IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA
ON MONDAY THE 15TH DAY OF JUNE, 2026
BEFORE HIS LORDSHIP, THE HON. JUSTICE PETER O. LIFU (JP)
JUDGE

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SUIT NO. FHC/ABJ/CS/2637/2026

BETWEEN:

THE INCORPORATED TRUSTEES OF NATIONAL FORUM OF FORMER LEGISLATORS ----- **PLAINTIFF**

AND

1. **INDEPENDENT NATIONAL ELECTORAL COMMISSION**
2. **ATTORNEY GENERAL OF THE FEDERATION**
3. **AFRICAN DEMOCRATIC CONGRESS (ADC)**
4. **ACTION ALLIANCE (AA)**
5. **ACTION PEOPLES PARTY (APP)**
6. **ACCORD (A)**
7. **ZENITH LABOUR PARTY**

----- **DEFENDANTS**

JUDGMENT

The Plaintiff commenced this action via an Originating Summons dated and filed on the 8th December, 2025 but was subsequently amended pursuant to an order of this court . The Amended Originating Summons is dated and filed on the 12th January, 2026, seeking for the determination of the following questions:

1. *Whether upon a proper interpretation of the provisions of Paragraph F-15(b) and (l) of Part 1 of the Third Schedule of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and Section 225(A) of the Constitution of the Federal Republic of Nigeria 1999 (as amended by the Fourth Alteration Act No. 9 of 2017), and Section 75(4) of the Electoral Act 2022, paragraph 11(1)(b) of Regulations and Guidelines for political parties, 2022, the 1st Defendant in the exercise of its constitutional powers to deregister political parties in Nigeria is not duty bound to deregister the 3rd, 4th, 5th, 6th and 7th Defendants having failed to secure the constitutional threshold of at least twenty-five percent of votes cast in one state of the Federation in a Presidential Election; or one Local Government of the state in a Governorship Election; failure to win one ward in the Chairmanship Election; one seat in the National or State House of Assembly Election; or one seat in the Councillorship Election in Nigeria.*

2. *Whether upon a proper interpretation of the provisions of Paragraph F-15(b) and (l) of Part 1 of the Third Schedule of the Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 225(A) of the Constitution of the Federal Republic of Nigeria 1999 (as amended by the Fourth Alteration Act No. 9 of 2017), Section 75(4) of the Electoral Act 2022, Paragraph 11(1)(b) of Regulations and Guidelines for Political Parties, 2022, the 1st Defendant is empowered to give effect to the mandatory*

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constitutional threshold of at least twenty-five percent of votes cast in one state of the Federation in a Presidential Election; or one Local Government of the state in a Governorship Election; failure to win one ward in the Chairmanship Election; one seat in the National or State House of Assembly Election; or one seat in the Councillorship Election in Nigeria against the 3rd, 4th, 5th, 6th and 7th Defendants having failed to secure the mandatory constitutional threshold.

3. *Whether upon a proper interpretation of the provision of Section 225(A) of the Federal Republic of Nigeria 1999 (as amended by the Fourth Alteration Act No. 9 of 2017), and Section 75(4) of the Electoral Act 2022, paragraph 11(1)(b) of Regulations and Guidelines for Political Parties, 2022, the 3rd, 4th, 5th, 6th and 7th Defendants as political parties are eligible to be recognized and or accord a status of a legally registered political parties in Nigeria having failed to secure the constitutional threshold of at least Twenty-Five percent of votes cast in one state of the Federation in a Presidential Election; or one Local Government of the state in a Governorship Election; failure to win one ward in the Chairmanship Election; one seat in the National or State House of Assembly Election; or one seat in the Councillorship Election in Nigeria thereby activating the 1stDefendant constitutional duty and power to deregister the 3rd, 4th, 5th, 6th and 7th Defendants.*

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4. Whether upon a proper interpretation of the provisions of Paragraph F-15 (b) and (l) of the Third Schedule of the Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 225(A) of the Constitution of the Federal Republic of Nigeria 1999 (as amended by the Fourth Alteration Act No. 9 of 2017) and Section 75(4) of the Electoral Act 2022, Paragraph 11(1)(b) of Regulations and Guidelines for political parties, 2022, the 1st Defendant is entitled to recognize any political activities of the 3rd, 4th, 5th, 6th and 7th Defendants, or however described, or to give recognition to, acknowledge, accept or give effect to any correspondences, notices, meetings, including electioneering campaigns of the 3rd, 4th, 5th, 6th and 7th Defendants without strict compliance with the provisions of section 225(A) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and Section 75(4) of the Electoral Act 2022, Paragraph 11(1)(b) of Regulations and Guidelines for Political Parties, 2022, that is, failure to meet the constitutional threshold of at least Twenty-Five percent of votes cast in one state of the Federation in a Presidential Election; or one Local Government of the state in a Governorship Election; failure to win one ward in the Chairmanship Election; one seat in the National or State House of Assembly Election; or one seat in the Councillorship Election in Nigeria.

5. Whether upon a proper interpretation of the provisions of F-15(b) of Part 1 of the Third schedule of the Constitution of the Federal

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Republic of Nigeria 1999 (as amended), Section 225(A) of the Constitution of the Federal Republic of Nigeria 1999 (as amended by the Fourth Alteration Act No. 9 of 2017), Section 75(4) of the Electoral Act 2022, Paragraph 11(1)(b) of Regulations and Guidelines for political parties, 2022, the 1st Defendant can permit the 3rd, 4th, 5th, 6th and 7thDefendants to engage in electioneering campaigning and or participate in the 2027 general elections as scheduled by the 1st Defendant and in view of those provisions, the 3rd, 4th, 5th, 6th and 7thDefendants should not be deregistered as political parties in Nigeria.

In the event that the questions is determined or resolved in the manner envisaged by the Plaintiffs and favourable, it sought the following reliefs against the Defendants to wit:

1. *A DECLARATION that the 1st Defendant is duty bound to hold the 3rd, 4th, 5th, 6th and 7th Defendants strictly to the compliance of constitutional threshold of at least Twenty-Five percent of votes cast in one state of the Federation in a Presidential Election; or one Local Government of the state in a Governorship Election; failure to win one ward in the Chairmanship Election; one seat in the National or State House of Assembly Election; or one seat in the Councillorship Election in Nigeria being a pre-condition to be a registered political party in Nigeria and to participate in the 2027*

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general election scheduled to be conducted by the 1st Defendant.

2. A DECLARATION that the 3rd, 4th, 5th, 6th and 7th Defendants having failed to secure, meet up with and comply with the twenty-five percent constitutional threshold to be eligible as political parties and having failed to satisfy all necessary Constitutional pre-conditions to have the status of a registered political party in Nigeria should be deregistered from the list of political parties, the 3rd, 4th, 5th, 6th and 7thDefendants are not entitled or eligible to be given recognition as political parties in Nigeria.

3. A DECLARATION that the 3rd, 4th, 5th, 6th and 7thDefendants, having failed to secure the Constitutional threshold, should be deregistered from the list of registered political parties in Nigeria and are not entitled to participate in the general election scheduled for 2027 by the 1st Defendant or any other date.

4. A DECLARATION that the 1stDefendant is not entitled or empowered to acknowledge, accept, give effect to or give recognition to any activities of the 3rd, 4th, 5th, 6th and 7thDefendants including the participation in the scheduled 2027 general elections except that the 3rd, 4th, 5th, 6th and 7thDefendants are in strict compliance with the provisions of Section 225(A) of the constitution of the Federal Republic of Nigeria, 1999 (as amended)

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and Paragraph 11(1)(b) of Regulations and Guidelines for Political Parties, 2022 issued by the 1st Defendant.

5. A DECLARATION that the 1st Defendant is not entitled to recognize or accept any outcome of any political activities including conducting primaries, conveying meetings, organizing rallies, engaging in electioneering campaign or receiving any correspondence from the 3rd, 4th, 5th, 6th and 7thDefendants without the strict compliance with the provision of Section 225(A) of the constitution of the Federal Republic of Nigeria, 1999 (as amended) and Regulations and Guidelines for Political Parties, 2022 issued by the 1st Defendant.

6. A DECLARATION that the 1st Defendant is duty bound under Section 225(A) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) to deregister the 3rd, 4th, 5th, 6th and 7thDefendants having failed to meet the mandatory twenty-five percent constitutional threshold and or securing at least one elective seat at the Presidential, Governorship, National Assembly, House of Assembly and or Councillorship elections in Nigeria.

7. A DECLARATION that the 3rd, 4th, 5th, 6th and 7th Defendants, having failed to secure the mandatory Twenty-Five percent constitutional threshold and or securing at least one elected seat at the Presidential, Governorship, National Assembly, House of Assembly

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and/or Councillorship elections in Nigeria, are liable to be deregistered by the 1st Defendant.

8. *AN ORDER OF MANDATORY INJUNCTION compelling the 1st Defendant to act against the 3rd, 4th, 5th, 6th and 7th Defendants to invoke, enforce and give strict compliance to the mandatory constitutional threshold as contained in Section 225(A) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) against the 3rd, 4th, 5th, 6th and 7th Defendants.*

9. *AN ORDER OF PERPETUAL INJUNCTION restraining the 1st Defendant, whether by itself, its agents, officers or privies, from acknowledging, accepting, giving effect to or according recognition to the 3rd, 4th, 5th, 6th and 7th Defendants or any of their political activities except and until the 3rd, 4th, 5th, 6th and 7th Defendants are in strict compliance with the provisions of Section 225(A) of the 1999 Constitution of the Federal Republic of Nigeria 1999 (as amended).*

10. *AN ORDER OF INJUNCTION, compelling the 1st Defendant to hold the 3rd, 4th, 5th, 6th and 7thDefendants to strict compliance with the provisions of section 225(A) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).*

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11. AN ORDER OF INJUNCTION restraining the 1st Defendant by itself or by its servants or agents from receiving or accepting from the 3rd, 4th, 5th, 6th and 7th Defendants or any of its organs, representatives or agent, any communication or correspondence, including notice to conduct national conventions, congresses, primaries or in any manner whatsoever, acknowledging or giving effect to any notices for the purposes of conducting any political activities to seek votes for their members having failed to secure at least one elected seat at the Presidential, Governorship, National Assembly, House of Assembly and/or Councillorship elections in Nigeria in accordance with the provisions of Section 225(A) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

12. AN ORDER OF INJUNCTION compelling the 1st Defendant to deregister, forthwith, the 3rd, 4th, 5th, 6th and 7th Defendants from the list of registered political parties in Nigeria, the 3rd, 4th, 5th, 6th and 7th Defendants having failed to secure, maintain and or meet a mandatory constitutional threshold of securing at least one elected seat at the Presidential, Governorship, National Assembly, House of Assembly and or Councillorship elections in Nigeria in accordance with the provisions of Section 225(A) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended)

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The Originating Summons is supported by 47 paragraphs Affidavit deposed to by one Hon. Igbokwe Raphael Nnanna with three annexures marked as Exhibits NFFL 1 to NFFL 3 with a Written Address. Upon receipt of the 1st Defendant's Counter Affidavit, the Plaintiff on the 5th May, 2026 filed a 7 paragraphs Further Affidavit with three annexures marked as Exhibit NFFL 1 to NFFL 3. Upon receipt of the 3rd Defendant's Counter Affidavit, the Plaintiff on 7th May, 2026 filed a 6 paragraphs Further Affidavit with a Written Address in support. Upon receipt of the 4th Defendant's Counter Affidavit, the Plaintiff on 4th May, 2026 filed a Reply on Points of Law. Upon receipt of the 5th Defendant's Counter, the Plaintiff on 5th May, 2026 filed a Further Affidavit of 10 paragraphs with two annexures marked as Exhibit INEC 1 and INEC 2, with a Written Address. Upon receipt of the 6th Defendant's Counter Affidavit, the Plaintiff on 7th May, 2026 filed a 32 paragraphs Further Affidavit with three annexures marked as Exhibits NFFL 1 to 3. There is a Written Address. Upon receipt of the 7th Defendant's Counter Affidavit, the Plaintiff on the 4th May, 2026 filed a 6 paragraphs Further Affidavit with Reply on Points of Law

In opposition to the Amended Originating Summons, the 1stDefendant on 4th May, 2026 filed a 9 paragraphs Amended Counter Affidavit deposed to by the one Jacob Ayuba with five annexures marked as Exhibits INEC PP1 to INEC PP5. There is a Written Address in support.

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Opposing the Amended Originating Summons, the 2nd Defendant on 16th April. 2026 filed a Notice Pursuant to Order 15(1) of the Rules of this Court, 2019. There is a Written Address.

On the part of the 3rd Defendant, it filed on the 4th May, 2026 filed a 5 paragraphs Counter Affidavit deposed to by one Judith Awan with two annexures marked as Exhibits ADC 1 to ADC 2. There is an Additional Written Address filed on the 6th May, 2026 as well as another court process filed on the 19th May, 2025 which is a 6 paragraphs Further and Better Counter Affidavit deposed to by one Judith Awan with three annexures marked as ADC 3 to ADC 6.

The 4th Defendant on 30th April, 2026 filed a 34 paragraphs Counter Affidavit deposed to by one James Vernimbe with an annexure marked as Exhibit NAA 1-12 series. There is a Written Address. The 4th Defendant also filed Further and Better Affidavit with a Reply on Points of Law.

