winner of the primary election as the only forthright and straightforward candidate in the primary election held on 18/5/2026.
 - w) It will be in the interest of justice to grant the reliefs claimed as prayed.
4. That I make this affidavit in good faith believing same to be true and in accordance with the Oath Act.



DEPONENT

SWORN to at the Registry of the Federal High Court Warri

This 28th day of May 2026

**FEDERAL BEFORE ME OF NIGERIA
COMMISSIONER FOR OATHS**

Sign [Signature]

Date 28/5/2026
COMMISSIONER FOR OATHS

FEDERAL HIGH COURT OF NIGERIA
WARRI DIVISION.
CASHIER
REC 28/5/2026

2714-7121-1415



Member

[Home](#) : Member

Print Slip

All Progressives Congress (APC) Temporary Membership Slip



TOSAN DESMOND OYOWE
Membership ID: APC102305000805
Registration Date: 2025-06-29



DELTA
State

WARRI NORTH
LGA

KOKO I
Ward

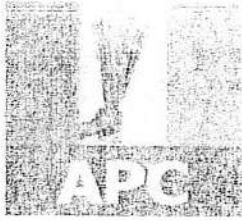
© Copyright 2025 APC

BOI/PC/2026

ALL PROGRESSIVES CONGRESS

**EXPRESSION
OF INTEREST
FORM**

BOI/APC/2026



EOI/SEN/NO: 0000219



POSITION: SENATE

PERSONAL DATA

(A) NAME: HON. TOSAN DESMOND OYOWE

(B) ADDRESS: HON. TOSAN OYOWE COMPOUND, KOKO BEACH

WARRI-NORTH LOCAL GOVERNMENT AREA - KOKO

(I) RESIDENTIAL ADDRESS: HON. TOSAN OYOWE COMPOUND, KOKO

BEACH WARRI NORTH LOCAL GOVERNMENT AREA. KOKO

(II) CONTACT ADDRESS: HON. TOSAN OYOWE COMPOUND, KOKO BEACH

WARRI NORTH LOCAL GOVERNMENT AREA. KOKO

(III) E-MAIL ADDRESS: TOSANOYOWE@gmail.com

(IV) PHONE ADDRESS: 08035660225, 08025630755

(C) SEX: MALE

(D) DATE OF BIRTH: 18/11/69

(E) MARITAL STATUS: MARRIED

(F) MAIDEN NAME: OKORO ATHE-PE

(G) NATIONALITY: NIGERIAN

(H) STATE OF ORIGIN: DELTA

(I) LOCAL GOVERNMENT AREA: WARRI-NORTH

(J) WARD: WARD 5 KOKO

(K) POLLING UNIT: 001 (AKUAPAJOR PRIMARY SCH)

(K) MEMBERSHIP REGISTRATION NUMBER: APC102305000605

4. POLITICAL APPOINTMENT(S) (IF ANY)

- (A) MEMBER ETHIOPE WEST / WARRI NORTH COUNCIL AS
PEACE COMMITTEE 2005 - 2007
- (B) APC WARRI NORTH CO-ORDINATOR GENERAL ELECTION
2023
- (C)
- (D)
- (E)

5. INFORMATION

- * APPLICATION FORM IS TO BE COMPLETED IN BLOCK LETTERS AND RETURNED TO THE PARTY SECRETARIAT.
- * ALL CLAIMS BY APPLICANTS SHALL BE INVESTIGATED.



NATIONAL SECRETARIAT

No. 40, Blantyre Street, Wuse II, Abuja, Nigeria
www.officialapc.ng.com





No: 009011

All Progressives Congress

NATIONAL SECRETARIAT
No. 40, Blantyre Street, Wuse 2, Abuja, Nigeria, Website: www/apc.com.ng

RECEIPT

NOMINATION FORM FEE

SENATORIAL

Date: 30/01/2015

No.

Received from: Hon Tosan Ojowé

The sum of: Twenty million Naira

Naira

Only Kobo

Being payment for: Deposition of interest and nomination forms

Accountant's Signature

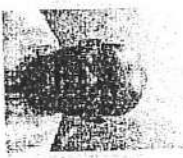
20 000 000 = 2M



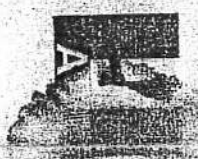
Member
Home Member

Print Slip

All Progressives Congress (APC) Temporary Membership Slip



TOSAN DESMOND OYOWE
Membership ID: APC102305000605
Registration Date: 2025-06-29



DELTA
State



WARRI NORTH
LGA



KOKO I
Ward

© Copyright 2025 APC



**APC PRESIDENTIAL
RALLY/DELTA STATE
CAMPAIGN FLAG-OFF**



**RENEWED
HOPE**

BAND
BUILDING A NEW DELTA

SAT. 19TH NOVEMBER 2022

**WARRI TOWNSHIP STADIUM,
DELTA STATE**

10.	BAR. GABRIEL YABAKA	COORDINATOR, BOMADI
11.	DR. MOSES ADAGBABRI	COORDINATOR, BURUTU
12.	TOSAN OYOWE	COORDINATOR, WARRI NORTH
13.	CHIEF BIRINUS OJOGRI	COORDINATOR, WARRI SOUTH
14.	ENGR. TUOYO OMATSULI	COORDINATOR, SOUTH WEST
15.	PROPHET EROWO O. EROWO	COORDINATOR, ISOKO NORTH
16.	HON. EDDY MACAULAY	COORDINATOR, ISOKO SOUTH
17.	CHIBUZOR OKOCHA	COORDINATOR, OSHIMILI NORTH
18.	ENGR. CHIKE P. JULUGA	COORDINATOR, OSHIMILI SOUTH
19.	EMMANUEL CHUKWUMA	1COORDINATOR, NDOKWA EAST
20.	ENGR. PATRICK ISHIE	COORDINATOR, NDOKWA WEST
21.	WISDOM C. AKOGOR	COORDINATOR, UKWUANI
22.	HON. NOYE PHILIP	COORDINATOR, IKA SOUTH
23.	PROMISE OGUMU	COORDINATOR, IKA NORTH EAST
24.	NNABUNDU CHINYE	COORDINATOR, ANIOCHA NORTH
25.	DENNIS NWANOKWAI	COORDINATOR, ANIOCHA SOUTH



DELTA STATE
**MINISTRY OF LOCAL GOVERNMENT
 AND
 CHIEFTAINCY AFFAIRS**

P. M. B. 5027
 Asaba
 Delta State of Nigeria

Ref: _____

Ref: AD/65/204

Date: 17/03/04

.....
 Tosan Oyowe

APPOINTMENT

I wish to inform you that His Excellency, Chief James Onanefe Ibori, the Governor of Delta State, has approved of your appointment as a Member of the National Youth Service Corps Local Government Committee in Warri North
 Local Government Area with effect from the 16th December, 2003.

2. The appointment which is on part-time shall attract the same salary and allowances due to part-time members of Boards of Delta State Government-owned parastatals and companies as follows:

- | | | | |
|-------|---|---|-----------------------|
| (i) | Basic Salary | - | ₦240,000.00 per annum |
| (ii) | Entertainment | - | 10% of basic salary |
| (iii) | Motor Vehicle Maintenance and
Fuelling | - | 30% of basic salary |
| (iv) | Vacation Leave | - | 10% of basic salary |

3. Your salary and allowances shall be paid to you by the Local Government Council of your assignment.

4. Congratulations and best wishes.

(BARR. MOSES ODIBO)
 Hon. Commissioner for Local
 Government & Chieftaincy Affairs.



INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)
ELECTION TO LOCAL GOVERNMENT COUNCILS 1998.....

Certificate of Return of Election to Office of Councillor

Under the Transition to Civil Rule (Elections etc.)

DECREE, 1998.

I hereby Certify that the person elected as Councillor for

Koko (5) Ward **Warri-North**

Local Government Area/Area Council of **Delta**

State in the Local Government Council Elections held on the

5th day of **December**, **1998** is

Mr. TOSAN OYOWE

(State full names of Candidate)

of **No. 12, Atuwarse 11 Way, Koko**

(State full address of Candidate)

Dated this **19th** day of **May**, **1999**

(M. A. ABUBAKAR, ESQ.)

For: CHIEF ELECTORAL OFFICER OF THE FEDERATION

WARRI NORTH LOCAL GOVERNMENT KOKO

DELTA STATE OF NIGERIA
WARRI NORTH LOCAL GOVERNMENT COUNCIL
DEPARTMENT OF ADMINISTRATION,
KOKO

Telegrams:
Telegrams:

Our Ref: NO. WN. 25/VOL. LXXXVIII/052

Date: 25th Aug 20 14



WNLG 3025656

Certificate of Identification/Origin

This is to certify that

The Bearer XXX OYOWE TOSAN DESMOND XXX

is an indigene/a native of KOKO TOWN in

Warri North Local Government Area of Delta State, Nigeria.

This Certificate covers his/her identification as such.


You are requested to give him/her every possible assistance, please.

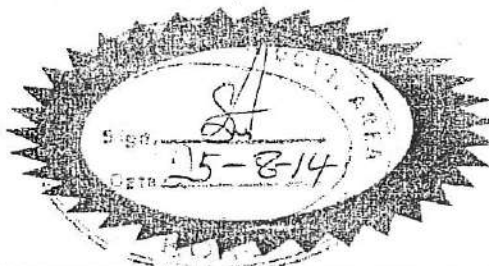
(NOT VALID FOR ISSUANCE OF NIGERIAN PASSPORT)

Fee of N 1,000.00

Paid on R.C.R. No. 006191

Of 25th August, 20 14


E. A. Amigo, Asst. Chief Admin. Officer,
Warri North Local Government
koko



IWERE GRAMMAR SCHOOL

P. M. B. 3, KOKO.

GENERAL CERTIFICATE OF EDUCATION. MAY/JUNE 1988

STATEMENT OF RESULT.

THIS IS TO CERTIFY THAT OYOWE TOSANWUMI
OBTAINED THE FOLLOWING RESULTS IN THE GENERAL CERTIFICATE
OF EDUCATION (ordinary Level) HELD IN MAY/JUNE 1988

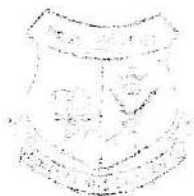
	SUBJECTS	GRADE
1.	ENGLISH LANGUAGE	4
2.	LITERATURE IN ENGLISH	9
3.	BIBLE KNOWLEDGE	
4.	HISTORY	6
5.	GEOGRAPHY	
6.	GOVERNMENT	
7.	ECONOMICS	9
8.	MATHEMATICS	5
9.	AGRICULTURAL SCIENCE	8
10.	BIOLOGY	8
11.	CHEMISTRY	
12.	HEALTH SCIENCE	
13.	PHYSICS	8
14.	FINE ART	
15.	COMMERCE	
16.	BUSINESS METHOD	
17.		

KEY
1 - EXCELLENT.
2 - VERY GOOD
3 - GOOD
4 - CREDIT
5 - CREDIT
6 - CREDIT
7 - PASS
8 - PASS
9 - FAIL

INDEX NUMBER. 06628/ 082

NO OF SUBJECTS PASSED SIX (6)

SIGNATURE OF STUDENT: *Oyowe Tosanwumi*



IWERE COLLEGE

P. M. B. 3 Koko,
Warri L. G. A.
Bendel State.

TESTIMONIAL

This is to certify that:

The bearer OYOWE TOSAN WUMI

was a student in the above named School from SEPTEMBER

1987 To JUNE 1988


Character SATISFACTORY.

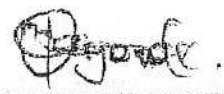
Subjects Offered ENGLISH LANGUAGE, LIT. IN ENGLISH

HISTORY, ECONOMICS, MATHEMATICS

ARRIC. SC, BIOLOGY & PHYSICS.

Extra Curricular Activities _____


Principal's Signature


Student's Signature

Date 7-7-1992

PRIMARY SCHOOL LEAVING CERTIFICATE

CERT No. 82 090137

GRADE

PASS

BENDEL STATE OF NIGERIA GOVERNMENT

This is to Certify that

JOYWE TOSAN
AKUARAIDOR PRIMARY SCHOOL IKOKI

HAS SATISFIED THE MINISTRY OF EDUCATION
BENDEL STATE OF NIGERIA IN THE PRIMARY
SCHOOL LEAVING CERTIFICATE EXAMINATION

HELD IN THE YEAR 19 82
SUBJECTS OF THE EXAMINATION

ENGLISH
ARITHMETIC
GENERAL KNOWLEDGE

THIS CANDIDATE ALSO PASSED IN

This Certificate is awarded on behalf of the Ministry of
Education Bendel State of Nigeria by the Primary School
Examination Board.

this 26TH day of.....JUNE.....1980.

for Commissioner for Education
Ministry of Education

IN THE MAGISTRATES' COURTS
DELTA STATE OF NIGERIA
IN THE WARRI MAGISTERIAL DISTRICT

AFFIDAVIT OF AGE

I, Abigail Oyowe (f) a Christian, Nigerian, resident at 20, Pessy Road, Warri, do hereby depose on oath and state as follows:-

That

1. 1 Tosanwumi Desmond Oyowe (m) is my brother.
2. That the said Tosanwumi Desmond Oyowe (m) was born on the 18th day of November, 1969 at Warri in the Warri South Local Government Area of Delta State.
3. That at the time of his birth, it did not occur to our parent to have his date of birth officially registered, but was recorded down in our family birth note book kept for that purpose.
4. And that I make this affidavit in good faith believing same to be true and correct and in accordance with the provisions of the statutory laws of the defunct Bendel State Laws of 1976, also applicable to Delta State.

~~Abigail~~
Abigail Oyowe
DEPONENT

Sworn to at the Magistrates' Courts
Registry, Warri, this 5th day of
Jan., 1993.

BEFORE ME:

John
COMMISSIONER FOR OATHS.

Oaths #2.99
Vide on no
188748 of 5/1/93
WARRI

No: 02484



All Progressives Congress
NATIONAL SECRETARIAT

Website: www.apc.com.ng
Wuse 2, Abuja, Nigeria

No. 40, Blantyre Street,

RECEIPT

GENERAL REVENUE FEES (CONTRIBUTIONS, DELEGATES AND MEMBERSHIP DUES)

No: _____

(CONTRIBUTIONS, DELEGATES AND MEMBERSHIP DUES)

Date: 5/20/20

Hon Gasan Desmond Oyedele

Received from:

Nine

Kobo

The sum of

Naira

Party dues

Being payment for

9,600 = K

Accountant's Signature

Funds Transfer Acknowledgement Receipt

Ref. No. FT-000021018992-OUTWARD
Request Date 2026-04-30 00:00:00
Request Type FIP
Amount 20000000
Currency NGN
Originator Account No. 2036***995
Originator Account Name LUMA GREGG LUCKY
Beneficiary Name ALL PROGRESSIVES CONGRESS
(NOMINATION A/C)
Beneficiary Bank Zenith International Bank Plc
Beneficiary Account 1014008105
Narration APC NOMINATION/EXPRESSION
OF INTEREST FORM PAYMENT
Tran ID 000016260430132241001914879735

This slip does not require signature.

Disclaimer:

Your transfer has been successful and the beneficiary's account will be credited. However, this does not serve as confirmation of credit into beneficiary's account. The Bank's role in this transaction is limited to effecting your transfer instructions and the Bank shall not be liable for any direct, indirect or consequential losses or claims arising out of or related to effecting the payment transfer in line with your instruction. The Bank cannot accept liability for a payment not reaching the correct recipients' account due to your quoting an incorrect account number or incorrect personal details. Due to nature of the internet, transaction may be subject to interruption, transmission blackout, delayed transmission and incorrect date transmission. The Bank is not liable for malfunctions in communication facilities not within its control that may affect the accuracy or timelines of messages and transaction you send.

**Transaction Receipt
Successful**

₦ 9,600.00

Nine Thousand Six Hundred Naira Only

April 30, 2026 17:19:47

From: *****64442

Sender Name: GREGG LUMA

Beneficiary Name: ALL PROGRESSIVES CONGRESS
NOMINATION A C

Account No: 1014008105

Bank: Zenith International Bank Plc

Transaction Type: Interbank Transfer

Reference No: ISW016260430171947001916647099

Narration: Party dues

For more information, please contact us: 02014485500, 07080625000 firstcontactcomplaints@firstbanknigeria.com
complaints@firstbanknigeria.com; www.firstbanknigeria.com

**Get airtime in seconds. Dial *894*amount#. Out of data?
Dial *894*2#. Need an account? Dial *894*0#.**

Your transfer has been successful and the beneficiary's account will be credited. However, this does not serve as confirmation of credit into the beneficiary's account. Due to the nature of the internet, transactions may be subject to the interruption, transmission blackout, delayed transmission and incorrect data transmission. The bank is not liable for malfunctions in communications facilities not within its control that may affect the accuracy or timeliness of messages and transactions you send. All transactions are subject to verification and normal fraud checks.

Receipt: payment for
Hon. Tolan Desmond Ojowe

CURRICULUM VITAE OF HON. TOSAN DESMOND OYOWE

PERSONAL DATA:

SURNAME: OYOWE
OTHER NAMES: TOSAN DESMOND
PLACE OF BIRTH: WARRI
DATE OF BIRTH: 18TH NOVEMBER, 1969
LOCAL GOVT. OF ORIGIN: WARRI NORTH
STATE OF ORIGIN: DELTA
NATIONALITY: NIGERIAN
MARITAL STATUS: MARRIED
SEX: MALE
TRIBE: ITSEKIRI
CONTACT ADDRESS: HON. TOSAN OYOWE COMPOUND,
HON. TOSAN OYOWE STREET,
KOKO, DELTA STATE
POSTAL ADDRESS: P.O. BOX 21 KOKO
GSM NOS.: 08025630755, 08035660225, 08056713390

INSTITUTIONS ATTENDED WITH DATES:

- AKUARAJOR PRIMARY SCHOOL, KOKO 1977 – 1982
- HUSSEY COLLEGE, WARRI 1982 – 1985
- IWERE COLLEGE, KOKO 1985 – 1988
- SPARKLING SECONDARY SCHOOL, BENIN CITY 2013 – 2013

EDUCATIONAL QUALIFICATIONS:

- FIRST SCHOOL LEAVING CERTIFICATE
- WEST AFRICA SCHOOL CERTIFICATE (WASC)
- NATIONAL EXAMINATION COUNCIL (NECO)

WORKING EXPERIENCE:

- MINAJ WORKS CONSTRUCTION COMPANY
AS LABOURS FOREMAN - 1989 – 1990
- SEDCO FOREX SCHLUMBERGER AS ROUSTABOUT/FLOORMAN 1990 – 1992
- COMPAGNIE GENERALE DE GEOPHYSICAL
AS PERMIT (COMMUNITY RELATIONS) - 1996 – 1997
- WARRI-NORTH LOCAL GOVT. COUNCIL
AS COUNCILOR (LEGISLATOR) - 1999 – 2002
- MEMBER NYSC BOARD DELTA STATE - 2003 – 2005
- MEMBER ETHIOPE WEST/WARRI NORTH COUNCIL
AS PEACE COMMITTEE - 2005 – 2007

HOBBIES:

- READING AND ADVENTURES

REFEREES:

- **MR. FELIX OLOGHO EKELENI**
QUALITY ASSURANCE /SAFETY MANAGER
TOTAL FINAELF
LAGOS
- **ENGR. SOLOMON EDAH**
BENIN
- **CHIEF TONY EDE**
LAGOS



DELTA STATE

OFFICE OF THE SECRETARY TO THE STATE GOVERNMENT
Governor's Office

56-282388
282389

P. M. B. 5001
Asaba
Delta State of Nigeria

Our Ref: SGD.315/T/60

23rd August, 2004

Mr. Ovuozuorie Macaulay, Hon. Commissioner for Inter-Ethnic Relations	-	Chairman
Chief Felix Orovwigho, Ethiope West Local Government Area	-	Member
Chief Peter D. Oboh, JP, Ethiope West Local Government Area	-	-do-
Mr. E.K. Gbragade, Warri North Local Government Area	-	-do-
Mr. H.U. Etete, Warri North Local Government Area	-	-do-
Mr. E.O. Ekpenosen, Warri North Local Government	-	-do-
Mr. Isaac Ubiribo, Ethiope West Local Government Area	-	-do-
Mr. Ojobu Victor, Ethiope West Local Government Area	-	-do-
Mr. Ajayi Godwin, Ethiope West Local Government Area	-	-do-
Mr. Amada Festus, Ethiope West Local Government Area	-	-do-



Delta State

- 2 -

Mr. Erutane Solomon, Ethiope West Local Government Area	-	-do-
Mr. Ujor Endurance, Ethiope West Local Government Area	-	-do-
Hon. Desamond T. Oyowe, Warri North Local Government Area,	-	-do- ✓
Mr. Shuwa Jirigho, Warri North Local Government Area	-	-do-
Mr. Fredrick Mebanghansurujwa, Warri North Local Government Area	-	-do-
Mr. Shola Tonwe, Warri North Local Government Area	-	-do-
Mr. Stanley Sobo, Warri North Local Government	-	-do-
The Chairman, Ethiope West Local Government Area	-	-do-
The Head of Personnel Management, Ethiope Local Government Area	-	-do-
Mr. Tony Uwajeh, Relations Manager, Presco Plc, Ajagbodudu	-	-do-

ALL PROGRESSIVES CONGRESS

2026

**Nomination
Form**

SENATE

SENATE/PC/2026

OFFICE CONTESTING FOR: **SENATE****PERSONAL DATA**(A) NAME: **HON. TOSAN DESMOND OYOWE**(B) ADDRESS: **HON - TOSAN OYOWE COMPOUND, KOKO BEACH
WARRI-NORTH LOCAL GOVERNMENT AREA - KOKO**(i) RESIDENTIAL ADDRESS: **HON. TOSAN OYOWE COMPOUND, KOKO
BEACH WARRI - NORTH LOCAL GOVERNMENT AREA - KOKO.**(ii) CONTACT ADDRESS: **HON. TOSAN OYOWE COMPOUND, KOKO
BEACH WARRI - NORTH LOCAL GOVERNMENT AREA - KOKO**(iii) E-MAIL ADDRESS: **TOSANOYOWE@GMAIL.COM**(iv) PHONE ADDRESS: **08035660225, 08025630755**(C) SEX: **MALE**(D) DATE OF BIRTH: **18/11/69**(E) MARITAL STATUS: **MARRIED**(F) MAIDEN NAME: **OKOROGHETE**(G) NATIONALITY: **NIGERIA**(H) STATE OF ORIGIN: **DELTA**(I) LOCAL GOVERNMENT AREA: **WARRI - NORTH**(J) WARD: **WARD 5 KOKO**(K) POLLING UNIT: **001 (AKUARAJOR PRIMARY SCH)**(K) MEMBERSHIP REGISTRATION NUMBER: **APC102305000605**

3. WORK EXPERIENCE

- (A) MINAJ WORKS CONSTRUCTION COMPANY AS LABOURS
FOREMAN 1989 - 1990
- (B) SEDCO FOREX SCHLUMBERGER AS FOUSTABOUT/FLOORMAN
1990 - 1992
- (C) COMPAGNIE GENERALE DE GEOPHYSICAL 1996 - 1997 AS
PERMIT (COMMUNITY R)
- (D) WARRI - NORTH LOCAL GOVERNMENT, COUNCIL AS
COUNCILLOR (LEGISLATOR 1999 - 2002
- (E) MEMBER NYSC BOARD, DELTA STATE 2003 - 2005
MEMBER ETHIOPE WEST/WARRI-NORTH COUNCIL AS PEACE
COMMITTEE 2005 - 2007

4. HAVE YOU EVER BEEN CONVICTED BY A COURT OF LAW OR JUDICIAL COMMISSION OF INQUIRE IN NIGERIA OR ABROAD FOR ANY OFFENCES?

YES NO IF YES, STATE DETAILS:

5. HAVE YOU EVER BEEN DECLARED BANKRUPT?

YES NO IF YES, STATE DETAILS:

POLITICAL APPOINTMENTS OF ACP

(A) MEMBER ETHIOPE WEST/WARRI - NORTH COUNCIL AS PEACE COMMITTEE 2005 - 2007

(B) APC WARRI - NORTH CO-ORDINATOR GENERAL ELECTION 2023.

(C)

(D)

(E)

10. ANY OTHER PERSONAL INFORMATION THAT MAY BE USEFUL:

12. NOMINATED BY

S/No.	NAME	WARD	MEMBERSHIP NO.	SIGNATURE
1.	MUHAMMAD ABDULAH	WARD NORTH	APC102305000661	<i>[Signature]</i>
2.	JOHN MICAH	WARD NORTH	APC102305000747	<i>[Signature]</i>
3.	PATIENCE - T. OLOLO	✓	APC102305000592	<i>[Signature]</i>
4.	GODFRED - E. EFIGEAGHAN	✓	APC102305000039	<i>[Signature]</i>
5.	ALLEN EFIGEAGHAN	✓	APC102305000040	<i>[Signature]</i>
6.	PIUS BOBBY OTOKUMAROR	✓	APC102305000683	<i>[Signature]</i>
7.	GODWIN OKOCHA	✓	APC102305000030	<i>[Signature]</i>
8.	ELLIOT ASAMABIRI	BURUWU	APC104114134	<i>[Signature]</i>
9.	ERNEST PULLPOWER	BURUWU	APC10041100197	<i>[Signature]</i>
10.	ANN BEKENAWEL	✓	APC100411001554	<i>[Signature]</i>
11.	VICTORIA TARETIMATE	✓	APC100411001545	<i>[Signature]</i>
12.	BEWARD KPADIA	✓	APC100411001533	<i>[Signature]</i>
13.	ELOHON - C. ASAMABIRI	✓	APC100411001112	<i>[Signature]</i>
14.	MOSES MOWI	✓	APC100405001620	<i>[Signature]</i>
15.	STELLA A. BARSIBE	✓	APC100405001614	<i>[Signature]</i>
16.	DENCO. TIMADI MOWI	✓	APC100405001609	<i>[Signature]</i>
17.	GODSGIFT - F. MOWI	✓	APC100405001660	<i>[Signature]</i>
18.	PREYAKEMBA - P. BARSIBE	✓	APC100405001707	<i>[Signature]</i>
19.	JEPPERSON - O. BARSIBE	✓	APC100405001706	<i>[Signature]</i>
20.	UJOB O-EBI MAGADA	✓	APC100405001710	<i>[Signature]</i>
21.	TUNFO DUKE ORTSEMAUSAN	WARD SOUTH WEST	APC10296045667	<i>[Signature]</i>
22.	ORTSETSEPI - M. DAGE	WARD SOUTH WEST	APC102509000125	<i>[Signature]</i>
23.	CHRISTOPHER - O. TOMEVE	✓	APC102509000001	<i>[Signature]</i>
24.	GABRIEL KUMEWE - M.	✓	APC102509000122	<i>[Signature]</i>
25.	DENNIS - A. EGBAFINOR	✓	APC102509000165	<i>[Signature]</i>
26.	EGAMJE - S. TENUMAH	✓	APC102509000127	<i>[Signature]</i>
27.	TEDDY - E. TSOLUWA	✓	APC102509000216	<i>[Signature]</i>
28.	ETE ATSEPOFI	✓	APC102509000187	<i>[Signature]</i>
29.	FELICIA G. KUMEWE	✓	APC102509000113	<i>[Signature]</i>
30.	HELLEN - M. AKWAPA	✓	APC102509000241	<i>[Signature]</i>