The 4th Defendant also filed a Notice of Preliminary on 30th April, 2026 praying the court for the following reliefs:

1. *AN ORDER striking out this suit against the 4thDefendant/Applicant as presently constituted on grounds of lack of locus standi of the Plaintiff/Respondent to institute same without first obtaining the fiat of the Honourable Attorney General of the Federation.*

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2. *AN ORDER striking out this suit as presently constituted against the 4th Defendant/Applicant on grounds of absence of reasonable cause of action and locus standi thereby depriving this Honourable court the jurisdiction to entertain and determine same.*

3. *AN ORDER striking out the instant suit by the Plaintiff/Respondent against the 4th Defendant/Applicant being speculative, mischievous, irritating and an abuse of the process of this Honourable court.*

The grounds upon which this Notice of Preliminary Objection is predicated upon are:

1. *The Plaintiff/Respondent failed to disclose in her originating summons and supporting annexures a reasonable cause of action justiciable against the 4thDefendant/Applicant for deregistration as a political party in Nigeria by the 1st Defendant to warrant or justify the invitation of this Honourable court to entertain and determine the instant suit against the 4th Defendant/Applicant.*

2. *A perusal of the Plaintiff/Respondent pleadings in support of her originating summons, affidavit in support and annexures reveals that there is no legal right or obligation personal or peculiar to the Plaintiff/Respondent that has been infringed upon by the continuous existence, operations and activities of the 4th Defendant/Applicant as a registered political party in Nigeria."*

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3. *The Plaintiff/Respondent which is an association registered as an incorporated trustee comprising of former legislators who are private citizens that seek to assert or protect public right as stated in their suit, have failed to obtain the requisite standing in law to sue by first seeking and obtaining the fiat of the Honourable Attorney General of the Federation or provide evidence of up-to date tax return certificate to show compliance with their civic and legal obligations as required by law to initiate a public interest litigation against the 4th Defendant/Applicant."*

4. *The instant suit is premature, speculative, vexatious, gold digging, incompetent and defective as same is not based on any material facts or evidence of non-compliance with the provision of Section 225(A) of the Constitution the Federal Republic of Nigeria 1999 (as amended) and Section 75(4) of the Electoral Act 2022 and paragraph 11(1) (b) of Regulations and Guidelines for political parties 2022, personal to the Plaintiff/Respondent or general to other Nigerians as claimed therefore amounts to an abuse of the process of this Honourable Court.*

In support of the Notice of Preliminary Objection, a 7 paragraphs Affidavit deposed to by one James Verinmbe. There is Written Address. The 5th Defendant on the 23rd March, 2026 filed a 12 paragraphs Counter Affidavit deposed to by one Obed OkwukweAgu with annexures marked as Exhibit APP1 to APP3.There is a Written Address in

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support. There is also a Further Counter Affidavit with two annexures marked as Exhibit APP4 and APP5 filed on the 29th April, 2026.

The 5th Defendant filed on the 15th May, 2026 filed a Motion on Notice, praying the court for the following:

1. *AN ORDER OF THIS HONOURABLE COURT striking out the name of the 5th defendant from the instant suit pursuant to the Judgment of the Supreme Court affirming the decision of Court of Appeal and dismissing the appeal filed by Mr. Blessing Elujiuba against INEC Appeal Number SC/CV/248/2026 and 2 Ors which is in all fours with the present suit.*

2. *AND FOR SUCH FURTHER OR OTHER ORDERS as this Honourable Court may deem fit to make in the circumstances.*

The grounds upon which this application is predicated upon:

1. *The Appellant in Appeal Number SC/CV/248/2026 between Mr. Blessing Elujiuba v. INEC and 2 Ors. commenced an action vide an Originating Summons filed on 17th October 2025, before Federal High Court Owerri and prayed the Honourable trial court for the following reliefs:*

   i. *A Declaration that by the combined reading and interpretation of Section 225A of the constitution of the*

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Federal Republic of Nigeria 1999 as amended, the 1st Defendant is empowered to deregister the 2nd defendant for failure of the 2nd defendant to meet up with the constitutional requirements to remain a political party in Nigeria.

ii. A Declaration that the 2 nddefendant having failed to meet the requirements of the law as provided under section 225A, is no longer a political and cannot sponsor, nominate and/or participate in any election in Nigeria including the 2027 general election.

iii. A DECLARATION THAT the 3rd defendant and members of his National Working Committee by the provision of Sections 76, 77.78 and 85 of the constitution of Action Peoples Party (APP), Section 82 and 83 of the Electoral Act 2022, cannot continue to carry out any function as the National Chairman of Action Peoples Party for failure of the Party to hold any validly and legally recognized National convention or presented itself for 1st defendant's verification since its registration as political party.

iv. A DECLARATION THAT by the combine reading and interpretation of Sections 76, 77,78 and 85 of the constitution of Action Peoples Party (APP), Section 82 and 83 of the Electoral Act 2022, all actions take, and may be taken in

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further by the 3rd defendant and his purported members of the National Working Committee on behalf of the Party, Action Peoples Party are null and void and of no effect whatsoever by virtue their illegal emergency in a purported National Convention without statutory notice to the 1st defendant.

v. *AN ORDER OF THE HONOURABLE mandating the 1st defendant to deregister the 2nd defendant from the list of political parties in Nigeria for failure to meet the minimum constitutional requirement to remain a political party in Nigeria.*

vi. *An Order of the Court Honourable Court restraining the 1" Defendant from accepting, recognizing or dealing with any nomination made by the 2nd defendant for any election in Nigeria including the 2027 general election.*

vii. *An order of the Honourable Court restraining the 1st defendant from accepting any correspondent, letters, and or notice from the 2nd defendant.*

viii. *An order of the Honourable restraining the 2nd defendant from planning, holding and/or conducting any congress or*

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convention for the purpose of electing officers of the party at any level or nominating candidates for election in Nigeria."

1. *Upon the consideration of the matter, the trial court in a well-considered judgment delivered on 21st November, 2025 dismissed the case of the Plaintiff for lacking in merit and granted the consequential relief of the Defendant (the Applicant herein) to the effect that the Applicant did not breach any constitutional provision for deregistration of political parties and therefore met all the requirement to remain a political party.*

2. *The Plaintiff at the trial court dissatisfied with the judgment of the trial court, appeal to court of appeal Owerri division challenging the judgment of the trial court.*

3. *The Court of Appeal Owerri division on 10th February, 2026 delivered judgment affirming the decision of the Federal High Court Owerri, and dismissed the appeal.*

4. *Again, the plaintiff appealed against the decision of the Court of Appeal Owerri to the Supreme Court.*

5. *The matter came up in the Supreme Court on the 12th day of May, 2026 and the appeal was also dismissed for lacking in merit and the decision of the Court of Appeal affirmed.*

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6. *The issue canvassed in the Appeal dismissed by the Supreme Court is same with the issues being canvassed before this Honourable Court.*

7. *The decision of court of appeal which was affirmed by the Supreme Court is a decision in rem and binds all persons and entity regarding the issue of deregistration of the Applicant pursuant to section 225A of the Constitution.*

8. *By the principle of hierarchy of court and stare decisis the decision of the court of Appeal and Supreme Court is binding on this court.*

9. *By the decision of the Supreme Court, the issue of whether the Applicant meet the constitutional requirement under section 225A of the Constitution of Federal Republic of Nigeria 1999 as amended to remain a political party has been conclusively decided by the supreme court and the matter before this court as it relates to the Applicant has been taken by event and renders this current suit against the applicant academic and hypothetical.*

10. *The interest of justice is in striking out the name of the Applicant from this suit*

The 5th Defendant's motion is supported by 15 paragraphs Affidavit deposed to by one Peter Obu Abang with three annexures marked as Exhibits A to C. There is a Written Address.

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The 6th Defendant on 4th May, 2026 filed a 9 paragraphs Counter Affidavit deposed to by Elder Ibe ThankGod Kenechukwu with ten annexures marked as ACCORD 1 to 10. There is a Written Address.

The 6th Defendant also filed Notice of Preliminary Objection on 18th March, 2026 praying the court to strike out the suit. The grounds upon which this objection is predicated are:

1. *The Plaintiffs approached this Honourable vide an Amended Originating Summons and its accompanying processes to compel the 1st Defendant to deregister the proposed 3rd to 7th Defendants on the purported ground that the proposed 3rd to 7th Defendants failed to secure the constitutional threshold of at least 25% of votes cast in one state of the Federation in a presidential election; or one Local Government of the State in a Governorship Election; failure to win one ward in the Chairmanship Election; one seat in the National or State House of Assembly Election; or one seat in the Councillorship Election in Nigeria.*

2. *The Plaintiff who is calling for the de-registration of the Accord has no locus standi to institute this action against the Accord.*

3. *By the nature of the suit and the Reliefs sought, which is compelling the 1st Defendant to exercise its statutory powers conferred by the Constitution, same is seeking for judicial review of the exercise of*

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the statutory powers of the 1st Defendant vide an order of Mandamus.

4. *By the provisions of the Rules of this Honourable Court, leave must be sought and granted before a suit of this nature can be instituted before this Honourable Court.*

5. *The Plaintiff having failed to seek and obtain the leave of this Honourable Court before instituting this action against the Defendants, has robbed this Honourable Court of the requisite jurisdiction to entertain this suit.*

6. *At the time the general elections were conducted in 2023, governorship election was not conducted in all the 36 States of the Federation in the said year, 2023.*

7. *The 2023 general election is continuous, the 1st Defendant having not conducted governorship elections in all the 36 States of the Federation in 2023.*

8. *Governorship elections in Osun State and Ekiti State which were not conducted in 2023 have been scheduled to be conducted on 8th August, 2026 and 20th June, 2026 respectively.*

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9. *By virtue of Paragraph 11(2) (vii) of the Regulations and Guidelines for Political Parties, 2022, it is at the end of the general elections that it can be determined whether or not a Political Party has satisfied the provision of Section 225(b) of the 1999 Constitution (As Amended).*

10. *This suit as constituted is therefore premature and thereby robs this Honourable Court of the requisite jurisdiction to entertain same.*

The 7th Defendant on 11th February, 2026 filed a 32 paragraphs Counter Affidavit deposed by one Makama Yahaya with six annexures marked as Exhibit ZLP 1 to ZLP 6. There is Written Address.

The 7th Defendant on 11th February, 2026 filed a Notice of Preliminary Objection praying the court for the following:

1. *AN ORDER dismissing this suit for lack of jurisdiction as the Plaintiff do not have the locus standi to institute same and an abuse of court process.*

2. *AND for such further Order or Orders as this Honourable Court may deem fit to make in the circumstance.*

The grounds upon which this objection is predicated are:

1. *The Plaintiff does not have the locus standi to institute this action.*

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2. *This Honourable Court has no jurisdiction to hear and determine this case in that this case is an abuse of court process.*

3. *This suit is non-justiciable.*

4. *This Honourable Court has no jurisdiction to hear and determine this suit as presently constituted as the Plaintiff have no live cause of action, no right of action, no right of enforcement nor any right warranting the judicial reliefs of this Honourable court and for which the jurisdiction of this Honourable court can be invoked.*

5. *The objector shall rely on all the processes filed and the subsisting before this Honourable Court.*

In support of the Notice of Preliminary Objection is a 13 paragraphs Affidavit deposed to by one Makama Yahaya. There is a Written Address.

Responding to the 4th Defendant's Notice of Preliminary Objection, the Plaintiff on 4th May, 2026 filed a Written Address.

Responding to the 6thDefendant's Notice of Preliminary Objection, the Plaintiff on 4th May, 2026 filed a Written Address

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Responding to the 7th Defendant's Notice of Preliminary Objection, the Plaintiff on 4th May, 2026 filed a 4 paragraphs Counter Affidavit deposed to by one Hon. Igbokwe Raphael Nnanna. There is a Written Address in support.

The facts of this case is that the matter strictly concerns a public interest action aimed at enforcing constitutional compliance, political sanity, and the rule of law in the conduct of elections in Nigeria. The Plaintiff maintains that it is a registered corporate body under the laws of the Federal Republic of Nigeria whose objectives are to promote national unity, good governance, transparency, and accountability in public service. They assert that the 1st Defendant is under a strict constitutional and statutory mandate to monitor, oversee, and deregister any political party that fails to meet the compliance benchmarks established by the Constitution and the Regulations and Guidelines for Political Parties 2022.

The Plaintiff contends that the 3rd, 4th, 5th, 6th, and 7th Defendants have consistently suffered total electoral failures, having completely failed to secure the minimum constitutional threshold of twenty-five percent of votes cast in any state during presidential elections, and failing to win a single seat in any presidential, governorship, national assembly, state house of assembly, chairmanship, or councillorship poll up till the commencement of this suit. They state that during a series of recent elections, including the bye-elections conducted in August 2025 across 16 constituencies in states such as Adamawa, Edo, Jigawa, Kaduna,

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Kano, Kogi, Niger, Ogun, Oyo, Taraba, and Zamfara, these under-performing political parties failed to secure any elective seats, resulting in their members defecting to other political parties. The Plaintiff argues that despite these absolute failures, the 1st Defendant has failed, neglected, and refused to invoke its constitutional powers to deregister them, continuously recognizing them in flagrant violation of the 1999 Constitution (as amended).