19. NOMINATED BY

S/No.	NAME	WARD	MEMBERSHIP NO.	SIGNATURE
1.	PATRICIA OGHONNORUBAN UNO-KATE	ISOLU NORTH	APC100907000492	(P)
2.	DANIEL UNOKOMA	ISOLU NORTH	APC100905001613	
3.	DANIEL UNOORZIFE UTI	✓	APC100908000031	
4.	SUNDAY O. EBUFE	✓✓	APC100908000067	
5.	OTHUBE JOHN ASABIAN	✓✓	APC100908000065	
6.	JACKSON ANWEDERE	✓✓	APC100908000077	
7.	IPHUGHENE OPELOGBO	✓✓	APC100908000062	
8.	HELEN ONORODE	✓✓	APC100908000074	
9.	GODSPOWER ASSAY	✓✓	APC100908000073	
10.	SOPHY ATETE	✓✓	APC100908000079	
11.	JOSEPH WODUJWBI	BOMADI	APC100304000005	
12.	THANKGOD JOHNSON	BOMADI	APC1003090000421	
13.	VICTOR IPECHUKWUDE EBIAWA	✓✓	APC1003010000168	
14.	EDONAKPO NELSON WATERWAY	✓✓	APC1003010000105	
15.	IBHAWBI PRED UDIGAMA	✓✓	APC100308000029	
16.	EBIAREDE PERDINAND ZIBIMOH	✓✓	APC1003010000328	
17.	EDMONTIMI NATHANIEL IJOKE	✓✓	APC1003010000087	
18.	EBIBOLOUKEMI SUSAN YINOMOMBE	✓✓	APC1003010000493	
19.	VICTOR AMANAH -O-	✓✓	APC1003080000642	
20.	PAUL -O- KEMASUODE	✓✓	APC1003050000548	
21.	PARADISE GOWN IADIGHI	PATANI	APC1016090000003	
22.	SOLOMON EBUKE DIFFERENCE	PATANI	APC1016090000004	
23.	JUDE OBUKPECE	✓✓	APC1016090000094	
24.	SAMSON THOMAS	✓✓	APC1016090000058	
25.	SARAH TOWNSHIP	✓✓	APC1016090000048	
26.	DEBORAH MONDAY	✓✓	APC1016090000083	
27.	EMILY EDARIAGA	✓✓	APC1016090000220	
28.	MATTHEW OKORO	✓✓	APC1016090000111	
29.	MONDAY ESHARE	✓✓	APC1016090000084	
30.	GODSTIME OGHENEPURE IBOPE	✓✓	APC1016090000082	

TO BE SIGNED BY

OATH OF ALLEGIANCE

I, Hon. TOSUN DESHOND OYIN do solemnly swear/affirm that I will be faithful and bear true allegiance to the All Progressive Congress (APC) and the Federal Republic of Nigeria that I will;

1. Abide to preserve, protect and defend the Constitution of All Progressives Congress and the Federal Republic of Nigeria.
2. Abide by Primary election guidelines of All Progressives Congress and Nigerian Electoral Act.
3. Abide to place All Progressives Congress above selfish interests.
4. I, my primary campaign organization and my supporters undertake to accept the outcome of the primary and support whoever emerges as APC candidate for the general election.
5. Abide not to engage in dishonest practice, thuggery, being absent from meetings to which he/she is invited without reasonable cause; carry out anti-party activities which tend to disrupt the peaceful, lawful and efficient organisation of the party or which are inconsistent with the aims and objectives of the party.
6. Abide not give wrong information to any organ of the party or unauthorised publicity of a party dispute without exhausting all avenues or settlements or redress within the party.
7. Abide not file any action in a court of law against the party or any of its officers on any matters relating to the discharge of the duties of the party without first exhausting all avenues for redress provided.
8. abide to always follow the path of justice, honesty and unity amongst fellow contestants and party members. So help me God.
9. Abide not to factionalise or create a parallel congress, election, or party organ at any level

(All the above are in compliance with article 21. 2i - xii of the All Progressives Congress Constitution)

DECLARED at Benin on this date.....

Tray
2024

Before me.....

Commissioner for Oaths/Notary Public, etc.



H. CHUKWUDI
PAR

13) INFORMATION

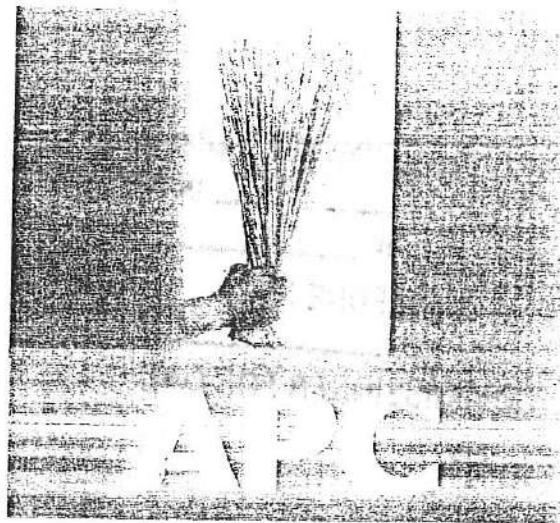
PLEASE NOTE THE FOLLOWING INFORMATION

- (1) THIS NOMINATION FORM IS TO BE COMPLETED IN BLOCK LETTERS AND SUBMITTED TO THE PARTY SECRETARY.
- (2) ALL CLAIMS BY THE APPLICANT SHALL BE INVESTIGATED.
- (3) ANY FALSE INFORMATION DISCOVERED SHALL LEAD TO AUTOMATIC DISQUALIFICATION.
- (4) ALL INFORMATION PROVIDED WILL BE KEPT IN STRICT CONFIDENTIALITY

19. CHECK LIST FOR SUBMISSION OF NOMINATION FORM:

- (1) TWO (2) RECENT PASSPORT PHOTOGRAPHS
- (2) TWO (2) SETS OF COPIES OF ACADEMIC CREDENTIALS AND PROFESSIONAL CERTIFICATES.
- (3) TWO (2) COPIES OF BIRTH CERTIFICATES OR DECLARATION OF AGE
- (4) ORIGINAL COPY OF BANK PAYMENT TELLER
- (5) TWO (2) COPIES OF DETAILED CURRICULUM VITAE
- (6) TWO (2) COPIES OF YOUR MEMBERSHIP REGISTRATION CARD/SLIP
- (7) TWO (2) COPIES OF YOUR PERMANENT VOTERS CARD (PVC)
- (8) AFFIDAVIT, ADVERTISEMENT/DEED POLL

PLEASE NOTE THAT FAILURE TO RETURN THE COMPLETED NOMINATION FORM WITHIN THE PRESCRIBED PERIOD MAY LEAD TO DISQUALIFICATION.



NATIONAL SECRETARIAT

No. 40, Blantyre Street, Wuse II, Abuja, Nigeria

www.officialapcng.com





APPROGRESSIVES CONGRESS (APC)
ALL PROGRESSIVE AND QUALIFIED SENATORIAL ASPIRANTS
DELTA

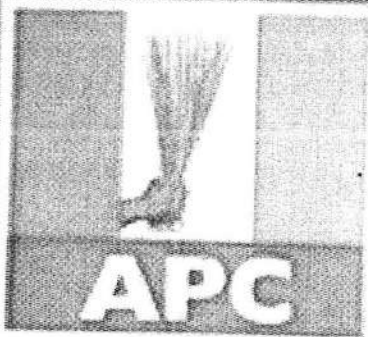
SN	Name of Aspirant	State	Senatorial District	Remark
1.	BARR. JAY STEPHEN OGOR	DELTA	SOUTH	CLEARED
2	SEN. JOEL ONOWAKPOT 08022233571	DELTA	SOUTH	CLEARED
3	PRINCE (EVANG). MICHAEL DIDEN 09081919191	DELTA	SOUTH	CLEARED

[Handwritten signature]
Name

IHAKO CONSTANINE IKPOKO 08055543555	DELTA	SOUTH	CLEARED
* HON. TOSAN DESMOND OYOWE	DELTA	SOUTH	CLEARED
SEN DR. IFEANYI OKOWWA	DELTA	NORTH	CLEARED
SEN. NED MUMIR NWOKO	DELTA	NORTH	CLEARED
DR MARIAN ALI	DELTA	NORTH	CLEARED
SEN EDE DAHINONE	DELTA	CENTRAL	CLEARED
08033033885	DELTA	CENTRAL	CLEARED
SEN. OVIE OMO-AGEGE	DELTA	CENTRAL	CLEARED

[Handwritten signature]

SENATE
2027



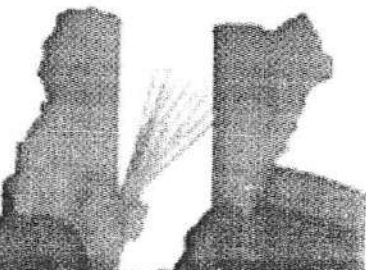
ALL PROGRESSIVES
CONGRESS



VOTE
HON.
DESMOND
TOSAN
OYOWE

FOR SENATE

DELTA SOUTH SENATORIAL DISTRICT



EXPERIENCE. SERVICE. DEVELOPMENT.

APC: ALL PROGRESSIVES CONGRESS - BROOM REVOLUTION

**HON.
DESMOND
TOSAN
OYOWE**

**SENATE
DELTA SOUTH**

THE PROVEN VOICE OF THE PEOPLE

**VOTE FOR
PROGRESS**



APC

ALL PROGRESSIVES CONGRESS (APC)

VOTE



**HON DESMOND
TOSAN OYOWE
— FOR SENATE —**

DELTA SOUTH SENATORIAL DISTRICT

OUR PROMISE: PROGRESS, INTEGRITY, SERVE



Motto: Justice, Peace and Unity

ALL PROGRESSIVES CONGRESS DELTA STATE

VENUES FOR SENATORIAL PRIMARY ELECTIONS

S/N	SENATORIAL DISTRICTS	VENUES
1.	Delta Central	Ughelli North Local Govt. Council Secretariat, Ughelli.
2.	Delta North	APC State Secretariat Hall, WAEC Road, Asaba.
3.	Delta South	Ekpre Otobo Hall, Isoko South LGA Secretariat, Oleh.

STATE COLLATION CENTRE

APC State Secretariat	WAEC Road, Opp WAEC, Asaba, Delta State
-----------------------	---

Hon. Okakura Efe Uko
CHIEF HON. EFE UKO
State Secretary
08034999893
ALL PROGRESSIVES CONGRESS (APC)
DELTA STATE.

Hon. Emmanuel Egbabor
State Organizing Secretary
08033074544

BREAKING:

Joel-Onowakpo Defeats Ejele to Win Delta South APC Senatorial Primary



Incumbent Senator, Joel-Onowakpo Thomas has defeated his main opponent, Michael Ejele (APC), to win the Delta South Senatorial Primary Election of the 4th Progress and Prosperity (APC).

DELTA SOUTH SENATORIAL DISTRICT



Joel-Onowakpo Thomas
Incumbent Senator

87,805
VOTES



Michael Ejele (APC)
Opponent

30,798
VOTES

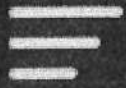
SPREADSHEET OF VOTES BY LOCAL GOVERNMENT AREA

LOCAL GOVERNMENT AREA	JOEL-ONOWAKPO THOMAS	MICHAEL EJELE (APC)
Asaba South	15,000	5,000
Asaba North	12,000	4,000
Warri	10,000	3,000
Warri South	8,000	2,000
Warri North	6,000	1,500
Warri South West	4,000	1,000
Warri South East	3,000	800
TOTAL	87,805	30,798

Source: State Election Commission
 State Government of Delta State
 State Department of Public Works & Infrastructure



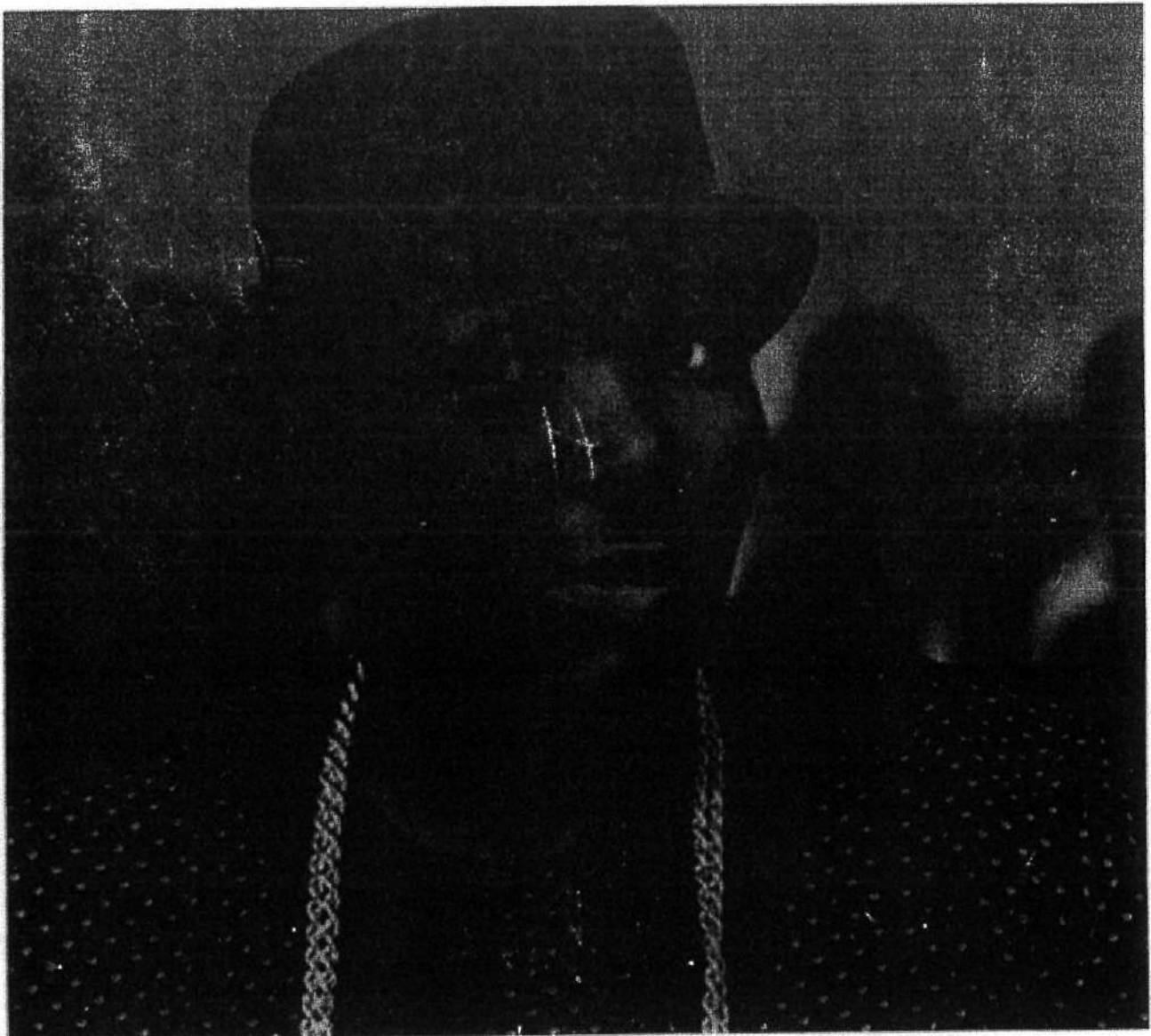
STATE GOVERNMENT OF DELTA STATE
 DEPARTMENT OF PUBLIC WORKS & INFRASTRUCTURE
 PORT HARCOURT



POLITICS

Diden emerges APC's senatorial candidate for Delta South

Published on May 20, 2026
By **Kayode Lawal**



**APC RESULT SHEET FOR SENATE PRIMARY ELECTION
ISOKO-SOUTH LOCAL GOVERNMENT AREA**

WARD: 9

S/N	NAME	VOTES SCORED
1.	JOEL ONOWAKPO THOMAS	93
2.	MICHEAL DIDEN	104

Signed: [Signature]
Ward Returning officer

[Signature]
INEC Returning officer

[Signature]
Rep of Nigeria Police Force

[Signature]
Rep. of DSS

EDU INEC

175

IN THE SUPREME COURT OF NIGERIA

HOLDEN AT ABUJA

ON FRIDAY, THE 2ND DAY OF DECEMBER, 2022

BEFORE THEIR LORDSHIPS

<u>KUDIRAT MOTONMORI OLATOKUNBO KEKERE-EKUN</u>	<u>JUSTICE, SUPREME COURT</u>
<u>UWANI MUSA ABBA AJI</u>	<u>JUSTICE, SUPREME COURT</u>
<u>MOHAMMED LAWAL GARBA</u>	<u>JUSTICE, SUPREME COURT</u>
<u>HELEN MORONKEJI OGUNWUMIJU</u>	<u>JUSTICE, SUPREME COURT</u>
<u>ADAMU JAURO</u>	<u>JUSTICE, SUPREME COURT</u>

COMMISSIONER FOR OATHS
FEDERAL HIGH COURT
ABUJA
BEVERLY I. EZE

SC. 413/2016

BETWEEN:

[Signature]
19/03/25

1. HON. GEORGE U. TIMINIMI
2. HON. DENBO-DENBOFA OWEIKPOTOR
3. CHIEF DAVID PERE
4. BARR. UGHA KURUMAH
5. ARC. SYLVESTER ADOWEI
6. COMRADE JULIUS KENEDBABOR
7. HON. LUCKY OROMONI
8. MIDWEST E. KUKURU ESQ
9. COMRADE SHERIFF MULADE
10. EMMANUEL IGETEI

Official Copy
[Signature]
21/12/2022

(for themselves and on behalf of the (JAWS of Warri Federal Constituency of Delta State) APPELLANTS

Hon. Justice U. M. Abba Aji, JSC

CERTIFIED TRUE COPY
FEDERAL HIGH COURT
ABUJA
[Signature]

SC. 413/2016

176

886

AND

INDEPENDENT NATIONAL ELECTORAL
COMMISSION (INEC)

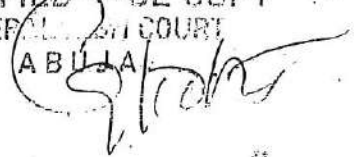
RESPONDENT

JUDGMENT

(DELIVERED BY UWANI MUSA ABBA AJI, JSC)

The Appellants' case is that the Respondent, who is statutorily empowered to delineate local governments in Nigeria into wards and units for the purposes of conducting elections into elective offices has not properly delineated the Warri South West, Warri South and Warri North Local Government Areas of Delta State in accordance with statutory requirements. That consequent upon the failure, there exists fictitious wards and units used as instruments of electoral manipulations and subversion of the popular wish of the people during election. That they have made several representations to the Respondent but it failed to give attention to their complaints. Thus, vide an originating process, it sought to stop or set aside the 2011 General

CERTIFIED TRUE COPY SC. 113/2016
FEDERAL SUPREME COURT
ABUJA



according to the existing population by the Defendant in this suit is null and void.

3. A DECLARATION that Warri Federal Constituency is due for fresh delineation of wards and units in compliance with the statutory and constitutional provisions of the Federal Republic of Nigeria.

a. AN ORDER of this Honourable Court compelling the Defendant, its agents, servants, privies and assigns to conduct a fresh delineation of all that electoral wards/polling units for Warri South West, Warri North and Warri South Local Government Areas of Warri Federal Constituency in Delta State for the purpose of future elections.

4. A PERPETUAL INJUNCTION : restraining the Defendant, its agents, servants, privies and assigns not to conduct any other election within the Warri Federal Constituency comprising Warri South West,

178

89/1

Warri South and Warri North Local Government Areas until a new updated delineation of wards and units are put in place by the Defendant.

At pages 239-240 of the record, the judgment of the lower court went thus:

Upon a sober reading of the claim of the Appellant before the lower court, they are targeted against the 2011 general election and hence the injunctive reliefs sought against the Respondent. The question is whether or not those reliefs sought are still potent having regard to the fact that the 2011 general election has come and gone. Candidates that contested in the election and won have exhausted their tenure and left. Another general election was recently conducted in 2015 in Nigeria and Delta State inclusive. Candidates of various political parties contested in the election. Successful candidates have assumed their respective offices. Therefore, pronouncing on the subject matter of this appeal having regard to the foregoing fact would not be of any probative value but a mere academic exercise.

The above decision of the lower court formed the fulcrum and impetus upon which the Appellant at page 245 of the record, predicated his ground one of his notice of appeal. I have gone through both the pleadings or claims and

Hon. Justice U. K. Abba JSC

9

CERTIFIED TRUE COPY
FEDERAL SUPREME COURT SC. 113/2016
ABUJA

[Signature]

179 89

the reliefs sought by the Appellants in their amended statement of claim but could not trace any target, link, reference or connection to 2011 general election.

Manifestly, the cynosure and centre of gravity of the Appellants' case have been on the delineation of the wards and units within the Warri Federal Constituency comprising Warri South West, Warri South and Warri North Local Government Areas. Furthermore, to say that the reliefs of the Appellants are academic having been overtaken by events as captured by the lower court that, "the question is whether or not those reliefs sought are still potent having regard to the fact that the 2011 general election has come and gone" is nowhere found or traceable to the pleadings or reliefs of the Appellants. Indeed, and in truth, the reliefs of the Appellants are not only extant and unexpired but futuristic and to be attended to by the Respondent.

CERTIFIED TRUE COPY
FEDERAL HIGH COURT
ABUJA

[Handwritten Signature] C. 413/2016

180

89/8

The Respondent's learned Counsel at page 6 paragraph 4.7 of its Brief submitted that the amendment done by the Appellants was meant "to maintain the original suit as the 2011 elections had already held" is not reflecting the facts of the Appellants' claims and reliefs contained in the amended statement of claim.

It is obviously not farfetched that the trial court, lower court and the Respondent have labored and relied fully on the otiose, obsolete, repealed and unusable statement of claim of the Appellants contained at pages 6-12 of the record.

Once pleadings are amended, what stood before amendment is no longer material before the Court and no longer defines the issues to be tried. See Per OGUNDARE, JSC, in ENIGBOKAN V. AIICO (NIG) LTD (1994) LPELR-1144(SC) (PP. 24 PARAS. D). An amendment to the pleadings would supersede the claim on the writ. See Per

Hon. Justice O. K. Abba J1, JSC

CERTIFIED TRUE COPY
FEDERAL COURT

ABUJA

SC 113/2016

9/10/16

181 899

IRIKEFE, JSC, in A C B. LTD V. EWARAMI (1978) LPELR-201(SC) (PP. 10 PARAS. D). The Respondent's learned Counsel further argued at paragraph 4.7. that "the Appellants did not seek to amend their statement of claim until after the close of the trial and indeed at address stage". This reveals a misconstruction of the law on amendment of pleadings. Aptly captured, Per OKORO, JSC in REGISTERED TRUSTEES OF THE AIRLINE OPERATORS OF NIG V. NAMA (2014) LPELR-22372(SC) (PP. 17-18 PARAS. B) held:

There is no modicum of doubt that the Appellant herein commenced this action at the High Court with the Name "Airline Operators of Nigeria." Both parties attest to this as the facts are sacrosanct on it. The matter was prosecuted with that name until the Appellant woke up from slumber and realized that such a name was unknown to law. It then filed a motion to have the name corrected which the learned trial judge obliged on the date judgment in the matter was delivered. That amendment, with all intents and purpose took effect from the date of the originating process filed. This is so because an amendment duly made takes effect from the date of the original document sought to be amended and this applies to every successive further amendment of

SC. 113/2014
CERTIFIED TRUE COPY
FEDERAL COURT
ABUJA
[Signature]

182 908

whichever nature and at whatever stage it is made. Therefore, when the learned trial judge granted the amendment, it dated back to when the Originating Summons was issued and the action would continue as if the amendment was inserted from the beginning.

The argument of the Appellants contained in paragraph 1.3 of their Reply Brief is the position of the law and remains insurmountable. Once an amendment is granted, it displants and supersedes the old process filed. It is apparent on the record at page 140 that the trial court granted the leave sought by the Appellants to amend their statement of claim but I wonder why it relied on the old writ of summons and statement of claim to determine the case of the Appellants. This was unfortunately followed by the lower court. This cannot be allowed to stand and has grossly occasioned miscarriage of justice to the case of the Appellants.

Again, at page 240 of the record, the lower court further held; "On that note, I decline any further consideration of the

CERTIFIED TRUE COPY
FEDERAL HIGH COURT
ABUJA
SC, 113/2016
[Signature]

183

901

issues and accordingly the appeal in my view is doomed in failure and is hereby dismissed." By the above, it is without argument that the lower court, as an intermediate court did not consider some of the issues presented by the Appellants. Per GALUMJE, JSC in DEC OIL & GAS LTD V. SHELL NIG. GAS LTD (2019) LPELR-49347(SC) (PP. 27-29 PARAS. F), had this to counsel:

Yes, this Court has held in a number of decided cases that an intermediate Court, such as the Court of Appeal, has a duty to consider all the issues that are properly raised before it. The reason why this Court has asked intermediate Court to consider all the issues raised before it, is that in event of such intermediate Court's decision on the point or points considered by it being reversed on further appeal to this Court, its decision on the rest of the other points may then be considered for a final determination of the appeal... Even though this Court frowns at the procedure of considering one issue out of many by intermediate Court, it has never pronounced such decisions invalid. Where an intermediate appellate Court correctly decides a matter upon consideration of one issue out of many, this Court will have no reason to interfere with such decision. This is so because the reason for asking an intermediate appellate Court to consider all the issues raised is in event where the decision on the issue is reversed on further appeal, there will be nothing left to fall on. In the



184⁹⁰

instant case, the lower Court rightly decided that the Federal High Court has no jurisdiction to hear and determine the matter before it. Having correctly determined the issue dealing with the jurisdiction of the trial Court, it had no obligation to consider the remaining eight issues.

See also Per AGIM, JSC in APP V. OBASEKI & ORS (2021) LPELR-58374(SC) (PP. 76-78 PARAS. F).

The Respondent has not denied that it is not constitutionally bound to delineate the respective wards and units the Appellants asked to be delineated. In fact, the Respondent at pages 6-7 of paragraph 4.9. admitted that the "Respondent has conducted constituency delineations and adjustments before every general election and indeed in this 2021...to begin another round of constituency delineations and adjustments." Thus, it is instructive that it is the constitutional duty and responsibility of the Respondent to do what the Appellants are asking it to do especially with regard to relief 3.