Ultimately, the Plaintiff maintains that allowing these defunct political parties to remain on the ballot blocks clear choices for voters, clogs up ballot papers, misleads innocent electorates, and severely overstretches the administrative, monitoring, and financial resources of the 1st Defendant through the wastage of taxpayers' money. They assert that because the Plaintiff's members are former legislators who intend to contest elective offices in the scheduled 2027 General Elections, they have a common interest in protecting democratic integrity. They maintain that unless this Honourable Court intervenes to restrain the 1st Defendant and enforce compliance, the continuous recognition of these parties will reduce the constitutional framework to a complete mockery and unfairly prejudice the political sanity of the nation.

I shall first resolve all the Notice of Preliminary Objections, and if any succeed, this court shall strike out the suit. It is worthy to note that some of the Defendants raise similar objections in their Written Address in opposition to the Amended Originating Summons.

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In the Written Address in support of the Notice of Preliminary Objection, learned counsel to the 4th Defendant formulated three issues for determination, to wit:

1. *Whether the Plaintiff/Respondent in its pleadings has established a reasonable cause of action against the 4th Defendant/Applicant and has the locus standi to institute the instant suit as presently constituted?*

2. *Whether in the absence of locus standi of the Plaintiff/Respondent to institute this action, does this Honourable Court have the jurisdiction to entertain and determine same?*

3. *Whether in view of the manifest legal and procedural defects in the Plaintiff/Respondent's suit, this Honourable Court can proceed to hear same or should strike out this suit with heavy cost?*

Arguing the first issue, counsel submitted that when the jurisdiction of a court is challenged, the court must scrutinize the plaintiff's suit to ascertain if it fulfils all legal and procedural requirements regarding the claims and reliefs sought. He cites **Okangi v. Fatoba (2014) All FWLR Pt 721 and Oloruntoba-Oju v. Abdul-Raheem (2009) All FWLR Pt 497.** Relying on Black's Law Dictionary, **Attorney General of Kaduna State v. Hassan (1985) 2 NWLR 453, and Ojukwu v. Ojukwu (2009) All FWLR Pt 463**,

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Counsel further submitted that in public interest litigation concerning public rights and duties, an ordinary individual lacks standing, and the fiat of the Attorney General of the Federation is a *sine qua non* condition precedent before initiating such action, which the Plaintiff failed to obtain. He cites **Fawehinmi v. Akilu (1987) 4 NWLR 797, Abacha v. FRN (2014) All FWLR Pt 726, Chukwu v. INEC (2014) All FWLR Pt 741 and National Universities Commission v. Alu (2014) All FWLR Pt 715**.

Arguing issue two, counsel submitted that having established that the Plaintiff lacks locus standi, the defect directly touches upon the competence and adjudicatory power of the Honourable Court to hear and determine the suit. Relying on Black's Law Dictionary and **Okpalauzegbu v. Ezemenary (2012) All FWLR Pt 636**, counsel defined jurisdiction as the legal authority a court must possess to decide matters litigated before it. He contended that because the Plaintiff failed to show sufficient interest in its pleadings, the suit is dead on arrival and the court is robbed of jurisdiction. He cites **Chujuka v. Maduesi (2011) All FWLR Pt 586, and Okonkwo v. Okonkwo (2010) All FWLR Pt 535.**

Arguing issue three, counsel submitted that factors determining the competence of a court include the mode of commencement, proper parties, service, and the absence of any features preventing the exercise of jurisdiction. He cites **Standard Bank Plc v. Olusola (2009) All FWLR Pt 450 and Shell Petroleum Dev. Co v. Isaiah (1997) 6 NWLR Pt 508**. He contended that the instant suit has several features robbing the court of its powers, leaving the court with no option but to strike it out.

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He cites **Iteogu v. Legal Practitioners Disciplinary Committee (2010) All FWLR Pt 501 and Hongkong v. Agibawo (2010) All FWLR Pt 511**. Counsel added that by Sections 135 and 136 of the Evidence Act, the burden of proving that the suit was initiated in accordance with the law rests squarely on the Plaintiff, which it failed to discharge. He cites **Alhaji Otaru & Sons Ltd v. Idris & Anor (1999) LPELR SC 166 and NBN Limited v. DC Holdings Ltd (2004) 13 NWLR Pt 891**.

Counsel further submitted that the suit constitutes a gross abuse of court process because it lacks *bona fides* and is frivolous, vexatious, and oppressive, designed solely to irritate and annoy the Defendants. He **cites Akinwale v. Akinwale (2011) All FWLR Pt 566 and Oluwaniyi v. Bwala (2011) All FWLR Pt 565**. Counsel contended that the suit is a desperate attempt by a busy-body Plaintiff to usurp the statutory powers of the 1st Defendant (INEC) in regulating political parties and the 2nd Defendant (Attorney General of the Federation) in enforcing public rights. Relying on **Dingyadi v. INEC (2011) All FWLR Pt 581 and Nig. Intercontinental Bank v. UBA (2004) Vol 6 MJSC 158**, counsel emphasized that an abuse of process is a fundamental defect requiring the court to invoke its coercive powers to punish the abusive party by dismissing or striking out the action.

Counsel concluded by urging the court to hold that it lacks the jurisdiction to entertain the suit as presently constituted and to strike out the same against the 4th Defendant in its entirety with heavy costs

In the Written Address in response to the Notice of Preliminary Objection, learned counsel to the Plaintiff/Respondent adopted three issues for determination, as formulated by the 4th Defendant.

Arguing the first issue, counsel submitted that in determining whether a reasonable cause of action has been disclosed, the Honourable Court is entitled to consider only the Affidavit in Support of the Amended Originating Summons. Counsel contended that neither the Counter-Affidavit of the Defendants nor the Affidavit in Support of the Preliminary Objection can properly be relied upon by the Court. This is because once a Defendant files such an application, the law deems the Defendant to have admitted all material facts pleaded by the Claimant. He cites **Henry Stephens Engineering Ltd v. S. A. Yakubu (Nig) Ltd (2009) LPELR-1363 (SC), Musa v. Arbico Plc & Ors (2018) LPELR-44810 (CA), and Shell B.P. Petroleum Development Co. Ltd v. Onasanya (1976) 6 S.C 89.**

Counsel added that the Court cannot properly have recourse to the Affidavit in Support of the Defendants' Motion or the attached exhibits to contradict the Claimant's pleadings. He cites **Katol Investment Ltd v. Taj Development Co. Ltd & Ors (2018) LPELR-46483 (CA)and Dantata v. Mohammed (2000) 7 NWLR (664) 176**. It is the submission of counsel that a careful examination of the Plaintiff's originating processes clearly reveals an enforceable claim, principally seeking the interpretation of certain provisions of the Constitution and challenging the 4th Defendant's operations as a violation thereof. He cites **NDIC v. Qualitem**

Attorney-General of the Federation & 22 Ors (1981) 10 S.C.R. regarding opening the floodgates for constitutional testing. Counsel therefore maintained that the Objector's challenge to the Plaintiff's legal capacity is wholly misconceived.

Arguing issue three, counsel submitted that the Objector's arguments are largely a repetition of the submissions under the first and second issues. Counsel contended that the additional allegation that the suit was instituted *mala fide* and without the consent of the Attorney-General of the Federation is devoid of merit, as the suit is a *bona fide* invocation of the judicial process raising substantial constitutional questions. Counsel added that a party alleging abuse of court process must do more than make bare assertions; they must establish clear particulars showing vexation, multiplicity of suits, or improper use of judicial machinery. He argued that seeking the interpretation of constitutional provisions cannot be characterized as an intention to annoy the Defendants. Counsel maintained that the objection is a clear attempt to arrest the hearing of the suit on technical and unfounded grounds which waste judicial time and raise no genuine jurisdictional issue capable of divesting the Court of competence.

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Counsel concluded by urging the Honourable Court to discountenance the Preliminary Objection in its entirety and to award substantial costs against the Objector for its unnecessary and unmeritorious application.

In the Written Address in support of the application, learned counsel to the 5th Defendant/Applicant formulated one issue for determination, to wit:

> *Whether in view of the Court of Appeal and Supreme Court decisions which dismissed the case of the Blessing Elujiuba and affirmed the decision of the Federal High Court Owerri, this Honourable court can proceed against the 5th defendant in this suit?*

Arguing the sole issue, counsel submitted that a closer look at the reliefs sought by both parties reveals that both suits were filed for a common purpose, which is that the 5th Defendant failed to meet the constitutional requirement to remain a political party, and as such the 1st Defendant should activate its powers under Section 255A of the Constitution to deregister the 5th Defendant/Applicant. Counsel contended that since the attention of the Court has been drawn to the decisions of the two appellate courts on this same issue, the Honourable Court cannot continue against the 5th Defendant/Applicant, as doing so would amount to sitting on appeal over a decision of the Court of Appeal and Supreme Court.

Counsel further contended that the law is settled that a judgment *in rem* binds all persons and authorities insofar as the case decided is concerned. He cites **Igwenma & Anor v. Obidigwe & Ors (2019) LPELR-48112(SC), Alh. Isa Noekoer v. Executive Governor of Plateau State &**

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Ors (2018) LPELR-44350(SC), and Ikenye Dike & Ors v. Obi Nzeka U. & Ors (1986) LPELR 945 (SC). Counsel submitted that a judgment *in rem* is an adjudication pronounced upon the status of some particular thing or subject matter by a tribunal having jurisdiction, making it a judgment *contra-mundum* binding on the whole world, parties as well as non-parties alike. He further cites **Ogboru & Anor v. Uduaghan & Ors (2011) LPELR 8236 (SC), Okpalugo vs Adeshoye (1996) 10 NWLR (Pt 476) page 77, Fointrades Ltd. vs Universal Association Co. Ltd. (2002) 8 NWLR (Pt 770) page 699, Ogbahon vs Reg. Trustees CCCG (2002) 1 NWLR (pt 749) page 675, Olaniyan vs Fatoki (2003) 13 NWLR (pt 837) page 273, Yanaty Petrochemical Ltd. v EFCC (2017) LPELR-43473 (SC), Gbemisola v Bolarinwa & Ors (2014) 9 NWLR (pt 1411) page 1, and Sosan & ors v Ademuyiwa (1986) 1 NSCC 673 at 680.**

It is the submission of counsel that where a court of competent jurisdiction has finally settled a matter in dispute, neither party nor privy may relitigate that issue under the guise of bringing a fresh action, as the matter is *res judicata*. He ***cites Flow Farm Industries Ltd v University of Ibadan (1993) NWLR (Part 290) 719 at 724 and Cole v Jibunoh & Ors (2016) LPELR-40662 (SC)***. Counsel maintained that the decision of the Court of Appeal and Supreme Court on the status of the 5th Defendant is a judgment *in rem* and cannot be relitigated by the Plaintiff, as the two courts have already determined the jural rights of the 5th Defendant.

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Counsel added that the concomitant effect of the Plaintiff's suit against the 5th Defendant is that it constitutes a gross abuse of court process. He cites **Ntuks & 9 Ors v. Nigeria Ports Authority (2007) 13 NWLR (Part 1051) 392** to demonstrate that the process of the court is being used *mala fide* to overreach the adversary, waste judicial time, and litigate on moot, hypothetical, and academic issues. Counsel argued that a High Court completely lacks the subject-matter jurisdiction to reopen a universal case settled by a judgment *in rem*. He cites **Registered Trustees of Ifeloju Friendly Union v. Kuku (1991) 5 NWLR (Part 189) 65** to support the position that the court has the inherent jurisdiction, as enshrined in Section 6(6) of the Constitution of the Federal Republic of Nigeria 1999 (As Amended), to strike out a matter with an order barring the applicant from reinstituting it when it constitutes an abuse of the judicial process.

Counsel concluded by urging the Honourable Court to resolve the issue in the affirmative, allow the relief as prayed, and strike out the name of the 5th Defendant/Applicant from the suit with substantial hefty costs against the Plaintiff in the interest of justice.

In the Written Address in response to the Motion on Notice, learned counsel to the Plaintiff/Respondent formulated one issue for determination, to wit:

> *Whether based on EXHIBIT C attached to the applicant application the Supreme Court has dismissed the appeal and affirmed the judgment of the Court of Appeal in appeal N0*

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CA/OW/359/2025 to warrant the striking out the name of the 5th defendant from this suit?

Arguing the sole issue, counsel submitted that a careful review of Exhibit C attached to the 5th Defendant/Applicant's application reveals that the Supreme Court has never affirmed the judgment of the Court of Appeal as claimed. Counsel contended that one does not need a judicial decision to agree that the Supreme Court decision, which forms the basis and foundation of the application to strike out the 5th Defendant's name, does not support the Applicant's assertions.

Counsel further contended that the cases relied upon by the Applicant, specifically the decisions regarding Mr. Blessing Elujiuba v. INEC in Appeal Number SC/CV/248/2026, are fundamentally distinguishable from the present suit. Counsel submitted that while Exhibits A, B, and C annexed by the Applicant relate entirely to intra-party disputes, the Plaintiff's present suit relates strictly to constitutional interpretation. It is the submission of counsel that the Supreme Court has not reviewed its landmark decision in *NUP v. INEC (2021) LPELR-58407(SC)*, which remains the extant judicial authority on the matter.

Counsel added that a proper interpretation of the disjunctive nature of the provisions of Section 225A of the Constitution establishes that it does not require all democratic elections in all electoral constituencies to be concluded before the 1st Defendant can exercise its power to

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deregister a political party. He cites *PDM v. INEC & ANOR (2022) LPELR-58524 (CA) at pages 35-38 paras A-A*, which affirmed that the words used in Section 225A are plain, simple, and must be given their literal and grammatical meaning. Counsel submitted that based on *PDM v. INEC*, the provisions are to be read disjunctively, meaning that where any of the independent situations described in subsections (b) or (c) occur, the 1st Defendant can exercise its powers to deregister a political party.