Hon. Justice U. M. Abba Jjt, JSC

15

CERTIFIED TRUE COPY
FEDERAL COURT
ABUJA

[Signature]
20/11/2016


185 903

In the sum, this issue is resolved in favour of the Appellants. The judgment of the lower court is hereby set aside. The appeal is allowed.

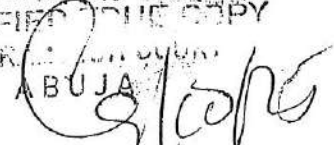
By virtue of section 22 of the Supreme Court Act, I grant relief 3 of the Appellants:

3. a. AN ORDER of this Honourable Court compelling the Defendant, its agents, servants, privies and assigns to conduct a fresh delineation of all that electoral wards/polling units for Warri South West, Warri North and Warri South Local Government Areas of Warri Federal Constituency in Delta State for the purpose of future elections.

Parties are to bear their respective costs.


UWANI MUSA ABBA AJI,
JUSTICE, SUPREME COURT.

Hon. Justice U. M. Abba Aji, JSC

True Copy of 11/3/2016
Certified True Copy
FEDERAL GOVERNMENT
ABUJA


186

APPEARANCES:

Eric Omare, Esq. appears for the Appellant appearing with Zeph Onwuzilike, Esq., Stanley Asonnadi, Esq., and Francis Abulo, Esq.

Anthony A. Oka, Esq. appears for the Respondent.

Official Copy
 Registrar
 FEDERAL COURT OF NIGERIA
 24/12/2022

CERTIFIED TRUE COPY
 FEDERAL COURT
 ABUJA.

99/2016

187

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY, THE 2ND DAY OF DECEMBER, 2022
BEFORE THEIR LORDSHIPS:

KUDIRAT MOTONMORI-OLA TOKUNBO KEKERE-EKUN JUSTICE, SUPREME COURT
UWANI MUSA ABBA-AJI JUSTICE, SUPREME COURT
MOHAMMED LAWAL GARBA JUSTICE, SUPREME COURT
HELEN MORONKEJI OGUNWUMIJU JUSTICE, SUPREME COURT
ADAMU JAURO JUSTICE, SUPREME COURT

SC. 413/2016

BETWEEN:

1. HON. GEORGE U. TIMINIMI
2. HON. DENBO DENBOFA OWEIKPOTOR
3. CHIEF DAVID PERE
4. BARR. UGHA KIRUMAH
5. ARC. SYLVESTER ADOWEI
6. COMRADE JULIUS KENEDABOR
7. HON. LUCKY OROMONI
8. MIDWEST E. KUKURU ESO
9. COMRADE SHERIFF MULADE
10. EMMANUEL IGETEI

=== APPELLANTS

(For themselves and on behalf of the D/AWS of Warri Federal Constituency of Delta State)

AND

INDEPENDENT NATIONAL ELECTORAL COMMISSION

=== RESPONDENT

JUDGMENT

(DELIVERED BY ADAMU JAURO, JSC)

I have had the privilege of reading before now a draft copy of the lead judgment just delivered by my learned brother, Uwani Musa

Official
The Copy
Garba
REGISTRAR

Page 1 of 5

CERTIFIED TRUE COPY
FEDERAL COURT
ABUJA

9/10/22

188

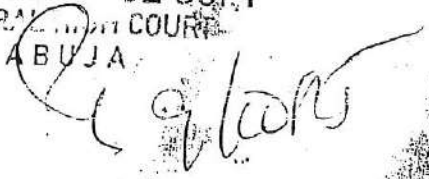
76

Abba Ajly, JSC. His Lordship has considered the issue raised in this appeal and resolved same; I however wish to add a few words of mine.

The Respondent was served with the originating processes and all other processes filed at the trial court, but it chose to stay away from the proceedings. After calling their witnesses and at address stage, the Appellants amended their Statement of Claim pursuant to leave granted by the trial court. It is settled that once a process is amended, the amended process takes the place of and takes effect from the date of the initial process. It is as if the amended process was the one filed all along and it does not matter at what stage the amendment was done. In **OKAFOR V. B.D.U., JOS BRANCH (2017) 5 NWLR (PT. 1559) 385 AT 407, Para. B – D**, this court enunciated thus:

"Now, the law is trite that the effect of an amendment of a court process is that it takes effect from the date of the original document

CERTIFIED TRUE COPY
FEDERAL COURT
ABUJA



189

107

sought to be amended. This applies to every successive further amendment of whichever nature and at whatever stage it is made. The action will proceed as if the amendment had been inserted from the beginning."

See also ADEWUMI & ANOR V. AG OF EKITI STATE & ORS (2002) LPELR - 3160 (SC); ENIGBOKAN V. AIICO (NIG) LTD (1994) LPELR - 1144 (SC); OGUMA ASSOCIATED COMPANIES (NIG) LTD V. IBWA LTD (1988) LPELR - 2318 (SC).

A perusal of the Appellants' Amended Statement of Claim would reveal that nothing therein is targeted at the 2011 elections. The Amended Statement of Claim and the reliefs sought therein are simply targeted at proper delineation of constituencies ahead of future elections. The issues raised by the pleadings and evidence of the Appellant are very much alive. Furthermore, there is no doubt that the reliefs sought by the Appellants, i.e. division of Local Governments into electoral

CERTIFIED TRUE COPY, Page 4 of 5
FEDERAL HIGH COURT
ABUJA

190

wards and polling units is a statutory duty of the Respondent.

The Respondent itself admitted as much in its brief and further stated that it is ongoing process.

For these reasons, I am unable to agree with the position of the lower court that the Appellants' suit is academic. A suit is said to be academic when it confers no utilitarian value on a successful litigant. An academic suit is an action with no live issues in it, it is merely theoretical, it is lifeless and it is not related to practical situations of human nature and humanity.

See PLATEAU STATE OF NIG. & ANOR V. AG FED. & ANOR (2006) LPELR - 2921 (SC); PDP & ANOR V. JARIGBE & ANOR (2021) LPELR - 55936 (SC); ARDO V. INEC & ORS (2017) LPELR - 41919 (SC). That is not the case with the suit filed by the Appellants.

It is for these and the fuller reasons set out in the leading judgment, which I adopt as mine, that I also allow the appeal and set aside the judgment of the lower court. I abide by the

CERTIFIED TRUE COPY
FEDERAL COURT
ABUJA

Page 4 of 8
[Handwritten signature]

consequential orders made therein,

[Signature]
ADAMU JAURO,

JUSTICE, SUPREME COURT

APPEARANCES

ERIC OMARE, ESQ, for the Appellants; with him, ZEPH
ONWUZULIKE, ESQ and FRANCIS ABULO, ESQ.

ANTHONY A. OKA, ESQ, for the Respondent.

Official
True Copy
of the Judgment
of the
SUPREME COURT
OF NIGERIA
[Signature]
21/2/2022

CERTIFIED TRUE COPY
FEDERAL COURT
ABUJA

[Signature]
Page 5 of 5

192 910

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY THE 2ND DAY OF DECEMBER 2022
BEFORE THEIR LORDSHIPS

KUDIRAT MOTONMORI OLATOKUNBO KEKERE-EKUN JUSTICE, SUPREME COURT
UWANIMUSA ABBA AJI JUSTICE, SUPREME COURT
MOHAMMED LAWAL GARBA JUSTICE, SUPREME COURT
HELEN MORONKETE OGUNWUMEU JUSTICE, SUPREME COURT
ADAMU JAURO JUSTICE, SUPREME COURT

SC/413/2016

BETWEEN

1. HON. GEORGE U. TIMINIMI
2. HON. DENBO DENBOFA OWEIKRODOR
3. CHIEF DAVID PERE
4. BARR. UGHA KURUMAH
5. ARC. SYLVESTER ADOWE
6. COMRADE JULIUS KENEDABOR
7. HON. LUCKY CROMONI
8. MIDWEST E. KUKURU ESO
9. COMRADE SHERIFF MULADE
10. EMMANUEL IGETEI

APPELLANTS

AND

INDEPENDENT NATIONAL ELECTORAL
COMMISSION

RESPONDENT

JUDGMENT

(DELIVERED BY KUDIRAT MOTONMORI
OLATOKUNBO KEKERE-EKUN, JSC)

Official
Copy
Stamp
NIGERIA
[Signature]
CERTIFIED TRUE COPY
FEDERAL COURT
ABUJA
[Signature]

193 911

I have had a preview of the judgment of my learned brother, UWANI MUSA ABBA AJI, JSC, just delivered. I agree with the reasoning and conclusion reached therein.

A cause or matter is said to be academic when it is merely theoretical and of no practical or utilitarian value, when there is no live issue to be determined by the court, or there is no practical or tangible value to be derived by the parties from the court making a pronouncement on it. See: Dr. Umar Ardo Vs INEC & Ors. (2017) LPELR - 41919 (SC) @ 12-18 E B; Agbakoba Vs INEC (2008) 18 NWLR (Pt. 1119) 489. Odedo Vs INEC (2008) 17 NWLR (Pt. 1117) 554.

The law is trite that a court of law does not expend its energy on academic issues, as it does not exercise its jurisdiction in vain. See: Adalma Tankers Bunkering Services Ltd. & Anor. Vs C.B.N. & Ors. (2022) LPELR - 57036 (SC) @ 66-69 B - D; Anyanwu Vs Eze & Ors. (2019) LPELR - 48740 (SC) @ 16-17 E - B; Sen. Umaru Dahiru & Anor. Vs APC & Ors. (2016) LPELR - 42089 (SC) @ 25-26 B - A.

CERTIFIED TRUE COPY
FEDERAL COURT
ABUJA

Qalon

194 912

The appellants' main grouse in their Amended Statement of Claim filed on 13/04/2012 is that with effect from 1999 up till the filing of the suit, they have suffered from the failure of the respondent to carry out its statutory duty of properly delineating electoral wards and units for the Warri Federal Constituency for the purpose of conducting various general elections. It is their contention that there are in existence fictitious wards, that in some instances multiple wards and units are located in sparsely populated areas while the wards and units in some other areas are inadequate *vis a vis* the population. It is also contended that the registration of voters in some instances were done in private homes. On the whole, that the failure of the respondent to effectively carry out its statutory duty in this regard has led to a series of irregularities in the process of voter registration which in turn would affect the outcome of any future election negatively.

Having regard to the fact that the respondent is statutorily mandated to carry out the delineation of wards and polling units (See Section 40 of the Electoral Act,

3. CERTIFIED TRUE COPY
FEDERAL COURT
ABUJA

[Handwritten Signature]

2010, as amended, which was the applicable law at the time the action was instituted) and the fact that it is an ongoing exercise, in other words, that it is an exercise required to be carried out as and when the need arises, it would not be correct to contend that the appellant's claims are academic.

It is also worthy of note that the pleadings relied upon by the lower court in holding that the suit related to the 2011 General Elections and the subject matter had thereby become spent, had been amended. The extant pleadings did not make reference to the 2011 General elections. The position of the law is that an amendment dates back to the date the process was originally filed. Thus, what stood before the amendment is no longer material before the court and no longer defines the issues to be tried. See: Enigbokan Vs A.I.I. Co. Nig, Ltd. (1994) 6 NWLR (Pt.348) 1 @ 15-16; Archbishop Ariyok Jatau Vs Alh. Mansur Ahmed & Ors. (2003) 4 NWLR (Pt.811) 498; Katto Vs C.B. N. (1999) 6 NWLR (Pt.607) 390 @ 412 D - E. The lower court was

CERTIFIED TRUE COPY
FEDERAL HIGH COURT
ABUJA

9/10/10

196 9/14/22

wrong to have relied on pleadings that were no longer in existence by virtue of the amendment.

It is for these and the more detailed reasoning in the lead judgment, that I find merit in the appeal. It is hereby allowed. I abide by the consequential orders made therein.

KUDIRAT MOTONMORI OLATOKUNBO KEKERE-EKUN
JUSTICE, SUPREME COURT

- ERIC OMARE ESQ. for the Appellants with Z. ONWUZULIKE ESQ., STANLEY ASONNADI ESQ. and FRANCIS ABULU ESQ.
- ANTHONY A. OKA ESQ. for the Respondent.

Official
True Copy
Registrar
FEDERAL COURT OF JUSTICE
ABUJA

21/12/2022

CERTIFIED TRUE COPY
FEDERAL COURT
ABUJA

9/10/22

SC. 413/2016

197 915

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY, 2ND DECEMBER, 2022
BEFORE THEIR LORDSHIPS

KUDIRAT MOTON MORO LATOKUMBO KEKERE-EKUN
UWANI MUSA ABBA AJI
MOHAMMED LA'WAL GARBA
HELEN MORONKEJI OGUNWUMIJU
ADAMU JAURO

JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT

SC. 413/2016

BETWEEN:

1. HON. GEORGE U. TIMINIMI
 2. HON. DENBO-DENBOFA OWELIPODOR
 3. CHIEF DAVID PERE
 4. BARR. UGHA KURUMAI
 5. ARC. SYLVESTER ADOWEI
 6. COMRADE JULIUS KNEDEBATOR
 7. HON. LUCKY OROMONI
 8. MIDWEST I. KUKURU ESO.
 9. COMRADE SHERIFF MULADE
 10. EMMANUEL IGLEI
- (For themselves and on behalf of the IJAWS
of Warri Federal Constituency of Delta State)

APPELLANT

AND

INDEPENDENT NATIONAL ELECTION
COMMISSION (INEC)

RESPONDENT

Official
[Signature]

pg. 1

CERTIFIED TRUE COPY
FEDERAL COURT
ABUJA

[Signature]

SC. 413/2016

198

7/6

JUDGMENT

(Delivered by MOHAMMED LA WAL GARBA, JSC)

My Learned Brother, Hon. Justice Uwani Musa Abba Aji, JSC had availed me of a draft of the Lead Judgment in this appeal and I agree that the appeal deserves to succeed for being meritorious. For reasons set out in the Lead Judgment, which I adopt, the appeal is allowed by me too in terms thereof and the decision by the court below delivered on the 1st of February, 2016 is set aside accordingly.