Counsel argued that because the current suit centers on substantive constitutional interpretation rather than internal party grievances, the Applicant/5th Defendant remains a necessary party whose presence is vital, as the final decision of the Honourable Court will affect them one way or the other.

Counsel concluded by urging the Honourable Court to hold that the 5th Defendant is a necessary party, resolve the issue against the Applicant, and strike out the Applicant's application.

In the Written Address in support of the Issue for Determination, learned counsel to the Objector/ 6th Defendant formulated a single issue for determination, to wit:

> *Whether from the totality of facts and Affidavit evidence before your Lordship, this Honourable Court will not decline jurisdiction and strike out this Suit?*

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Arguing the sole issue, counsel submitted that this Honourable Court does not have the requisite jurisdiction to adjudicate on this matter because the Plaintiff lacks *locus standi*, the suit is premature, and the Plaintiff failed to seek and obtain the leave of the court before instituting an action for judicial review by way of an order of *Mandamus*. He cites **Madukolu & Ors v. Nkemdilim (1962) LPELR-24023(SC)** to contend that a court is only competent when the case is initiated by due process of law and upon fulfilment of any condition precedent, failing which any defect is fatal and the proceedings are a nullity. He also refers to **Hamzat v. Sanni (2015) 5 NWLR (Pt. 1453), Bankole v. Dada (2003) 11 NWLR (Pt. 830), and International Nigerbuild Construction Co. Ltd v. Giwa (2003) 13 NWLR (Pt. 836)**.

On the ground of *locus standi*, counsel contended that neither the Plaintiff being an association of past legislators nor its members have shown any enforceable interest in the registration or deregistering of Accord, making the Plaintiff a mere meddlesome interloper. He cites **B.B. Apugo & Sons Ltd v. Orthopaedic Hospitals Management Board (2016) 13 NWLR (Pt. 1529); Iwok v. Inyang & Ors (2022) LPELR-58413 (CA), The Registered Trustees of The Apostolic Church v. Mrs. Olowoleni (1990) SCNJ 69; Shuaibu & Anor v. Koleosho (2021) LPELR–53435 (CA), and Senator Ugochukwu Uba v. Valentine Ozigbo & Ors (2021) LPELR-56672 (SC)** to assert that a party must show that their own civil rights and obligations are in danger of being infringed.

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Counsel argued that the Plaintiff's depositions claiming a common interest to contest the upcoming 2027 general elections are entirely speculative, vague, intangible, and shared in common with other members of the society. He cites **'K' Line Inc v. K.R Int. (Nig.) Ltd (1993) 5 NWLR (Pt. 292); Senator Adesanya v. President of the Federal Republic of Nigeria (1981) 2 N.C.L.R 358, and Re: Alhaji Afusat Ijelu: Olayomi and others v. Lagos State Development and Property Corporation (1992) 9 NWLR (Pt. 266**) to submit that without a peculiar interest that is adversely affected, the Plaintiff's *locus standi* is non-existent, thereby divesting the court of jurisdiction.

Counsel further contended that the suit is premature and that the cause of action has not accrued. He argued that under Section 225 of the Constitution and Paragraph 11(2)(vii) of the Regulations and Guidelines for Political Parties 2022, a political party can only be deregistered after general elections and the arising petitions in all 36 states have been fully concluded. Counsel pointed out that the 2023 general elections are not fully ended because governorship elections in Ekiti and Osun States are yet to be conducted, having been slated for 20th June, 2026, and 15th August, 2026, respectively. He cites **Edevie v. Orohwedor (2023) 8 NWLR (Pt. 1886) and Gov. Imo State v. Amuzie (2019) 10 NWLR (Pt. 1680**) to submit that invoking the court's jurisdiction before the aggregate facts have crystallized robs the court of its powers to determine the suit.

Counsel submitted that the suit is incompetent because the Plaintiff seeks to compel a public body, the 1st Defendant, to perform a statutory duty, which is a public law remedy that must be brought by way of judicial review for an order of *Mandamus*. He cites **C.B.N. v. S.A.P. (Nig) Ltd (2005) 3 NWLR (Pt. 911); Shitta-Bey v. Federal Public Service Commission (1981) 1 SC 40; The Queen v. Western Urhobo Rating Authority Ex-Parte Odje (1961) All NLR 796, and Fawehinmi v. Akilu (1987) 4 NWLR (Pt. 67) 797**. Counsel added that by Order 34, Rule 3(1) of the Rules of this Honourable Court, obtaining leave is a mandatory condition precedent for judicial review, and the Plaintiff's total failure to seek or obtain such leave robs the court of jurisdiction. He cites **Mudasiru v. Abdulahi (2009) 17 NWLR (Pt. 1171), S.P.D.C.N. Ltd v. Ejebu (2011) 17 NWLR (Pt. 1276), and Malgwi v. Gadazama (2000) 11 NWLR (Pt. 678)** to emphasize that procedural rules are meant to be strictly obeyed, and non-compliance renders the entire commencement of the action invalid and of no legal effect.

Counsel concluded by urging the court to decline jurisdiction and strike out the suit in its entirety

In the Written Address in response to the Notice of Preliminary Objection, learned counsel to the Plaintiff/Respondent adopted the sole issue for determination as formulated by the 6th Defendant.

Arguing the first category of the objection on locus standi, counsel submitted that the 6th Defendant's contention that only paragraphs 39

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and 40 of the supporting affidavit disclose standing is wholly erroneous, as the entirety of the affidavit is replete with facts vesting the Plaintiff with the requisite capacity. Counsel contended that while a statement of claim is examined in actions commenced by writ, it is the affidavit in support that must be scrutinized in cases instituted by Originating Summons. He **cites Global Transport Oceanico S.A. & Anor v. Free Enterprises (Nig.) Ltd (2001) LPELR-1324 (SC)**. Counsel maintained that by virtue of paragraph 4 and subsequent averments, the Plaintiff's clear purpose is to advocate for good governance and seek the interpretation and enforcement of Section 225A of the Grundnorm. It is the submission of counsel that locus standi must be liberally construed in constitutional matters concerning public compliance, accountability, and the rule of law. He cites **Fawehinmi v. President of FRN &Ors (2007) LPELR-9005 (CA); AG Kaduna State v. Hassan (1985) LPELR-617 (SC), and the dictum of Eso, JSC in Attorney-General of Bendel State v. Attorney-General of the Federation & 22 Ors (1981) 10 S.C.R**. regarding opening the floodgates for constitutional testing.

Arguing the second category on prematurity, counsel submitted that the Objector's reliance on paragraph 11(2)(vii) of the Regulations and Guidelines of Political Parties 2022 arguing that deregistration is only permissible after a general election and subsequent election petitions is fundamentally disingenuous. Counsel contended that a clear and unambiguous reading of Section 225A of the 1999 Constitution reveals that the provision does not restrict its application to a "general election,"

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but empowers deregistration whenever a political party fails to win the specified percentage threshold. He cites *NUP v. INEC (2021) LPELR-58407(SC)* to support the principle that where the words of the Constitution are explicit, they must be given their simple, grammatical meaning without external subtraction or importation. Counsel added that because the Regulations and Guidelines are merely subsidiary legislation, they cannot expand upon, contradict, or override the substantive provisions of the principal Act or the supremacy of the Constitution. He cites **Onuakalusi & Ors v. INEC (2022) LPELR-58950 (CA)and Famfa Oil Ltd v. AG Fed & Anor (2003) LPELR-1239(SC)**.

Arguing the third category on due process and the mandamus argument, counsel submitted that the Objector's claim that the Plaintiff should have approached the court via judicial review for an order of mandamus is deeply flawed. Counsel contended that the character of a suit is determined by its substance, the questions submitted for determination, and the total framework of claims, rather than a single relief viewed in isolation. Counsel added that where the principal reliefs are declaratory and require statutory interpretation, the mere inclusion of an ancillary or consequential prayer directing a public institution to act does not convert an Originating Summons into a prerogative judicial review proceeding.

Counsel concluded by urging the Honourable Court to discountenance the Preliminary Objection in its entirety with substantial costs against the Objector.

In the Written Address in support of the Objection, learned counsel to the 7th Respondent formulated a single issue for determination, to wit:

> *Whether in the general circumstance of this case, the Plaintiff have the Locus-standi to institute this action?*

Arguing the sole issue, counsel submitted that jurisdiction is a fundamental threshold issue that can be raised at any stage of a proceeding, even on appeal for the first time, and without the necessity of seeking leave. He cites **North Pole Navigation Co. Ltd v. Milan (NIG) Ltd (2015) LPELR [illegible] (CA).** Relying on **Olaoye v. Makanjuola (2018) ALL FWLR Part 945 at Pg 871**, counsel contended that the absence or presence of *locus standi* divests or infuses jurisdiction into a court, compelling the court to accord prime consideration to the issue. Counsel argued that the instant suit does not show the presence of *locus standi*, as the Plaintiff has failed to show how the 7th Defendant trampled upon their rights, leaving the Originating Summons vague, speculative, and devoid of any special interest or justiciable cause of action. He cites **Fashoyin v. Abayomi (2018) ALL FWLR Pt 920 at page 163** to assert that a party must demonstrate a legal right or special interest in the subject matter. Counsel further invoked the common law position restated by the Supreme Court in **Owodunni v. Regd Trustees of CCC &**

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ORS (2000) LPELR-2852 (SC), submitting that in the realm of public right, a person invoking judicial power to challenge a legislative or executive action must show that their personal interest is immediately or adversely affected, or that they have sustained an injury over and above that of the general public.

Counsel contended that there is nothing before the court to indicate that the Plaintiff is in any immediate danger of injury, noting that the application was filed purely out of speculation and imagined fear. He submitted that because the Defendant has not committed an actionable wrong, the Plaintiff lacks a cause of action, rendering the suit nothing more than a nuisance and a gross abuse of court process brought *mala fide* to irritate and annoy the opponent. He cites **7UP Bottling Co. Ltd v. Abiola & Sons Bottling Co Ltd (1996) 7 NWLR (Pt. 463) 714 at 738 and CBN v. Ahmed (2001) NWLR (Part 724) 369** to define an abuse of process as a proceeding wanting in *bona fides*, which is frivolous, vexatious, and oppressive. Relying on the apex court decision ***in Hon. Ehioze Eghareva v. Hon. Crosby Osadulor Eribo & Ors (2010) 9 NWLR (PT.1199)***, counsel emphasized that jurisdiction is the comprehensive import of a court's power to decide a controversy, acting as the door to the house and a threshold issue at the gates of the temple of justice. He argued that since the Plaintiff's principal claims are declaratory in nature, the law strictly requires them to prove a tangible and substantial constitutional right or interest that has been breached, rather than a vague and intangible caricature. He cites **Inakoju vs**

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Adeleke, Owners Of M.V. Baco Liner 3 vs Adeniji (1993) 2 NWLR (Pt. 274) 195 at 202, and Basinco Motors Ltd vs Woermann-Line.

Counsel concluded by urging the Honourable Court to hold that the action is incompetent, lacks a live cause of action, and should be dismissed with substantial costs for lack of jurisdiction and as an abuse of process.

In the Written Address in response to the Notice of Preliminary Objection, learned counsel to the Plaintiff/Respondent adopted the sole issue canvassed by the 7th Defendant for the determination of the Notice of Preliminary Objection.

Before responding to the arguments on standing, counsel raised a preliminary point inviting the Court to strike out paragraphs 4-11 of the 7th Defendant's Affidavit in support of its Notice of Preliminary Objection. Counsel submitted that an affidavit should contain only facts, and anything outside facts must be struck out. He cites **ASCSN (Taraba State Chapter) v. AMCON (2026) LPELR-83127(SC)**. Counsel argued that by extension, the entire Notice of Preliminary Objection should be struck out because it is not supported by a competent affidavit.

Arguing the adopted sole issue, counsel submitted that locus standi denotes the legal capacity to institute or commence an action in a competent court of law or tribunal without any inhibition, obstruction, or hindrance from any person or body whatsoever. He cites **Oruwari &**

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Anor v. Inimiearibi & Ors (2026) LPELR-83356(SC)and AG Kaduna State v. Hassan (1985) LPELR-617(SC). Counsel contended that while the concept of standing is generally predicated on the assumption that courts will not provide remedies for remote or hypothetical interests, this dogmatic principle is watered down when it comes to compelling compliance with a provision of the Constitution. In such constitutional matters, any citizen is automatically armed with the requisite legal interest to ensure absolute compliance.

Counsel further contended that the Constitution of the Federal Republic of Nigeria is the organic law, *fons et origo*, and inviolable grundnorm of the land that stands head and shoulders above any other law, meaning its provisions must be obeyed to the letter. He cites **AG of the Federation v. AG of Abia State & Ors (2024) LPELR-62576(SC); Hon. Michael Dapianlong & Ors v. Chief (Dr) Joshua Chibi Dariye & Anor (2007) LPELR-928 (SC); The Governor of Kwara State & Anor v. Ojibara & Ors (2006) LPELR-3178 (SC), and A.G. Federation & Ors v. Abubakar & Ors (2007) LPELR-3 (SC)**. Counsel submitted that because of its *sui generis* nature, the Constitution must be given a benevolent, broad, liberal, and purposive interpretation rather than a narrow, strict, technical, and legalistic one, so as to promote values that underly an open democratic society. He cites **Governor of Kwara State v. Ojibara (2007) ALL FWLR (Pt. 348) 864 at P.877; Ladoja v. INEC (2007) 12 NWLR (Part 1047) 119, and Dakan v. Asalu (2015) 13 NWLR (Part 1475) 47**.