Mohammed Lawal Garba
MOHAMMED LA WAL GARBA
JUSTICE, SUPREME COURT

APPEARANCE:

Eric Omare, Esq. with Zeph Onwuzilike, Esq. Stanley Asonnadi, Esq. and Frances Abulo, Esq. for the Appellants.

Anthony A Oka, Esq. for the Respondent.

Official
CERTIFIED TRUE COPY
Lawal Garba
REGISTRAR
SUPREME COURT, ABUJA

21/12/2017
pg. 2

HON. JUSTICE MOHAMMED LA WAL GARBA, JSC

CERTIFIED TRUE COPY
FEDERAL SUPREME COURT
ABUJA

9/10/18

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

FHC/War/CS/10/2026

SUIT NO FHC/ _____ /2026

BETWEEN
HON. TOSAN DESMOND OYOWE

PLAINTIFF

AND

- | | | |
|---|---|----------------|
| 1. ALL PROGRESSIVE CONGRESS
2. INDEPENDENT NATIONAL ELECTORATE
COMMISSION (INEC)
3. SEN. JOEL ONOWAKPO THOMAS
4. PRINCE (EVANG) MICHAEL DIDEN | } | --- DEFENDANTS |
|---|---|----------------|

WRITTEN ADDRESS IN SUPPORT OF ORIGINATING SUMMONS

INTRODUCTION

By this originating summons, the Plaintiff is seeking determination of the following questions:

1. **WHETHER** in view of the clear and unambiguous provision of Section 77 (5) of the Electoral Act, 2026 (as amended) the 1st Defendant can validly conduct a primary election for the Delta State South Senatorial Zone (District) without the use of party membership Register lodged with INEC, the 2nd Defendant.
2. **WHETHER** in view of the fact that the Electoral Act, expressly provides that primary election must either be by consensus or direct primary election, the 1st Defendant can validly conduct primary election without accrediting the voters in the said primary election.
3. **WHETHER** in view of the fact that the 3rd and 4th Defendant openly and flagrantly violated the Electoral Act, 2026 and the Constitution and guidelines of the 1st Defendant in respect of the conduct of the Delta South Senatorial Zone primary election held on 18/5/2026, they have not thereby incurred a disqualification from emerging as candidates of the 1st Defendant in respect of the Delta South Senatorial Zone for the General election scheduled to hold in January/ February, 2027.

ALTERNATIVELY

4. **WHETHER** in view of the clear and unambiguous provision of Section 88(3) of the Electoral Act, 2026 the 1st Defendant having been shown to have violated the clear provision of the Electoral Act, 2026, the Constitution of the Federal Republic of Nigeria is not disqualified or precluded from fielding any candidate for the 2027 general election in respect of the Delta South Senatorial Zone.

ALTERNATIVELY

5. **WHETHER** in view of the persistent refusal of the 2nd Defendant to give effect to the Supreme Court decision in SC/413/2016 – **GEORGE TIMINIMI V. INEC**, the said 2nd Defendant can validly conduct any election in the Warri Federal Constituency of Delta State and consequently the election into the Senate of the Delta South Senatorial Zone in respect of the general election scheduled to hold in January/February 2027.

Upon a favourable resolution of the above question in favour of the Plaintiff, the Plaintiff seeks the following reliefs: -

1. **A DECLARATION** that the primary election conducted by the 1st Defendant in respect of the Delta South Senatorial Zone / district held on 18/5/2026 is null and void for being conducted without compliance with the Electoral Act, 2026, the Guidelines of the 1st Defendant, the Constitution of the Federal Republic of Nigeria and all other enabling laws in that behalf.
2. **A DECLARATION** that the Plaintiff having been cleared to contest the primary election of the 1st Defendant for the Delta South Senatorial Zone and being the only candidate who did not violate the laid down Rules and Regulation for the conduct of the said primary election is the only qualified **ASPIRANT** and ought to be declared the candidate of the 1st Defendant in respect of the Senatorial Ticket for the Delta South Senatorial Zone.

ALTERNATIVELY

3. **A DECLARATION** that in view of the clear and ambiguous provision of Section 88(3) of the Electoral Act, 2026, the 1st Defendant is disqualified from having any candidate for the Delta South Senatorial Zone in respect of the 2027 general election.

ALTERNATIVELY

4. **A DECLARATION** that INEC (2nd Defendant) having violated the judgment of the Supreme Court in SC/413/2016 – **GEORGE TIMINIMI V. INEC** and there being no valid wards and units in the Warri Federal Constituency which makes up about 33.3% of the Delta South Senatorial Zone, the primary election conducted by the 1st Defendant on 18/5/2026 is a nullity and cannot produce any candidate.
5. **A DECLARATION** that the 2nd Defendant cannot validly supervise any primary election or conduct any general election in the Warri Federal Constituency of the Delta State which make up a large chunk of the Delta South Senatorial Zone/ District in view of the flagrant violation of a subsisting judgment of the Supreme Court.
6. **ANY** other suitable relief(s) that the court may deem fit to grant.

Both the questions set out and the reliefs being claimed are clearly stated to be in the ALTERNATIVE.

The Originating Summons is supported by an affidavit of 4 paragraphs, deposed to by the Plaintiff himself. Annexed or attached to the affidavit are documentary exhibits marked as follows:

- a) **Exhibit A** ---- evidence of membership of the APC
- b) **Exhibit B** --- Expression of interest form of Plaintiff
- c) **Exhibit B1** --- Nomination form of plaintiff
- d) **Exhibit C** ---- List of cleared candidates issued
- e) **Exhibit D** --- campaign poster for the primary election .
- f) **Exhibit E** --- Venues for Senatorial primary election
- g) **Exhibit F** ---- Videos clips
- h) **Exhibit G** ---- Copy 3rd Defendant's result
- i) **Exhibit H** ---- Copy 4th Defendant's result
- j) **Exhibit I** ---- Supreme Court judgment
- k) **Exhibit J** ---- Court of Appeal judgment

The Plaintiff shall place reliance on all paragraphs of the said affidavit and the Exhibits annexed thereto.

WRITTEN ADDRESS

In compliance with the Rules of this Honourable Court, this written address is in support of the originating summons.

ISSUES FOR DETERMINATION

In our humble opinion the following issues arise for determination: -

WHETHER THIS HONOURABLE COURT IS NOT SUPPOSED TO GRANT THE RELIEFS CLAIMED BY PLAINTIFFS.

ARGUMENT

1) JURISDICTION

My Lord, we submit that from the onset that a special jurisdiction has been conferred on the Federal High Court in respect of and in relation to the primary election of political parties.

Section 88(2) of the Electoral Act, 2026 expressly provides as follows: -

“Notwithstanding the provision 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".

This provision has been held to confer jurisdiction on the Federal High Court in respect of matters relating to primary election of political parties.

In **AKPATASON V. ADJOTO (2019) 14 NWLR (PT. 1693) 501** the Supreme Court held:-

"The primary election of the 2nd Respondent are regulated by its guidelines. This Court has in a number of cases held that parties are, bound by the constitution of Nigeria, the Electoral Acts and their own Constitution and guidelines. Where they act contrary to the provisions of the law and the guidelines which they have enacted for themselves, such actions will be declared invalid. In PDP vs Sylva (2012) 13 NWLR (Pt. 1316) 85 at 125, this Court per Rhodes-Vivour held: - "Where the political party conducts its primary and dissatisfied contestant at the primary complains about the conduct of the primaries, the Courts have jurisdiction by virtue of the provisions of Section 87(9) of the Electoral Act to examine if the conduct of the primary elections was conducted in accordance with the party's constitution and guidelines. This is so because in its conduct of its primaries, the Courts will never allow a political party to act arbitrarily or as it likes. A political party must obey its own constitution." See Hope Uzodinma vs Sen. Osita Izunaso (2010) 5 MJSC (Pt. 1) 27; (2011) 17 NWLR (Pt. 1275) 30."

In **APC V. KARFI (2017) 16 NWLR (PT. 1592) 457**, the Supreme Court held: -

"The core or fundamental issue in this appeal is; whether the APC, in purporting to present the 3rd appellant as its candidate for Kura/Garun Malam Constituency, complied with the mandatory procedure for nomination of the said candidate? The attempt on 2 December 2014 to conduct the primary election, which is mandatory by virtue of Section 87(1) of the Electoral Act, 2010, was voided and declared inconclusive by the APC Election Committee. The said election was marred by over-voting. In the circumstance, paragraph 14 V at page 13 of the APC 2014 Guidelines for Nomination, Exhibit KARFI 5, makes it mandatory that the election be repeated. The APC refused or did not repeat the primary election, and thereafter presented the 3rd appellant as its candidate for the constituency. That is the cause of action the 1st respondent stood on to bring the action at the Federal High Court. In the circumstance, I do not think that the appellants are right in their argument that the Federal High Court lacks

jurisdiction, under Section 87(9) of the Electoral Act, 2010, to entertain the cause of action of the 1st respondent. The facts of this case clearly show that the 1st and 2nd appellants flagrantly flouted APC 2014 Guidelines for Nomination and Section 87(1) of Electoral Act in their presentation of, or holding out, the 3rd appellant as the APC candidate. I am accordingly not persuaded by the argument of the Appellants' counsel that the Federal High Court has no jurisdiction to entertain the cause of action of the 1st respondent as the plaintiff. *PDP v. Sylva* (2012) 13 NWLR (Pt.1315) 85 is an authority, supporting the contention of the 1st respondent, that the High Courts, including the Federal High Court, have jurisdiction by virtue of Section 87(9) of the Electoral Act if an aspirant complains that the provisions of the Electoral Act and the political party's Guidelines for Nomination have not been complied with."

WHAT IS THEREFORE A PRE-ELECTION MATTER

My Lord, pre-election matters are not clearly defined by the Constitution of the Federal Republic of Nigeria 1999. Section 285 (14) expressly provides that: -

"pre-election matter" means any suit by –

- (a) an aspirant who complains that any of the provisions of the Electoral Act or any Act of the National Assembly regulating the conduct of primaries of political parties and the provisions of the guidelines of a political party for conduct of party primaries has not been complied with by a political party in respect of the selection or nomination of candidates for an election;**
- (b) an aspirant challenging the actions, decisions or activities of the Independent National Electoral Commission in respect of his participation in an election or who complains that the provision of the Electoral Act or any Act of the National Assembly regulating elections in Nigeria has not been complied with by the Independent National Electoral Commission in respect of the selection or nomination of candidates and participation in an election; and**
- (c) a political party challenging the actions, decision or activities of the Independent National Electoral Commission disqualifying its candidate from participating in an election or a complaint that the provisions of the Electoral Act or any other applicable law has not been complied with by the Independent National Electoral Commission in respect of the nomination of candidates of political parties for an election, timetable for an election, registration of voters and other activities of the commission in respect of preparation for an election."**

PLAINTIFF HAS LOCUS STANDI

My Lord, we submit that the plaintiff has locus standi to institute and maintain this suit.

We submit that both the Electoral Act, 2026 and the Constitution of the Federal Republic of Nigeria 1999 (as amended) expressly state that LOCUS STANDI in pre-election disputes belong only to the ASPIRANTS in the primary election.

In **ARDO V. NYAKO (2014) 10 NWLR (PT. 1416) 591**, the Supreme Court held: -

"Under the said Section 87(9) an aspirant who can invoke the jurisdiction of the Court, and, as has been held in a long line of cases from this Court, is the one who complains that any of the provisions of the Electoral Act and the Guidelines of a political party has not been complied with in the selection or nomination of a candidate of a political party for election - See Lado Vs C.P.C. (2012) All FWLR 263; Uzodinma Vs. Izunaso (No.2) (2011) 17 NWLR (Pt.1275) 30 at 59 - 60; Emenike Vs. P.D.P. (2012) 12 NWLR (Pt. 1315) 556; P.D.P. v. Timipre Sylva (2012) 13 NWLR (Pt.1316) 85 at 126; Emeka v. Okadigbo (2012) 18 NWLR (Pt.1331) 55 at 83. etc, etc, etc. It follows that for a party/person to qualify or have the locus to institute an action on a matter arising from the nomination of a party's candidate for an election, he must have participated in the nomination exercise of the party and failed irrespective of whether nomination is a process or an event".

See also (1) **AGI V. PDP (2017) 17 NWLR (PT. 1595) 386**
(2) **PALI V. AUDU (2019) 5 NWLR (PT. 1665) 320**
(3) **NDUUL V. WAYO (2018) 16 NWLR (PT. 1646) 518**
(4) **APM V. INEC (2023) 19 NWLR (PT.1917) 309.**

My Lord, in this case, from the affidavit evidence and the exhibits annexed, it is not in doubt that the Plaintiff was a candidate in the primary election of the 1st Defendant which held on 18/5/2026 in respect of the Senatorial primary election for the Delta South Senatorial Zone.

That simple fact confers him with the requisite locus standi to institute and maintain this action.

THE COMPLAINT

My Lord, we submit that the complaint of the Plaintiff clearly fall within the confines of Section 88(2) of the Electoral Act, 2026 and Section 285 (14) of the Constitution of the Federal Republic of Nigeria, in that: -

- a) **The Plaintiff complains about improper conduct of the primary election in dispute.**

- b) That the said primary election violates the Electoral Act, 2026, the Constitution of the Federal Republic of Nigeria 1999 (as amended), the guidelines of the 1st Defendant (APC) in respect of the conduct of the said primary election.
- c) The illegality of the conduct of any such primary election in clear violation of a subsisting judgment of the Supreme Court of Nigeria.