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Counsel added that the constitutional threshold for the continued existence or deregistration of political parties applies to all parties without exception. He argued that the failure or refusal of the 1st Defendant to deregister the 3rd, 4th, 5th, 6th, and 7th Defendants treats the Constitution with utmost disregard and contempt. He maintained that these defendants are not eligible political parties in Nigeria and must be deregistered for failing to abide by Section 225A of the 1999 Constitution, Section 75(4) of the Electoral Act 2022, and Paragraph 11(1)(b) of the Regulations and Guidelines for Political Parties 2022.

It is the submission of counsel that in cases instituted by Originating Summons, the locus standi of the Plaintiff must be determined by examining the accompanying affidavit in support rather than a statement of claim. He cites **Global Transport Oceanico S.A. & Anor v. Free Enterprises (Nig.) Ltd (2001) LPELR-1324 (SC)and Anyanwu v. Emmanuel & Ors (2025) LPELR-80882(SC)**. Counsel pointed out that paragraph 4 of the Plaintiff's affidavit explicitly states that its primary objective is to advocate for good governance and promote transparency and accountability, while subsequent paragraphs establish the breach of the Constitution. Counsel submitted that appellate Courts favour a liberal approach to standing in constitutional issues regarding public derelicts, as requiring strict *locus standi* would merely impede judicial functions. He cites **Fawehinmi v. President of FRN & Ors (2007) LPELR-9005 (CA)and Senator Adesanya v. President of the Federal Republic of Nigeria,** noting that denying access to a citizen

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seeking to air a grievance over a constitutional infraction is a recipe for organized disenchantment with the judicial process. Counsel added that a closer look at the reliefs shows the Plaintiff is not seeking any personal gain or compensation, but is only insisting that the law be obeyed to the letter, meaning no personal injury or special interest needs to be established.

Responding to the 7th Defendant's remaining arguments, counsel submitted that the assertion that the suit was filed out of speculation and imagined fear was woefully unexpatiated and must be discountenanced. On the allegation of abuse of court process, counsel cited **Mohammed v. Kuchita & Ors (2026) LPELR-83242(SC)**, which defines abuse as the improper, vexatious, or oppressive use of judicial machinery, such as maintaining multiple or parallel proceedings between the same parties on a subject matter already decided. Counsel argued that the Plaintiff is merely praying for an order to compel the 1st Defendant to comply with Section 225A of the Constitution, which cannot under any circumstances constitute an improper or oppressive use of the court machinery.

Counsel concluded by urging the Honourable Court to resolve the lone issue in favour of the Plaintiff, discountenance the submissions of the 7th Defendant, and dismiss or strike out the Notice of Preliminary Objection for lack of merit in the interest of justice.

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RESOLUTION OF THE ARGUMENTS OF PARTIES ON NOTICE OF PRELIMINARY OBJECTIONS

I shall first deal with the application of the 5th Defendant which seeks to invite the court to strike out its name before the objections raised by the 1st, 3rd, 4th, 6th and 7th Defendants.

I have carefully considered the Motion on Notice filed by the 5th Defendant/Applicant, the affidavit evidence placed before the Court, the Counter-Affidavit and Written Address of the Plaintiff/Respondent, as well as the submissions of learned counsel and the judicial authorities cited by both parties.

The sole issue that calls for determination is whether, having regard to the previous decisions of the Federal High Court, the Court of Appeal and the Supreme Court relating to the status of the 5th Defendant (Action Peoples Party), this action can properly be maintained against the 5th Defendant.

The argument of the Applicant is that the central question sought to be litigated in the present action has already been the subject of judicial pronouncement by courts of competent jurisdiction and that the Plaintiff cannot re-litigate the same issue under the guise of a fresh constitutional action. The Plaintiff, on the other hand, contends that the earlier proceedings are distinguishable and that the 5th Defendant remains a necessary party to the present suit.

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I have carefully examined the affidavit evidence before the Court, particularly the decisions exhibited by the Applicant. The gravamen of the present action against the 5th Defendant is that the 5th Defendant allegedly failed to satisfy the constitutional requirements necessary for its continued recognition as a political party and should therefore be deregistered by the 1st Defendant pursuant to Section 225A of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended).

Now to the preliminary objections filed by the 4th, 6th and 7th Defendants. I note that some of the issues raised in their respective objections are the same, therefore, I shall jointly resolve the issues and where applicable make distinctions in the issues.

In resolving the Preliminary Objections filed by the 4th, 6th and 7th Defendants which is substantially the same objections raised by the 1st and 3rd Defendants in their Written Address in support of their Counter Affidavit to the Amended Originating Summons, this Court has carefully considered the grounds of objection, the affidavit evidence placed before the Court, the written addresses of learned counsel for the parties, as well as the relevant authorities cited.

The gravamen of the 1st, 3rd, 4th, 6th and 7th Defendants' objection is that the Plaintiff lacks the requisite locus standi to institute this action, that the suit discloses no reasonable cause of action, that this Court consequently lacks jurisdiction, that the action constitutes an abuse of

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court process, that the action is premature, I shall consider these complaints together where necessary.

On the issue of locus standi, the law is settled that locus standi denotes the legal capacity of a party to institute proceedings before a Court of law. It is indeed a threshold issue because where a Plaintiff lacks standing, the Court would be deprived of jurisdiction to entertain the matter. However, in determining whether a Plaintiff possesses the requisite standing, the Court is enjoined to examine the originating processes, particularly the reliefs sought and the facts pleaded in support thereof. See **Emezi v. Osuagwu (2005) 12 NWLR (Pt.939)340 and Umeh v. Ejike (2013) LPELR-23506 (CA)**.

From the affidavit in support of the Amended Originating Summons, the Plaintiff has pleaded that it is a duly registered corporate body established, amongst other things, to promote good governance, transparency, accountability and constitutional compliance. The Plaintiff further alleges that the 1st Defendant has failed to discharge constitutional responsibilities imposed upon it by Section 225A of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), by continuing to recognize political parties which allegedly no longer satisfy the constitutional benchmarks prescribed therein.

The objection of the 1st, 3rd, 4th, 6th and 7th Defendants is substantially predicated on the argument that the Plaintiff has not demonstrated any

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personal injury peculiar to it or sufficient interest. While that argument may have found stronger footing under the traditional and restrictive approach to locus standi, judicial authorities have progressively expanded the concept, particularly in matters involving constitutional interpretation, public accountability and alleged constitutional infractions. See **Alhaji Salihu Wukari Sambo & anor v. Capt. Yahaya Douglas Ndatse (rtd) & ors (2013) LPELR-20857(CA)** where the Court held:

> *"The Supreme Court and even this court have taken revolutionary and bold departures from the ubiquitous old concept of locus standi.... In the latter case Aboki J.C.A. restated what Fatayi-William C.J.N. said in the Adesanya v. President F.R.N. most admirably inter alia:- "In this Country which establishes a Constitutional structure involving a tripartite allocation of power to the Judiciary, Executive and Legislature as the co-ordinate organs of Government, judicial function most primarily aims at preserving legal order by confining the Legislative and Executive within their powers in the interest of the public and since the dominant objective of the rule of Law is to ensure the observance of the rule of Law, it can best be achieved by permitting any person to put the judicial machinery in motion in Nigeria where by any citizen could bring an action in respect of a public derelict. Thus the requirement of locus standi becomes unnecessary in constitutional issues as it will merely impede judicial functions." Even in the most*

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conservative of common wealth or Common Law jurisdictions like Britain, or in liberal jurisdictions like the United States of America from where we derived our judicial system and our present Constitution, nay India and Bangladesh the concept of locus standi has been broadened and the courts have departed from the undue reliance on sufficiency of interest as the primary consideration for the conferment of locus standi in administrative and Constitutional Law.

See also the ***case Fawehinmi v. President, Federal Republic of Nigeria (2007) 14 NWLR (Pt.1054) 275*** where the court held:

"I am of the opinion that in the Nigerian context and particularly under the Constitution of the Federal Republic of Nigeria, 1999, it would be wrong to slam the doors of the court against complaints on executing excesses and unconstitutionality under the guise of locus standi. Where this is done, the objective of the 1999 Constitution beautifully phrased as freedom, equity and justice may not be attained. The Constitution or any other law can only be test in court; it is access to the courts for such tests that will give satisfaction to the people for who the Constitution or laws are made..."

The present action is not founded upon a private contractual dispute nor does it concern the enforcement of purely personal rights. Rather,

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the Plaintiff seeks the interpretation and enforcement of constitutional provisions and complains of an alleged failure by a public authority to discharge constitutional obligations. The Plaintiff's complaint is therefore rooted in constitutional governance and public accountability.

I am unable to agree with learned counsel for the 1st, 3rd, 4th, 5th and 6th Defendants that the Plaintiff is a mere busybody or meddlesome interloper. The Plaintiff has disclosed in its affidavit the nature of its corporate objectives, the constitutional provisions allegedly violated, the conduct complained of, and the public consequences said to flow therefrom. Whether those allegations will ultimately be established is a matter for trial. At this stage, the Court is merely concerned with whether sufficient interest has been disclosed to activate the adjudicatory powers of the Court.

In my considered view, the Plaintiff has demonstrated sufficient interest in the subject matter to sustain this action. To hold otherwise would amount to insulating alleged constitutional infractions from judicial scrutiny and would unduly restrict access to the Court in matters involving constitutional compliance. I therefore resolve the issue of locus standi in favour of the Plaintiff.

On the allegation that the suit constitutes an abuse of court process. It must be understood that an abuse of court process is a serious allegation which must be established by credible facts demonstrating improper use of judicial machinery, multiplicity of actions, oppression,

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vexation or mala fide conduct. Mere assertions that a suit is frivolous or annoying are insufficient. See **Umeh v. Iwu** *(Supra)*

The 4th and 7th Defendants particularly have not placed before this Court any evidence of parallel proceedings, multiplicity of suits, forum shopping or any other circumstance recognized by law as constituting abuse of process. The mere fact that the Plaintiff seeks constitutional interpretation and enforcement cannot, without more, amount to abuse of court process. To characterize every constitutional challenge against a public authority as abusive would undermine the constitutional role of the judiciary.

I therefore hold that the allegation of abuse of court process is unsubstantiated and is hereby rejected.

The contention that the Plaintiff was required to obtain the fiat or authorization of the Attorney-General before commencing this action is equally unpersuasive. The present suit is a civil action invoking the interpretative jurisdiction of this Court in relation to constitutional provisions. Learned counsel for the 4th Defendant has not drawn the attention of this Court to any constitutional or statutory provision making the consent or fiat of the Attorney-General a condition precedent to the institution of an action of this nature. Courts cannot impose procedural requirements not contemplated by law. This argument accordingly fails.

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On whether the suit discloses a reasonable cause of action made by the 3rd, 4th and 7th Defendants particularly, the law is equally settled that in determining that question, the Court must confine itself to the originating processes filed by the Plaintiff and assume the facts pleaded therein to be true. The Court is not concerned at this stage with the likelihood of success of the action. **See Rinco Const. Co. v. Veepee Ind. Ltd. (2005) 9 NWLR (Pt.929) 85.**

A reasonable cause of action exists where the statement of facts or supporting affidavit discloses facts which, if proved, would entitle the Plaintiff to some relief against the Defendant. The Plaintiff alleges that the Constitution imposes certain obligations on the 1st Defendant; that the 3rd to 7th Defendants allegedly fail to satisfy constitutional thresholds; that despite this alleged failure, the 1st Defendant continues to recognize them; and that such conduct violates the Constitution. The Plaintiff consequently seeks judicial intervention.

These allegations undoubtedly raise substantial constitutional questions requiring judicial determination. It cannot therefore be said that the Plaintiff's claim is frivolous, speculative or hypothetical. Whether the allegations are ultimately established by evidence is not the concern of the Court at this interlocutory stage. The Court is satisfied that the Plaintiff has disclosed a recognizable grievance or cause of action against the Defendants and that a reasonable cause of action exists.

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The next complaint is by the 6th Defendant who strongly argued that the suit is premature because the conditions necessary for deregistration of political parties have not crystallized. Learned counsel for the 6th Defendant argued that political parties can only be deregistered after the completion of general elections and the determination of election petitions, and that because certain governorship elections are yet to be conducted, the cause of action has not accrued.

I find no merit in this submission. The Plaintiff's claim is founded principally upon the interpretation and application of Section 225A of the Constitution. It is a cardinal principle of constitutional interpretation that where the words of the Constitution are clear and unambiguous, they must be given their ordinary grammatical meaning. Courts are not permitted to import into constitutional provisions words which the framers did not include. See **Oladokun V The Military Governor of Oyo State &Ors (1996) LPELR-2551 (SC) at PG. 49,** where the Supreme Court held:

> *"A court must not in the interpretation of a statute whose wordings are clear and unambiguous import into it something which is not contained in it. Further, where words in a statute, as in the instant case, are clear and unambiguous, they should be given their ordinary meanings and enforced accordingly"*

A reading of Section 225A does not disclose any express requirement that deregistration can only occur after the conclusion of all elections

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nationwide or after the exhaustion of every election petition. The attempt by the 6th Defendant to read such a limitation into the Constitution through reliance on subsidiary regulations cannot be sustained.