In **SDP V. INEC (2023) LPELR – 59836 (SC)**, the Supreme Court held: -

"In order for a competent pre-election matter, as defined under the provisions of Section 285 (14) of the Constitution, the following requirements must be met or satisfied:- (a) The claimant must be an aspirant who contested or participated in political party's primaries conducted for the nomination or selection of a candidate for an election; (b) The complaint must relate to the breach of the Electoral Act of any Act of the National Assembly regulating the conduct of the primaries of a political party or allegation of breach of the provisions of the guidelines of the political party in conduct of the party's primaries; or (c) The complaint of the aspirant may be a challenge to the actions, decisions or activities of the INEC in respect of the aspirant's participation in an election or that the provisions of the Electoral Act or any Act of the national Assembly regulating elections in Nigeria has not been complied with by INEC in respect of the selection or nomination of candidates and participation in an election. (d) Alternatively, the claimant must be a political party who complains about or against the actions, decisions or activities of INEC to disqualify its candidate from participating in an election, or (e) That the complaint must be that the provisions of the Electoral Act or any other applicable law has not been complied with by INEC in respect of the nomination of candidates of the claimant political party for an election, timetable for election, registration of voters and other material activities of INEC in respect of preparation for an election."

We submit that the complaint lodged by this suit is one that is clearly covered by the definition of pre-election matters as defined by the constitution.

COMPLAINT AGAINST THE CONDUCT OF PRIMARY ELECTION

i. NON-ACCREDITATION OF VOTERS

My Lord, notwithstanding the fact that what is in dispute here is a primary election, accreditation of voters must be done.

In **ALIYU V. NAMADI (2022) LPELR – 58823 (CA)**, the Court of Appeal held: -

"The law is trite that the best form of evidence of non-accreditation and/or overvoting is the voters' register. See **Nyesom Vs Peterside**

(2016) 17 NWLR (Pt.1512) 452 @ 456 A - C. The onus was on the appellant to produce same to substantiate his claim."

See also **SHUAIBU V. LADAN (2021) ALL FWLR (PT. 1104) 477,**

My Lord, the Electoral Act, 2026 is very clear that where candidates cannot reach a consensus, then the only option left is DIRECT PRIMARY ELECTION.

By section 77(6) of the Electoral Act, 2026, it is expressly provided that: -

"A political party shall not use any other register for party primaries, congresses and conventions except the register submitted to the commission".

My Lord, the Plaintiff stated that he never saw the Register of party members on that date 18/5/2026.

My Lord, accreditation of voters at any election whether primary election or general election is crucial and once it is shown that there was no accreditation, no valid result can emerge from the election.

In **PDP V. EL-SUDI (2015) LPELR – 26036 (CA)** the Court of Appeal held.

"Those facts of non-accreditation of voters are species of non-compliance upon which an election petition can be presented. In the same vein allegation of non-accreditation of voters in respect of units or stations where election results were returned has direct effect on the outcome of the election. Hence in the presentation of an Election Petition on the ground specified under Section 138 (1) (c), facts as to non-accreditation of voters are always relevant. In *Fayemi v. Oni (2009) All FWLR (Pt. 493) 1254, 1307-1308*, this Court per Muhammed JCA, (as he then was) held: "The simple answer to this is that no lawful election can take place without strict compliance with the accreditation requirement. Unlike other species of non-compliance with effect on the result of the election that must be separately proved by the petitioner, non-compliance arising from non-accreditation of voters is so fundamental and the effect it has on the result of the election lies in the fact of its occurrence. You must have an election lawfully so called to be able to talk of the result of that election. Election results ensue from lawful votes cast by voters in a manner recognized by the law. The appellant in the instant had pleaded in paragraph 37(1) thus: 'That the 1st respondent was not duly elected by a majority of lawful votes cast at the election.' An election then proceeded without accreditation of voters does allow for the casting of lawful votes and any person

elected on the basis of votes cast by voters who had not been accredited cannot be said to have been duly elected. The election is voided ab initio and does not allow for the emergence of any result." See further decisions in *Agagu vs. Mimiko* (2009) All FWLR (Pt.462) 1122; *Osunbor vs. Oshiomhole* (2009) All FWLR (Pt.463) 1363; *Aregbesola v. Oyinlola* (2011) All FWLR (Pt.570) 1292."

In *DAME V. USMAN* (2015) LPELR – 40361 (CA), the Court of Appeal held: -

"It is the law that a ballot without accreditation is void as no election can lawfully proceed without accreditation. Where there is no accreditation, it goes to the root of the election. See *Fayemi V Oni* (2009) ALL FWLR (Pt. 493) 1254. I therefore find that the Tribunal acted rightly when it found that the 1st and 2nd Respondents had proved their Petition. It was also right when it ordered that the unlawful votes which had resulted from the lack of accreditation, etc, credited to all the Parties in the election, be deducted and election be conducted in the eleven P/Units where non-accreditation and other vices afflicting the election had been duly proved."

See also *YAHAYA V. DANKWABO* (2016) 7 NWLR (PT. 1511) 284

ii. **INCONGRUOUS COUNTING OF VOTERS**

My Lord, part of the videos tendered show clearly that 1 + 1 could have amounted to 1,000.

My Lord, it is settled that election is a game of numbers. A situation where counting at an election does not follow simple arithmetic progression is a grave error and disservice to our polity.

In *MADUMERE V. NWOSU* (2009) LPELR – 12706 (CA) the Court of Appeal held:-

"...The Tribunal having seen the exhibits tendered by the parties and also the scores in all the series of forms tendered as Exhibits in evidence and having ascribed probative value and weights to them the trial Tribunal was in a position to embark on arithmetical calculation of the scores. In *NWOBODO V. ONOH* (1984) All NLR p.1 at25- Bello CJN of Blessed memory, stated the position succinctly when he said: "The journey was from the polling stations through the collation processes to the returning officer. With the necessary data available to wit the results at the polling stations, not only the trial Court and the Federal Court but any reasonable person with a little effort in arithmetical calculation

may determine the correct result of the election. Polling stations are the concrete foundation on which the pyramid of an election process is built." See also **TERAB V. LAWAN** (1992) 3 NWLR (Pt.231) 59 at 590-593, where it was held that forms EC8 A and EC8 B are regarded as statutory forms and not ordinary documents, and must be adequately considered once tendered by a petitioner. There was no way the Court would close its eyes to such evidence duly admitted in evidence and relevant to the issue. See further **ADUN V. OSUNDE** (2003) 1 NWLR (Pt.847) 643 at 673, **OKAFOR V. ANYAKORA** unreported CA/E/EPT/2004 of 4/5/20074."

My Lord, the winner of an election is always the person who scores majority of valid votes in the election.

Majority simply means acquiring or garnering a higher or the highest number.

In **NNPC V. ROVEN SHIPPING LTD** (2014) 14 NWLR (PT. 1426) 145, the Court of Appeal held: -

"By Section IV, Article 31 of the Arbitration and Conciliation Act "When there are three arbitrators, any award or other decision of the Arbitral Tribunal shall be made by a majority of the Arbitral Tribunal." A majority of three members is TWO members. At page 10 of the "Reasons for the Partial Award made in Lagos on the 31st day of March, 2004" (page 59 of the Record of Appeal), in its paragraph 2.2, the Arbitral Tribunal had this to say "The Tribunal, having considered the arguments canvassed by the parties in their Written submission, BY A MAJORITY DECISION (ONE ARBITRATOR DISSENTING) HEREBY DECIDES AS FOLLOWS:.." This postulates that the decision was made by a majority according to the Act, where there are three Arbitrators. That suffices in Law (Section IV, Article 31 of the Act). Whether the other party dissented or not is, in my view, of no moment. A majority decision is all that is needed in Law."

See also **UZAMERE V. URHOGHIDE** (2011) ALL FWLR (PT. 588) 839

My Lord, in this case, there are two different results in the public space.

We submit that a single election cannot produce two different sets of results. That is a legal and electoral impossibility.

See **OGELLE V. ONUOHA** (2015) LPELR – 41828 (CA)

The law is settled that in order to establish forgery, or falsification of results two set of results at least must be produced and tendered.

In **OKOYE V. CHARLES (2015) LPELR – 40664 (CA)** the Court of Appeal held: -

"The voters register and ballot papers are not required to prove every case of falsification of result. Where the falsification of result is alleged to be by multiple voting or over voting as stated in S. 53 (1) and (2) of the Electoral Act 2010, then the documentary evidence required to prove such alteration must include the voters register and the ballot papers used in the election. Equally where falsification of result is by outright fabrication of results where no elections held, then the voters register and the ballot papers used in the election must be part of the evidence required to prove it. Where the falsification consist of entering into the result form scores different from the scores arrived at when the ballot papers were counted, then the ballot papers used for the election would be required to prove such falsification. But where the falsification consists of as in this case, the alteration of an already collated signed and issued result form, then the evidence required to prove such falsification is the copy of the result that was not altered and the altered one. The decisions of this Court in *Kalgo v Kalgo (supra)* and *Chukwu v Omeaku(supra)* and the supreme Court decision in *C.P.C v INEC(supra)* are clearly not applicable in this case. The facts and issues are different. Those cases did not involve falsification by alteration of already completed and signed polling units results."

In **KAKIH V. PDP (2014) 15 NWLR (PT. 1430) 370**, the Supreme Court held: -

"It was the concurrent findings of the Courts below that allegation that special Wards Congress were not held but that 1st and 4th respondents conspired and on their instruction, the 4th respondent's commissioners and Aides took possession of the electoral materials and Forms and doctored them, suggest forgery and or falsification of results which imports criminal element into an otherwise civil matter and such required proof beyond reasonable doubt. The Court below also rightly held that to prove falsification of result, there must be two sets of results, one considered genuine or authentic and the other considered falsified. This will allow the two to be compared to establish falsity. No such results were tendered in this case. See

ATIKPEKPE v. JOE (1999) 6 NWLR (pt.607) 428; AWUSE v. ODILI (2005) 16 NWLR (PT.952) 416”.

My Lord, we submit that it is obvious that the primary election disputed in this suit has not been properly conducted in accordance with the law and same cannot be allowed to stand.

In **APC V. SHERIFF (2023) LPELR – (2022) LPELR-59122(CA)**, the Court of Appeal stated the position of the law as follows: -

"The purported Primary Election conducted on 9th June, 2022 was a fluke orchestrated to displace the Candidature of the 1st Respondent which he validly acquired with the sole purpose of substituting and replacing him howbeit unlawfully with the 2nd Respondent contrary to Section 84(5) (c) (i) and (ii) of the Electoral Act, 2022 and in outright breach of the Appellant's Guidelines and its Rules in the Selection or nomination of its Candidates for the 2023 General Elections. The Courts have been statutorily empowered to whip erring political parties into line to comply and conform with the Electoral Act, 2022, the Constitution of the Federal Republic of Nigeria 1999, as amended, and the Guidelines or Regulations of Political Parties for the selection or nomination of Candidates for elections under the Constitution and the Electoral Act. No impunity will be allowed and that is the avowed position of the Rule of law which everyone is clamouring for and this has been further reinforced in Sections 29(1), (2), 82 and 84 of the Electoral Act all of which statutorily commanded political parties to forward the names of their Candidate for elections who must have emerged from valid primaries conducted by the political And in this case Section 84(5) (c)(i) and (ii) specifically enacted that an Aspirant with the highest number of votes in a Senatorial Primary Election shall be declared winner of the primaries of the party and the Aspirant's name shall be forwarded to the Commission as the Candidate of the party. See ALL PROGRESSIVE CONGRESS APC & ANOR. V. ENGR. SULEIMAN ALIYI LERE & ANOR (2020) 1 NWLR (PART 1705) 254 at 286 A - per RHODES-VIVOUR JSC, who said: "If a winner emerges from the primaries and the party announces him as the winner of the primaries, (in some parties a Certificate of Return is issued to the winner of the primaries by the Returning Officer) and there is no complaint from any of the aspirant about the conduct of the primaries, there is only one duty left for the party to do, and that is to submit the name of the winner of the primaries to Independent National Electoral Commission (INEC)

as its candidate for the General Elections. The candidate whose name is submitted to Independent National Electoral Commission (INEC) represents the party for the post he contested and won at the party primaries. Section 87(4)(c)(ii) of the Electoral Act states that: "(ii) the aspirant with the highest number of votes at the end of voting shall be declared the winner of the primaries of the party and the aspirant's name shall be forwarded to the Commission as the candidate of the party." In **OLUGBEMI V. LAWRENCE (2017) 16 NWLR (PT. 1591) P. 209 AT 247**, GALUMJE, J.S.C. said that: "The only instance where the name of a candidate other than the candidate that won the primaries election will be forwarded to Independence National Electoral Commission (INEC) is where the candidate that won the election withdrew his candidature by notice in writing signed by him and delivered by himself to the political party that nominated him for the election or where he dies before his name is submitted to Independence National Electoral Commission (INEC) or after the name has been submitted and before the elections." It is so clear that the above does not apply to the winner of the primaries (i.e. the 1st respondent). At no time did he withdraw his candidature, or is he dead. Section 87(4)(c)(ii) of the Electoral Act must be complied with. The Court of Appeal was correct in its findings and conclusions."