It is settled law that subsidiary legislation derives its validity from the principal legislation or constitutional provision under which it is made. A regulation cannot curtail, expand, amend or override the Constitution. To the extent that the 6th Defendant's argument seeks to subordinate the clear provisions of the Constitution to administrative guidelines, the argument is legally unsustainable.

More importantly, the Plaintiff's complaint is not that deregistration has already occurred. The complaint is that the 1st Defendant has allegedly failed to perform constitutional obligations imposed upon it. That complaint has already arisen and is not dependent upon future contingencies. The facts giving rise to the grievance complained of have been pleaded and are presently before the Court. Accordingly, I am unable to hold that the suit is premature.

The final limb of the objection of the 6th Defendant is that the action is incompetent because the Plaintiff ought to have commenced the proceedings by way of judicial review seeking an order of mandamus and should first have obtained leave of Court pursuant to Order 34 of the Rules of this Court.

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Again, I find no merit in this contention. The character of a suit is determined not by isolated reliefs viewed in abstraction but by a holistic examination of the claims, questions submitted for determination and the substance of the action. Courts have consistently held that it is the substance rather than the form of an action that determines its true nature. The originating processes before this Court reveal that the Plaintiff principally seeks constitutional interpretation, constitutional enforcement and declarations regarding the meaning and effect of Section 225A of the Constitution. The action therefore falls squarely within the recognized scope of proceedings commenced by Originating Summons, particularly where the dispute concerns the interpretation of constitutional and statutory provisions.

The mere fact that consequential or ancillary reliefs may require a public authority to act in accordance with the Court's interpretation of the law does not automatically transform the action into a prerogative application for *mandamus*. Were the law otherwise, every constitutional action involving a public institution would necessarily become a judicial review proceeding, which is not the position of the law.

Having examined the substance of the reliefs and the nature of the dispute presented by the Plaintiff, I am satisfied that the Plaintiff properly invoked the Originating Summons procedure. Consequently, the requirement of obtaining prior leave applicable to certain judicial review proceedings does not arise in the circumstances of this case.

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Accordingly, the Preliminary Objections of the 4th, 6th and 7th Defendants lacks merit and is hereby dismissed in its entirety. I so rule.

Now to the substance of this suit. In the Written Address in support of the Amended Originating Summons, learned counsel to the Plaintiff adopted the five questions submitted for determination as the issues for determination, seeking the leave of the Court to argue the five issues together due to their inter-relatedness.

Arguing the issues together, counsel submitted that the general purpose of interpretation is to discover and give effect to the lawmaker's intention. **Citing Barrell v. Fordree (1932) A.C 676 at 682 and Attorney-General of Kaduna State vs. Mallam Umaru Hassan (1985) 2 NWLR (Pt. 8) 483,** counsel contended that where the language of a provision is clear and unambiguous, the Court must look closely at the provisions themselves without recourse to extrinsic or extraneous aids. Counsel reproduced three sets of laws for construction: Section 225(A) of the 1999 Constitution (as amended) along with Paragraph F-15(b) of the Third Schedule; Section 75(4) of the Electoral Act 2022 ; and Paragraph 11(1)(b) of the Regulations and Guidelines for Political Parties, 2022. Counsel contended that these provisions spell out a broad framework designed to institutionalize electoral competitiveness and ensure strict compliance with constitutional performance thresholds.

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Counsel further contended that by virtue of the affidavit evidence in paragraphs 6 to 47, the 3rd to 7th Defendants participated in the 2023 general elections as well as the 2025 by-elections conducted across twelve states, sixteen constituencies, and thirty-six Local Government Areas. Despite this participation, the 3rd to 7th Defendants failed to win a single seat at the Councillorship, Chairmanship, State House of Assembly, or National Assembly levels, and failed to secure twenty-five percent of the votes in the Presidential election. Counsel submitted that by this total electoral failure, the 3rd to 7th Defendants triggered the conditions for deregistration. Citing **INEC vs. Musa (2003) 3 NWLR (PT.806) 72,** counsel maintained that political parties derive their existence subject to the regulatory powers of INEC and have no absolute right to survival outside constitutional conditions. Counsel argued that allowing electoral failures to retain legal existence causes ballot congestion, clusters the voting space, dilutes political competition, and descends into administrative chaos.

Furthermore, counsel focused on the repetitive use of the mandatory word of command "shall" within Section 225(A) of the 1999 Constitution and Section 75(4) of the Electoral Act 2022. Citing **Onochie vs. Odogwu (2006) 6 NWLR (Pt.975) 65 at 89**, counsel submitted that the word "shall" is legally mandatory and leaves no room for discretion. Relying **on Orakul Resources Limited vs. Nigerian Communications Commission (2007) All FWLR (Pt.390) 1482**, counsel argued that when the law prescribes a particular mode of exercising statutory power, any other mode is excluded, rendering non-compliance void.

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Counsel also addressed the effect of the word "OR" between Sections 225A(b) and (c) of the 1999 Constitution, referencing **National Unity Party vs. INEC (2021) 17 NWLR (PT 1805) 305**. Counsel noted that the Apex Court affirmed that "OR" is disjunctive, meaning that a political party must be deregistered if it fails to meet any single one of the threshold requirements. In the same *NUP vs. INEC* decision, the Supreme Court affirmed INEC's constitutionally backed power to de-register political parties to prevent the proliferation of unviable entities. Citing **Enoghama & Ors v. Osagie & Ors (2022) LPELR-58504(CA)**, counsel argued that duties imposed by statute must be discharged by those vested with the duty. Consequently, the 1st Defendant cannot shy away from its regulatory duties or waive strict compliance. Invoking **N.D.P vs. INEC (2012) 14 NWLR (Pt.1319) 176 and its adoption of Macfoy v. United African Co. Ltd.**, counsel submitted that any continued recognition of or correspondence with these unviable parties amounts to an exercise in futility and a complete nullity.

Counsel concluded by asserting that the 3rd to 7th Defendants are liable to be deregistered and cannot participate in the 2027 general elections. Counsel formally urged the Honourable Court to resolve the issues in favour of the Plaintiff, uphold the Originating Summons, and grant all the reliefs as prayed

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In the Written Address in response to the Amended Originating Summons, learned counsel to the 1st Defendant formulated two issues for determination, to wit:

1. *Whether the Plaintiff has the requisite legal standing (locus standi) to file this action?*

2. *Whether having regard to the facts of this case, the Plaintiff has made out a case that would warrant this Honourable Court to grant the reliefs sought by the Plaintiff?*

Arguing the issue on law, counsel submitted that the answer to whether the Plaintiff possesses the requisite legal standing is a definitive no. Counsel noted that *locus standi* denotes the legal capacity to institute proceedings and acts as a condition precedent to a determination on the merits. He cites **Nworka v. Ononeze-Madu (2019) 7 NWLR (Pt. 1672) 422, at 435, Thomas V. Olufosoye (1986) 1 NWLR (Pt. 18) p. 669, and Adefulu V. Oyesile (1989) 5 NWLR (Pt.122) p. 377**, among others. Counsel contended that in determining this standing, the Court must meticulously examine the Originating Summons and supporting affidavit to ensure it discloses a clear cause of action vested in the Plaintiff.

Counsel further contended that the Plaintiff hinged their entire case on mere conjecture as summarized in paragraphs 14 to 25 of the supporting affidavit. Counsel maintained that nowhere in the affidavit does the Plaintiff state how they are uniquely affected or how their

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personal rights are threatened by the alleged failure of the 3rd to 7th Defendants to meet the constitutional threshold. He cites **<u>Edede v. A.-G., Fed. (2025) 18 NWLR (Pt. 2016) 1 at Pp. 56-57</u>**, arguing that since there is no deposition showing an infringement upon the claimant's own interests, obligations, or rights, the Plaintiff is a meddlesome interloper lacking standing. Relying on **<u>Oloriode V. Oyebi (1984) 1 SCNLR p. 390</u>**, counsel urged the Court to strike out or dismiss the suit for lack of jurisdiction.

Arguing the issue on the substantive suit, counsel submitted that the Plaintiff is completely unentitled to the reliefs sought because the heavy burden of proof placed upon him has not been discharged. He cites *Emenike vs. PDP (2012) 12 NWLR (Pt.1315) 556* and *Section 133 of the Evidence Act, 2011* to establish that he who asserts must prove. Counsel added that because the claims are strictly declaratory in nature, they cannot be granted as a matter of course or even based on admissions; rather, the Plaintiff's case must succeed entirely on its own strength. He cites **<u>Luke v. R.S.H. & P.D.A. (2023) 3 NWLR (Pt. 1871) 221 and Ojiayan v. Ani. Dev. Ent. Ltd. (2024) 4 NWLR (Pt. 1929) 381</u>**.

Counsel concluded by asserting that the Plaintiff's case is bereft of a scintilla of merit, heavily built on vague facts extraneous to his knowledge, and formally urged the Honourable Court to dismiss the suit with punitive costs for being incompetent.

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In the Written Address in support of the 2nd Defendant's position, learned counsel formulated one issue for determination, to wit:

> *Whether the 2nd Defendant ought to oppose and/or contend the Plaintiff's suit and afortiori whether the Plaintiff's reliefs are not grantable?*

Arguing the sole issue, counsel submitted that the 2nd Defendant is the Chief Law Officer of the Federation of Nigeria and the custodian/protector of the 1999 Constitution of the Federal Republic of Nigeria (as amended), tasked with a constitutional responsibility to support actions brought for the observance of constitutional provisions. Counsel contended that by virtue of Section 150(1) of the 1999 Constitution, the 2nd Defendant is responsible for the execution of laws, including the Electoral Act, to maintain public confidence and preserve democracy. He noted that because the Plaintiff's suit constitutes public interest litigation, any Nigerian citizen has an obligation and civil right to ensure they are governed by laws consistent with the Constitution. He cites **A.G. Bendel State v. A.G. Federation & Ors (1981) 12 NSCC 314 at 382.**

Counsel further contended that the 2nd Defendant's mandate involves facilitating access to justice for plaintiffs challenging constitutional infractions and establishing precedents that reinforce constitutional supremacy. It is the submission of counsel that the Plaintiffs, as members of a forum of former legislators, possess a substantial and sufficient

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interest to question infractions regulating political parties, having contributed to the 4th Amendment which introduced Section 225A to address ballot paper clogging. Counsel added that the 1st Defendant has no residual discretion to retain non-performing political parties on the register, and that the 3rd, 4th, 5th, 6th, and 7th Defendants have clearly failed to satisfy the minimum threshold prescribed under Section 225A. He argued that the 1stDefendant's failure or refusal to deregister these parties constitutes a continuing breach of constitutional duty that inflates the ballots and burdens public funds. He cites **A.G. Federation v. A.G. Abia State (2024) LPELR-62574(SC); A.G. Kano State v. A.G. Federation (2007) LPELR-618(SC); Elelu Habeeb & Anor v. A.G. Federation (2012) LPELR-15515(SC) and F.I.R.S. v. A.G. Lagos & Anor (2022) LPELR-58021**.

Furthermore, counsel submitted that the Constitution is the organic *grundnorm* and *fons et origo* of the nation, making strict compliance with its provisions mandatory. He cites **Hon. Michael Dapianlong & Ors v. Chief (Dr.) Joshua Chibi Dariye & Anor (2007) LPELR-928(SC); The Governor of Kwara State & Anor v. Ojibara & Ors (2006) LPELR-3178(SC) and Mc Collins Investments Ltd v. FBN Plc (2025) LPELR-81823(CA)**. Relying on the *sui generis* nature of the Constitution, counsel argued it must be given a broad, liberal, and purposive interpretation to promote democratic values rather than a narrow, technical one.

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Counsel added that on grounds of public interest, rigid adherence to common law rules of *locus standi* must not prevent genuine claimants from challenging unlawful executive or legislative acts. He cites **Shell Pet. Dev. v. Nwakwa (2001) 10 NWLR (Pt. 720) 64; Senator Adesanya v. President of the Federal Republic of Nigeria (1981) 5 SC 50; Fawehinmi v. The President of Nigeria (2007) 14 NWLR (Pt. 1054) 275 and Centre for Oil Pollution Watch v. NNPC (2019) 5 NWLR (Pt. 1666) 519**, where the Supreme Court expanded the scope of standing. He also cites **Governor of Kwara State v. Ojibara (2007) ALL FWLR (Pt. 348) 864, Ladoja v. INEC (2007) 12 NWLR (Pt. 1047) 119, and Dakan v. Asalu (2015) 13 NWLR (Pt. 1475) 47** to emphasize that treating constitutional terms with disrespect must be abhorred.

Finally, counsel submitted that the literal and plain provisions of Section 225A(B) and (C) of the 1999 Constitution, Section 75(i) of the Electoral Act 2026, and Paragraph 11(1)(b) of the Regulations and Guidelines for Political Parties 2022 must be read "disjunctively". This means that the failure of a political party to meet *any* single statutory threshold is a sufficient ground for its automatic deregistration by the 1st Defendant. He cites **N.U.P. v. INEC (2021) 17 NWLR (Pt. 1805) 305, INEC v. Peoples Redemption Party & Ors (2023) LPELR-59559(CA), PDM v. INEC & Anor (2022) LPELR-58524(CA),** and the Supreme Court decision in **INEC v. Advance Congress of Democrats (ACD) & 17 Ors (SC/CV/485/2020)**.

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Counsel concluded by urging the court to grant the Plaintiff's prayers in the interest of justice

In the Written Address in opposition to the Amended Originating Summons, learned counsel to the 3rd Defendant formulated one core issue for determination, to wit:

> *Whether the Plaintiff proved any of its claim as regards the 3rd Defendant to warrant the grant of any of the reliefs claimed against the 3rd Defendant?*

Before addressing the substantive issue, counsel raised a Notice of Preliminary Objection based on four main grounds.

The first ground is based on an incompetent Amended Originating Summons. Counsel submitted that the process was issued upon the application of "Gbenga Makanjuola & Co.", which is a non-juristic person. He cites **Okafor v. Nweke (2007) 10 NWLR (Pt. 1043) 521** to contend that only a natural person whose name is on the roll of Legal Practitioners in Nigeria can validly apply for the issuance of an originating process.

Second ground is based on lack of Locus Standi. Counsel submitted that the Plaintiff lacks the legal capacity or standing to sue. He cites ***Ojukwu v. Ojukwu & Anor.* (2008) LPELR-2401(SC) and *Agboola v. Agbodemu & Ors.* (2008) LPELR-8461(CA)**. He contended that the

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Plaintiff is a "mere meddlesome interloper" that failed to show how the 3rd Defendant's continued registration affects its corporate objects or the rights of its members. He also cites **Nworka v. Ononeze-Madu & Ors (2019) 7 NWLR (Part 1672) 422; Adesokan v. Adegborolu (1997) 3 NWLR (Pt. 493) 261; Bolaji v. Bamgbose (1986) 4 NWLR (Pt. 37) 632 and Fawehinmi v. President, Federal Republic of Nigeria (2007) 14 NWLR (Pt. 1054) 275**.

The third ground is based on absence of Condition Precedent. Counsel submitted that Article 11 of the Regulations and Guidelines for Political Parties, 2022, creates a mandatory statutory procedure and verification timeline for deregistration before an action can be maintained. He cites ***Yaki v. Bagudu* (2015) 18 NWLR (PT. 1491) 288 and *Abubakar v. B.O.A.P Ltd.* (2007) 18 NWLR (PT. 1066) 319**.

The last ground is based on whether there is a Reasonable Cause of Action. Counsel submitted that the suit discloses no actionable legal wrong committed by the 3rd Defendant against the Plaintiff. He cites **Ibrahim v. Osim (1988) 3 NWLR (PT. 82) 257.**

Arguing the main issue, counsel submitted that the summary of the facts reveals the Plaintiff is alleging that the 3rd to 7th Defendants, as registered political parties, failed the statutory tests required to maintain their legal status under paragraph F-15(b) and (1) of Part 1 of the Third Schedule to the 1999 Constitution, Section 225(A) of the Constitution (as amended by the Fourth Alteration Act No. 9 of 2017), Section 75(4) of

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the Electoral Act 2022, and paragraph 11(1)(b) of the Regulations and Guidelines for Political Parties, 2022.

Counsel contended that the literal and plain provision of Section 225(A) of the Constitution gives the Independent National Electoral Commission the power to deregister a political party for breach of registration requirements, failure to win at least 25% of votes cast in one State in a Presidential election or one Local Government in a Governorship election, or failure to win at least one ward in a Chairmanship election, one seat in the National or State House of Assembly, or one seat in a Councillorship election.

It is the submission of counsel that by the affidavit evidence, specifically Exhibit "ADC 1" (the Certificate of Return issued to candidate Leke Joseph Abejide), the 3rd Defendant completely over-fulfilled the constitutional and statutory criteria to escape deregistration. Counsel added that during the 2023 General Elections, the 3rd Defendant successfully sponsored Salman Idris, Leke Joseph Abejide, and Simon Ibikunle Idowu, who all won their respective legislative elections in the Kabba Bunu/Ijumu Federal Constituency, Yagba East/Yagba West/Mopamuro Federal Constituency, and Yagba West State Constituency of Kogi State. No doubt, some of them have since defected to other political parties from ADC, though not contemplated by the Constitution.

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Counsel concluded by urging the court to decline jurisdiction and strike out or dismiss the Plaintiff's suit with substantial costs in the interest of justice.

In the Written Address in opposition to the Plaintiff's Amended Originating Summons, learned counsel to the 4th Defendant formulated one sole issue for determination, to wit:

> *Whether from the facts, evidence and circumstance in this suit, the Plaintiff in its pleadings has proved it's case on a balance of probability and is entitled to the reliefs sought or this Honourable Court should dismiss same for lacking in merit?*

Arguing the sole issue, counsel submitted that by virtue of Sections 131 and 132 of the Evidence Act 2011, the *onus probandi* or burden of proof rests squarely on the party who asserts a factual situation. Counsel contended that the Plaintiff fell short of this requirement by failing to provide any empirical data or documentary evidence from the Independent National Electoral Commission (INEC) to establish the 4th Defendant's alleged failure to meet the constitutional thresholds under Section 225(A) of the 1999 Constitution (as amended), Section 75(4) of the Electoral Act 2022, and paragraph 11(1)(b) of the Regulations and Guidelines for Political Parties 2022. He noted that since pleadings not supported by evidence go to no issue and are deemed abandoned, the Plaintiff's unsubstantiated claims are fatal to its case. He cites **Chemiron Int'l Ltd v. Stabilini Visioni Ltd (2018) ALL FWLR Pt 965 at P.48**

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(SC); Mohammed v. Shehu (2018) ALL FWLR Pt 957 851 (CA); Uzodinma v. Ihedioha (2020) ALL FWLR Pt 1031 at P.382 Para G and Kaydee Venture Ltd v. Hon. Minister of FCT (2010) ALL FWLR Pt 591 P. 1079 at P. 1103 Para C-E.

Counsel further contended that the Plaintiff's suit completely fails to disclose a reasonable cause of action or show any personal or peculiar injury suffered by its trustees and members.

It is the submission of counsel that because the Plaintiff's suit constitutes public interest litigation concerning a public right, an ordinary individual or group lacks the *locus standi* to sue unless they have suffered a special injury over and above the general public, or unless they have obtained the fiat of the Attorney General of the Federation. Counsel added that because the Plaintiff failed to obtain this *sine qua non* requirement, the suit is fundamentally incompetent. He cites **Fawehinmi v. Akilu (1987) 4 NWLR 797; Abacha v. FRN (2014) ALL FWLR Pt 727 and National Universities Commission v. Alli (2014) ALL FWLR Pt 715 at P. 78**. Counsel also noted that the Plaintiff's failure to present up-to-date tax clearance certificates deprives them of the right to complain about how taxpayers' funds are spent by the 1st Defendant. He **cites Basinco Motors Limited v. Woermann Line & Anor (2009) 6-7 NMLR P. 356 at P. 369**.

Counsel added that the suit is a gross abuse of the process of the court, instituted *mala fide*, and with the sole purpose of irritating and annoying the Defendants by twisting and suppressing material facts. He argued

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that once a court is satisfied that a process is frivolous, vexatious, or wanting in *bona fides*, it has a duty to invoke its coercive powers to dismiss the action under the hammer. He cites **Akinwale v. Akinwale (2011) ALL TWLR Pt 566 P. 797; Oluwaniyi v. Bwala (2011) ALL FWLR Pt 565 P. 336 at P. 353 Para D-E; Unity Bank Plc v. Akpeji (2020) ALL FWLR (Pt 1070) 963 CA, Dingyadi v. INEC (2011) ALL FWLR Pt 581 P. 1426 and Nig. Intercontinental Bank v. UBN (2004) Vol 6 M.J.S.C 158**.

Counsel concluded by urging the court to grant the 4th Defendant's prayers and dismiss all the claims in their entirety, with a cost of N10 Million Naira, in the interest of justice.

In the Written Address in opposition to the Originating Summons, learned counsel to the 6th Defendant formulated one sole issue for determination, to wit:

> *Whether the reliefs sought by the Plaintiff in the Originating Summons can be granted by this Honourable Court in the circumstances of this case?*

Before addressing the substantive issue, counsel raised an objection to the affidavit evidence, submitting that Paragraphs 14, 15, 16, 17, 21, 22, 23, 32, 33, 34, 35, 37, 38, 39, 40, 41, 43 and 44 of the affidavit in support of the Originating Summons contain legal arguments and conclusions, which directly offends Section 115(2) of the Evidence Act . He cites **G.S.D. Ind. Ltd. v. N.A.F.D.A.C. (2012) 5 NWLR (Pt. 1294) 511 at 546 and**

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***Ahmed v. C.B.N.* (2013) 11 NWLR (Pt. 1365) 352 at 368** to contend that an affidavit offending the Evidence Act must be struck out without more, urging the court to discountenance the offending paragraphs.

Arguing the sole issue, counsel submitted that the Plaintiff is challenging the 1st Defendant for continuing to recognize the 2nd to 7th Defendants as political parties and refusing to deregister them. Counsel contended that the 6th Defendant is not in breach of the constitutional threshold. He added that the 6th Defendant has fielded its candidates for the upcoming governorship elections in Osun and Ekiti States, which have been recognized and accepted by the 1st Defendant (INEC). He maintained that because of these steps, the 1st Defendant is estopped from deregistering the 6th Defendant prior to the conduct of the said elections.

Counsel further contended that by virtue of the evidence in Exhibits ACCORD 1, 2, and 3, the 6th Defendant has fully met the criteria under Section 225A of the 1999 Constitution. It is the submission of counsel that since the 6th Defendant met all requirements to secure its registration initially, there is a legal presumption that those requirements remain in place, placing the burden of proving any breach squarely on the Plaintiff. He cites **Jolasun v. Bamgboye (2010) 18 NWLR (Pt. 1225) 285; Adeniji v. Onagoruwa (2000) 1 NWLR (Pt. 639) 1, and Idahosa v. Idahosa (2020) 6 NWLR (Pt. 1720) 254**. Relying on the factual evidence, counsel submitted that the 6th Defendant won 2 seats in the Councillorship

election in Jigawa State on 5th October, 2024, and won a seat in the State House of Assembly election in Imo State on 15th April, 2023, meaning its candidates currently hold public office under its umbrella.

Counsel also contended that Section 225A merely confers the power of deregistration on the 1st Defendant, but the discretion whether or not to exercise that power remains with the 1st Defendant. He argued that the word "shall" in this context implies a mandatory conferment of power rather than a mandatory exercise of it. He cites **Fawehinmi v. IGP (2002) 7 NWLR (Pt. 767) 606** to show that courts do not interfere with the discretion of public authorities carrying out public functions when balancing options in the public interest .

Furthermore, counsel submitted that if the 1st Defendant chooses to exercise its deregistration power, it must strictly follow the statutory procedure laid down in Paragraph 11(2) of the Regulations and Guidelines for Political Parties, 2022. He cites **Mato v. Hember (2018) 5 NWLR (Pt. 1612) 258; Alagbaoso v. I.N.E.C. (2023) 8 NWLR (Pt. 1885) 115 and Bamisile v. Osasuyi (2007) 10 NWLR (Pt. 1042) 225**. He noted that under sub-paragraph (vii) of the guidelines, deregistration must be considered at the end of general elections, which have not concluded because the 2023 cycle is continuous, with the Osun State and Ekiti State governorship elections slated for June and August 2026 .

Counsel added that by monitoring the 6th Defendant's convention and primaries, the 1st Defendant led the 6th Defendant to believe it is fully

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recognized, and is thus estopped by conduct from deregistering it. He cites **Odua Investment Co. Ltd. v. Talabi (1991) 1 NWLR (Pt. 170) 761; Ondo State University v. Folayan (1994) 7 NWLR (Pt. 354) 1; Oyerogba v. Olaopa (1998) 13 NWLR (Pt. 583) 509 and Ari v. Paiko (1997) 10 NWLR (Pt. 524) 335**. Distinguishing the Plaintiff's cited authority, **National Unity Party v. INEC (2021) 17 NWLR (Pt. 1805) 305**, counsel submitted that while the appellant in that case failed to provide empirical facts of future participation, the 6th Defendant has placed concrete documentary evidence before the court detailing its flag bearers and active campaigns for the upcoming 2026 elections

Counsel concluded by urging the court to grant the 6th Defendant's prayers and dismiss the suit in its entirety as it is baseless, unmeritorious, and a waste of judicial time.

In the Written Address in support of the 7th Defendant's position, learned counsel formulated one sole issue for determination, to wit:

> *Whether in the general circumstance of this case, the Plaintiff is entitled to the reliefs sought from this Honourable Court?*

Before addressing the substantive argument, counsel raised an objection to the competence of the action, submitting that the claim before the court is incompetent, non-justiciable, and completely barren of any live cause of action. He contended that where a defendant has not committed any actionable wrong against a plaintiff, a cause of

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action cannot be said to exist. He cites **Tukur vs. Government of Gongola State (1989) 4 NWLR (Pt.117) 517.**

Arguing the sole issue, counsel submitted that the Plaintiff failed to state how Section 225A of the 1999 Constitution (as amended) and Section 75(4) of the Electoral Act 2022 violated its rights or what specific injury its members have suffered far over and above the general public. Counsel contended that because the suit is based on public interest litigation regarding public law rights, the Plaintiff lacks the necessary *locus standi* to initiate the action without showing a unique grievance or securing a fiat from the Attorney General.