See also: **NOBIS-ELENDU V. INEC (2014) 16 NWLR (PT. 1485) 179**.

iii. **CAN A DIRECT PRIMARY ELECTION HOLD IN ONLY ONE LOCATION?**

Section 84(2) of the Electoral Act, 2026 expressly provides that: -

"The procedure for the nomination of candidates by political parties for the various elective positions shall be by direct primaries or consensus".

Section 87(2) further provides as follows: -

"Where a political party is unable to secure the written consent of all cleared aspirants for the purpose of a consensus candidate, it shall revert to the choice of direct primaries for the nomination of candidates for the elective positions".

My Lord, DIRECT PRIMARY ELECTION is a situation where all registered members of a political party are expected and allowed to vote. Where the rules or requirement for DIRECT PRIMARIES are not met, the resultant election will be invalid!

In **KENTE V. BWACHA (2023) 9 NWLR (PT. 1889) 329**, the Supreme Court held: -

"What are the components of a valid gubernatorial primary election known to law? Section 84(1), (2), (4), (5), (13), (14) and 82 (1) of the Electoral Act, 2022 provide as follows: "84(1) A political party seeking to nominate candidates for election under this act shall hold primaries for aspirants to all elective positions which shall be monitored by the Commission (2) The procedure for the nomination of candidates for the various elective positions shall be by direct, indirect or consensus. (4) A political party that adopts the direct primaries procedure shall ensure that all aspirants are given equal opportunity of being voted for by members of the party and shall adopt the procedure outlined - (a) in the case of presidential primaries, all registered members of the party shall vote for aspirants of their choice at designated centre at each ward of the Federation, (b) the procedure under paragraph (a) shall be adopted for direct primaries in respect of Gubernatorial, Senatorial, Federal and State Constituencies; (c) special conventions or congresses shall be held to ratify the candidate with the highest number of votes at the National, State, Senatorial, Federal and State Constituencies as the case may be. (5) A political party that adopts the system of indirect primaries for the choice of its candidate shall adopt the procedure outlined - (b) in the case of nominations to the position of a Governorship candidate, the political party shall, where it intends to sponsor candidates - (i) hold a special congress in the State capital or any other place within the state with delegates voting for aspirants of their choice at the congress to be held on a specified date appointed by the National Executive Committee (NEC) of the party, and (ii) the aspirant with the highest number of votes cast at the end of voting shall be declared the winner of the primaries of the party and the aspirant's name shall be forwarded to the commission of the candidate of the party, for the particular state. (13) Where a political party fails to comply with the provisions of this Act in the conduct of its primaries, its candidate for election shall not be included in the election for the particular position in issue. (14) 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. 82(1) Every registered political party shall give the commission at least 21 days notice of any convention, congress, conference or meeting convened for the purpose of "merger" and electing members of its executive

committee, other governing bodies or nominating candidates for any of the elective officers specified under this Act."

- See also: (1) **SHIDDI V. JIMKUTA (2023) LPELR – 60289 (SC)**
(2) **ADEYEMI V. APC (2024) 4 NWLR (PT. 1927) 63**
(3) **MARAFI V. DAN ALHAJI (2019) LPELR – 47012 (CA)**
(4) **ATUMA V. APC (2023) LPELR – 60352 (SC)**

My Lord, it is surprising that even after the Electoral Act, 2026 has done away with indirect primary election and prescribes only DIRECT PRIMARIES, the APC still issued a document Exhibited as **Exhibit E** stating that a Senatorial primary election shall hold at a particular venue. My Lord, that is a total negation of the principle and practice of DIRECT PRIMARY ELECTION.

We submit that the law is settled that where a Law, Statute, guidelines or Constitution specifies and prescribes a special mode for executing any task, only that mode is acceptable, any other mode or method employed, other than that prescribed by the statute is NULL and VOID and of no effect whatsoever.

In **ORAKUL RESOURCES LTD V. NCC (2022) 6 NWLR (PT. 1827) 539**, the Supreme Court held:-

"...In the case of Eguamwense v. Amaghizemwen (1993) 2 NWLR (pt. 315 1 at 23, Kabibi Whyte, JSC, speaking for this Court in the leading judgment had stated the law that:- "It is accepted as correct principle of law that where a statute creates a special right to which a special remedy is attached, resort cannot be had to any remedy other than that provided for in the statute creating the right. As Lord Watson L., J., expressed it in *Barraclough v. Brown* (1987) AC at page 622. "The right and the remedy are given uno flatu and the one cannot be dissociated from the other." See also *Salako v. Alao* (supra) *Ajewole v. Adetimo* (Supra). Having chosen to exercise the right created by the Nigeria Communications Commission Act to challenge or question the decision of the 1st Respondent taken in exercise of the powers and functions under the Act on ground of alleged contravention of the provisions of the Act, the Appellants as aggrieved person/s, cannot dissociate and run away from the remedies provided for by the provisions of the Act or the procedure specifically set out for them. The Appellants cannot be seen to assert a right created by and under the Nigeria Communications Commission Act and at the same time, completely disregard the specific procedure prescribed by the Act for seeking remedy for the alleged breach or contravention of

the right on ground of non-compliance with the requirements of the Act. The law is now trite that where a person fails to adhere to the dictates of a statutory provision from which he seeks to benefit, non-compliance with the said statutory provisions will deprive him of the benefit he seeks to derive therefrom. See *Afribank Nig. Plc. v. Akwara* (2006) 1 SC (pl. II) 40, *Khalil v. Yar'adua* (2003) 16 NWLR (pt. 847) 446 at 488, *Adesanoye v. Adewole* (2006) 7 SC (pt. 111) 19 at 30-31.

In **GUSAU V. LAWAL** (2023) LPELR – 60152 (SC), the Supreme Court held: -

"It is trite that where the law has laid down a procedure, mode or manner for doing a thing, there is no other acceptable method of doing it. The Courts are duty-bound to ensure that the particular mode or method prescribed by law are complied with. Failure to comply with the prescribed procedure would deprive the thing done of any potency or effect and it will amount to a nullity. Hence, the purported submission of an appeal by the Appellant to the Chairman of the 2nd Respondent is void and of no effect. See *MOBIL PRODUCING (NIG.) UNLTD. V. JOHNSON* (2018) 14 NWLR (PT. 1639) 329; *MPPP V. INEC & ORS* (2015) LPELR - 25706 (SC); *NIGERIA SOCIAL INSURANCE TRUST FUND MANAGEMENT BOARD V. KLIFCO NIGERIA LTD* (2010) LPELR - 2006 (SC)."

My Lord, we submit that the EXPRESS MENTION OF DIRECT PRIMARIES means and implies the exclusion of any other method, on the maxim EXPRESSIO UNIS EST EXCLUSIO ALTERIUS

In **BUHARI V. YUSUF** (2003) 14 NWLR (PT. 841) 446, the Supreme Court held: -

"The principle is well settled that in the construction of statutory provisions, where a statute mentions specific things or persons, the intention is that those not mentioned are not intended to be included. This is the *expressio unius est exclusio alterius* rule, meaning that the express mention of one thing in a statutory provision automatically excludes any other which otherwise would have been included by implication. see *Ogbunyiya v. Okudo* (1976) 6-9 SC 32; *Udoh v. Orthopaedic Hospital Management Board* (1993) 7 NWLR (Pt. 304) 139."

In **OPIA V. INEC** (2014) 7 NWLR (PT. 1407) 431, the Supreme Court held: -

"Perhaps this is an appropriate place to remind the appellant the *Expressio unius est exclusio alterius* Rule. This means that the

express mention of one thing in a statutory provision automatically excludes any other which otherwise would have been excluded by implication. See: PDP v. INEC (1999) 11 NWLR (Pt. 625) 200; Buhari v. Dikko Yusuf (2003) 1 NWLR (Pt. 841) 446; Udoh v. Orthopaedic Hospital Management Board (1993) 7 NWLR (Pt. 304) 139; Halsbury's Laws of England, 4th Edition, Paragraph 876."

My Lord, we submit that the 1st Defendant could not have acted contrary to the Electoral Act, 2026 by issuing any conflicting guidelines. Where the guidelines of an organization or a political party conflicts with the provision of the law, the guideline must give way.

In **BUHARI V. INEC (2008) 18 NWLR (PT. 1102) 246**, the Supreme Court held: -

"What is the legal status of Practice Directions? Practice Directions have the force of law in the same way as Rules of Court. I held in Abubakar v. Yar'Adua (2008) 1 SC (Pt. II) 77; (2008) 4 NWLR (Pt. 1078) 455 at 511, that Rules of Court include Practice Directions. See also Owuru v. Awuse (2004) All FWLR (Pt. 211) 1429. Practice Directions will however not have the forces of law if they are in conflict with the Constitution or the statute which enables them."

See also: **ABUBAKAR V. BUHARI (2023) LPELR – 60108 (SC)**.

My Lord, we submit that every violation of the law must incur the wrath of the law and whatever is done contrary to the law cannot be allowed to stand.

iv. **FLAGRANT DISREGARD OF SUPREME COURT JUDGMENT**

My Lord, it is beyond dispute that the Supreme Court in SC.413/2016, reported as **TIMINIMI V. INEC (2023) 7 NWLR (PT. 1882) 109**, the Supreme Court ordered FRESH DELINEATION OF WARDS AND UNITS in the Warri Federal Constituency.

-It is on record that as at today, the said delineation has not been carried out. The court had held recently in a consolidated suit that the PROPOSAL brought by INEC did not amount to compliance with the Supreme Court judgment and further directing that INEC should go and comply with that judgment.

My Lord, in a DIRECT PRIMARY election, voting is supposed to take place in all the Wards in the Constituency. We humbly ask, what wards did they use in allegedly conducting the primary election alleged to have held on 18/5/2026 in the Delta South Senatorial Zone which cover Warri Federal Constituency?

The Supreme Court has already nullified the present and existing wards structure. We submit that anything done in violation of the judgment of a court of competent jurisdiction is a NULLITY.

In **PDP V. ALHAJI SULE LAMIDO (SC/CV/154/2026) (unreported)** delivered on 29/4/2026, the Supreme Court upheld the nullification of the convention of the PDP because it was held in violation of a subsisting order / judgment of a court.

Indeed it amounts to contempt of court (the Supreme Court) for APC and INEC to have done anything in Warri Federal Constituency without due compliance with the judgment of the Supreme Court.

v. **THE PLAINTIFF SHOULD BE DECLARED WINNER**

My Lord, on this issue, we simply submit that: -

- a) He who seeks equity must do equity, and
- b) He who come to equity must come with clean hands.

Both the 3rd and 4th Defendants produced their own results in connivance with the 1st Defendant. Having sunken so deep in the process, they ought to be disqualified.

My Lord, upon the disqualification of the 3rd and 4th Defendant, the only person standing will be the Plaintiff and we urge my Lord to declare him the winner of the primary election.

Indeed we urge my Lord to treat the plaintiff as an unopposed candidate and to declare him the winner of the primary election.

CONCLUSION

We urge my Lord, to graciously grant the reliefs prayed for by the plaintiff.

Dated this 27th of May 2026.


IKHIDE EHIGHELUA ESQ.

O. J. OBODAYA ESQ

K. K. AKPULE ESQ

IKHIDE EHIGHELUA & CO

ONORIODE CHAMBERS

2, IKHIDE EHIGHELUA CLOSE,
OFF PLACE ROAD, OFF P.T.I ROAD

EFFURUN

08057767096

ikhidelaw@gmail.com



2714 - 7121 - 1415

FOR SERVICE ON

- 1) **THE 1ST DEFENDANT**
APC SECRETARIAT
ASABA
DELTA STATE

- 2) **THE 2ND DEFENDANT**
INDEPENDENT NATIONAL ELECTOAL COMMISSION
INEC OFFICE
NTA ROAD
ASABA
DELTA STATE

- 3) **THE 3RD DEFENDANT**
SEN. JOEL ONOWAKPO THOMAS
NATIONAL ASSEMBLY
ABUJA
08022233571

- 4) **THE 4TH DEFENDANT**
PRINCE (EVANG) MICHAEL DIDEN
WARRI NORTH L.G.A
DELTA STATE
09081919191

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

FHC/WAR/CC/1111/2026

SUIT NO FHC/ _____ /2026

BETWEEN

HON. TOSAN DESMOND OYOWE -----

PLAINTIFF

AND

- | | | |
|--|---|----------------|
| 1. ALL PROGRESSIVE CONGRESS
2. INDEPENDENT NATIONAL ELECTORATE COMMISSION (INEC)
3. SEN. JOEL ONOWAKPO THOMAS
4. PRINCE (EVANG) MICHAEL DIDEN | } | --- DEFENDANTS |
|--|---|----------------|

AFFIDAVIT OF NON-MULTIPLICITY OF ACTION ON THE SUBJECT MATTER IN THIS SUIT

I TOSAN DESMOND OYOWE, male, Christian, Nigerian citizen of Warri North L.G.A of Delta State do hereby make an oath and state as follows: -

1. That I am the Plaintiff in this suit.
2. That the fact deposed to herein are within my personal knowledge.
3. That I deposed to this Affidavit of non-multiplicity of action on the subject matter in this suit.
4. That I do not have any suit pending in any Court in Nigeria against the Defendants with respect to the subject matter in the instant case.
5. That I make this affidavit in good faith believing same to be true and in accordance with the Oath Act.

Tosan Desmond Oyowe

DEPONENT

SWORN to at the Registry of the Federal High Court Warri

This 28th day of May 2026

FEDERAL HIGH COURT OF NIGERIA
COMMISSIONER FOR OATHS

Sign *[Signature]*

Date: _____
COMMISSIONER FOR OATHS

HIGH COURT OF NIGERIA
WARRI DIVISION.
SHIER
[Signature]

7121-1415