Counsel further contended that the 7th Defendant is a duly registered, law-abiding political party in Nigeria that has consistently complied with Section 225A of the Constitution, the Third Schedule, Part I, Paragraph 15(F), and the Regulations and Guidelines for Political Parties, 2022. It is the submission of counsel that the landmark decision of the Supreme Court in **National Unity Party v. INEC (2021) 17 NWLR (Pt. 1805) 305**, which affirmed the Independent National Electoral Commission's power to deregister political parties, is wholly inapplicable to the 7th Defendant under the distinct circumstances of this case. Counsel added that the present action is an unmeritorious afterthought that is entirely speculative, frivolous, and vexatious.

Counsel concluded by urging the Court to hold that the action is incompetent, resolve the issue against the Plaintiff and dismiss the

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Originating Summons for being an absolute abuse of the Court process in the interest of justice.

In the Reply Written Address of the Plaintiff in opposition to the 1st Defendant's submission, learned counsel to the Plaintiff argued that the suit aims to compel compliance with a constitutional provision, any citizen or lawful association is automatically armed with the requisite legal standing. He noted that this action falls within the genre of public interest litigation, which allows concerned groups to sue to correct a public wrong rather than to seek private compensation or personal gain. Counsel further contended that the Constitution is the supreme *grundnorm* and *fons et origo* of the land, making its enforcement inviolable and overriding. He cites **AG of the Federation v. AG of Abia State & Ors (2024) LPELR-62576(SC); Hon. Michael Dapianlong & Ors v. Chief (Dr) Joshua Chibi Dariye & Anor (2007) LPELR-928(SC); The Governor of Kwara State & Anor v. Ojibara & Ors (2006) LPELR-3178(SC); A.G. Federation & Ors v. Abubakar & Ors (2007) LPELR-3(SC); A.G. Federation v. AG of Abia State & Ors (2001) LPELR-24862(SC;, Ladoja v. INEC (2007) 12 NWLR (Part 1047) 119 and Dakan v. Asalu (2015) 13 NWLR (Part 1475) 47**.

To emphasize that courts relax strict standing requirements for public law infractions, counsel also relies on **A.G. Bendel State v. A.G. Federation & Ors (1981) 12 NSCC 314 at 382; Shell Pet. Dev. v. Nwakwa (2001) 10 NWLR (Pt 720) 64; Senator Adesanya v. President of the Federal Republic**

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of Nigeria (1981) 5 SC 50 at 81; Fawehinmi v. The President of Nigeria (2007) 14 NWLR (Pt 1054) 275; Centre for Oil Pollution Watch v. NNPC (2019) 5 NWLR (Pt 1666) 519 and Anyanwu v. Emmanuel & Ors (2025) LPELR-80882 (SC).

It is the submission of counsel that compliance with the thresholds of Section 225A of the Constitution must be evaluated in its entirety and cannot be satisfied in part or based on futuristic dreams. Counsel added that by Section 18(3) of the Interpretation Act, the word "or" in the text of Section 225A must be construed disjunctively. Consequently, for a political party to evade deregistration, it must comply with each and every metric under the section; falling short on even a single condition empowers and mandates the 1st Defendant to pull the hammer. He cites **NUP v. INEC (2021) LPELR-58407(SC); Conoil v. Vitol SA (2018) NWLR (Pt. 1625) 491; African Peoples Alliance v. INEC & Ors (2022) LPELR-57727(CA); ACD & Ors v. AGF & Ors (2020) LPELR-51052(CA); INEC v. Youth Party (2021) LPELR-54802 (CA) and Liberation Movement v. INEC & Ors (2025) LPELR-81136(CA)**. Counsel concluded that the 1st Defendant's refusal to deregister the 3rd to 7th Defendants represents an abdication of its constitutional duty that treats the ultimate law of the land with scorn and disdain.

Counsel concluded by urging the court to discountenance the arguments of the 1st Defendant, declare the 3rd to 7th Defendants ineligible, and grant the Plaintiff's prayers in the interest of justice.

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In the Reply Written Address of the Plaintiff in opposition to the 3rd Defendant's submission, counsel as a preliminary point of law, submitted that by virtue of Section 115 of the Evidence Act, an affidavit must strictly contain statements of facts and circumstances known to the deponent, and is barred from including extraneous matters like objections, prayers, legal arguments, or conclusions. Counsel contended that paragraphs 4(d), (m), (n), (o), (p), (q), (r), and (s) of the 3rd Defendant's Counter Affidavit are heavily laden with inadmissible legal arguments and conclusions, making them legally incompetent. He argues that once these offensive paragraphs are expunged, the entire Counter Affidavit becomes fundamentally defective, rendering the 3rd Defendant's dependent Written Address unsustainable. He cites **Ayoade & Ors v. Omoyele (2023) LPELR-59578 (CA)** and the Supreme Court decision in **ASCSN (Taraba State Chapter) v. AMCON (2026) LPELR-83127 (SC).**

On the issue of competence of the Originating Summons by virtue of the allegation that it was issue by a law firm (*Gbenga Makanjuola & Co.*), counsel argued that the restriction in **Okafor v. Nweke (2007) 10 NWLR (Pt. 1043) 521** applies exclusively to the *signing* of court processes, not the administrative act of applying for issuance. Counsel pointed out that page 6 of the Amended Originating Summons was duly signed by a natural person enrolled on the roll, Gbenga Makanjuola, Esq. He also relies on **Olowe v. Aluko (2025) 13 NWLR (Pt. 2003) 517** to show that

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judicial trends favor substantial justice over rigid technicalities when the identity of the practitioner is clear.

On the issue of locus standi, counsel submitted that in an action commenced via Originating Summons, standing is evaluated solely through the supporting affidavit. He argued that paragraph 4 of the Plaintiff's affidavit demonstrates a sufficient interest to protect governance and ensure constitutional compliance under Section 225A. He maintained that appellate courts heavily relax rules of *locus standi* in public law and constitutional disputes to prevent executive or statutory lawlessness. He cites **Global Transport Oceanico S.A. & Anor v. Free Enterprises (Nig.) Ltd (2001) LPELR-1324 (SC); Fawehinmi v. President of FRN & Ors (2007) LPELR-9005 (CA); AG Kaduna State v. Hassan (1985) LPELR-617 (SC) and Attorney-General of Bendel State v. Attorney-General of the Federation & 22 Ors (1981) 10 S.C.R**.

On the issue of Non-Compliance with Condition Precedent with respect to pre-deregistration protocols under Article 11 of the Regulations and Guidelines for Political Parties 2022 not being followed, counsel submitted that the objection is premature. He argued that a condition precedent only applies when an act is ripe for performance; since the Plaintiff currently seeks only declarations and a court order to compel deregistration, the statutory procedures will only crystallize after the court grants the reliefs.

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On issue of reasonable Cause of Action, counsel submitted that by raising this objection, the Defendant is legally deemed to have admitted all material facts in the Plaintiff's affidavit. He argued that the court must restrict its assessment exclusively to the Plaintiff's averments and completely ignore the defense's counter-affidavits or attached exhibits. He cites **Henry Stephens Engineering Ltd v. S.A. Yakubu (Nig) Ltd (2009) LPELR-1363 (SC); Musa v. Arbico Plc & Ors (2018) LPELR-44810 (CA); Shell B.P. Petroleum Development Co. Ltd v. Onasanya (1976) 6 S.C 89 and Katol Investment Ltd v. Taj Development Co. Ltd & Ors (2018) LPELR-46483 (CA)**.

On the core substance of the dispute, counsel reinforced the Plaintiff's position that the 3rd to 7th Defendants have violated Section 225A of the 1999 Constitution (as amended) and are fully liable to be deregistered by the 1st Defendant.

Counsel concluded by urging the court to strike out the incompetent paragraphs of the 3rd Defendant's affidavit, dismiss the Preliminary Objection in its entirety, and grant the Plaintiff's reliefs

In the Reply Written Address of the Plaintiff to the 4th Defendant's submission, learned counsel to the Plaintiff raised an objection to the competence of the 4th Defendant's Counter Affidavit, submitting that several depositions contained therein are incurably incompetent as they directly violate Section 115(1) and (2) of the Evidence Act, 2011. He contended that the impugned paragraphs consist entirely of legal

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arguments and conclusions, which must be struck out or discountenanced by the court.

Counsel further submitted that on the point of *locus standi* paragraph 4 of the Plaintiff's supporting affidavit explicitly states its primary objective to advocate for good governance, transparency, and accountability, which establishes a sufficient interest when a breach of constitutional provisions occurs. Counsel further contended that in matters involving public interest litigation or the enforcement of constitutional-provisions, the strict common law requirements of *locus standi* are radically relaxed.

It is the submission of counsel that where a statutory body abdicates its constitutional duties, any civic-minded or public-spirited corporate entity has the standing to approach the court to enforce compliance without the necessity of obtaining a fiat from the Attorney-General of the Federation. He maintained that the 4th Defendant's failure to meet the mandatory electoral victory criteria under Section 225A of the 1999 Constitution (as amended) means the regulatory intervention is completely justified, and the suit cannot be labelled an abuse of Court process or dismissed as *mala fide*.

Counsel concluded by urging the Honourable Court to reject the 4th Defendant's contentions, strike out the offensive paragraphs of the counter affidavit, and grant all the reliefs sought by the Plaintiff in the interest of justice.

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In the Reply Written Address of the Plaintiff in opposition to the 6th Defendant's submission, learned counsel to the Plaintiff submitted that Section 225A of the 1999 Constitution (as amended by the Fourth Alteration Act No. 9 of 2017) mandates a strict and ongoing compliance framework for political parties to preserve their legal status. He argued that the provision does not contemplate past or historical victories, nor does it yield to speculative, futuristic elections. Instead, it measures a party's current political standing based on actual, verifiable electoral outcomes. He notes that the 3rd, 4th, 5th, 6th, and 7th Defendants presently hold no elective office whatsoever, thereby squarely activating the constitutional ground for their automatic deregistration. He cites **NUP v. INEC (2021) 17 NWLR (Pt. 1805) 305**.

Furthermore, counsel submitted that a post-election defection of a legislator cannot, by any stretch of legal or constitutional interpretation, be construed as an electoral victory within the meaning of Section 225A. Counsel contended that defection is a purely personal decision of an individual elected office holder and does not constitute a mandate obtained by the receiving political party at the polls. Consequently, subsequent political realignments or defections cannot be credited to the electoral performance or success of the party, as only seats validly won through actual elections are cognizable under the supreme law of the land.

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Counsel concluded by urging the Honourable Court to discountenance the 6th Defendant's Counter Affidavit and Written Address, and grant all the reliefs sought by the Plaintiff in the Amended Originating Summons in the interest of justice.

In the Reply Written Address of the Plaintiff in opposition to the 7th Defendant's submission, counsel raised a preliminary objection to the affidavit evidence, submitting that the 7th Defendant's Counter Affidavit deposed to by one Makama Yahaya is completely incompetent and offends Section 115 of the Evidence Act. He contended that an affidavit must strictly contain statements of facts within the personal knowledge of the deponent, and must completely eschew legal arguments, conclusions, or irrelevant compositions. He urged the court to strike out the offending depositions as a matter of law.

Arguing the substantive issue, counsel submitted that the Plaintiff filed its Amended Originating Summons on 12th January, 2026, to challenge the statutory infractions committed by the political parties. Counsel contended that on the issue of *locus standi* and cause of action, the rules are heavily relaxed in constitutional matters. He argued that where an agency like the 1st Defendant abdicates its statutory boundary, any public-spirited individual or corporate entity has the legal right to approach the court to enforce compliance. He noted that the 7th Defendant's failure to satisfy the mandatory electoral victory requirements directly activates the regulatory intervention mechanism.

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Counsel further contended that Section 225A of the 1999 Constitution (as amended) does not accommodate hypothetical arguments or tolerate anticipatory, futuristic elections. It is the submission of counsel that the trial court was entirely right not to speculate on pending election tribunal matters or look toward continuous cycles, because courts deal strictly with hard facts placed before them as empirical evidence. He added that as of the date of the argument, the defense put forward by the 7th Defendant was a mere academic exercise offering nothing useful to the court, given that the apex court has conclusively settled the identical question of law. He cites **National Unity Party v. INEC (2021) 17 NWLR (Part 1805) P. 305**, noting that the appellant in that case, exactly like the 7th Defendant here, had never won a single election into any Local Government or council office since the 1999 Constitution came into force.

Counsel concluded by urging the Court to reject the 7th Defendant's contentions, strike out the incompetent depositions, and grant the Plaintiff's prayers in the interest of justice.

RESOLUTION ON THE SUBSTANTIVE ISSUE.

Before considering the substantive issues raised by the parties, it is necessary to determine the various objections founded on Section 115(2) of the Evidence Act, 2011.

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Learned counsel to the 6th Defendant submitted that paragraphs 14, 15, 16, 17, 21, 22, 23, 32, 33, 34, 35, 37, 38, 39, 40, 41, 43 and 44 of the affidavit in support of the Originating Summons contain legal arguments and conclusions and therefore offend Section 115(2) of the Evidence Act, 2011. Similarly, learned counsel to the Plaintiff, in response to the Counter-Affidavits of the 3rd, 4th, 6th and 7th Defendants, contended that certain paragraphs thereof contain legal arguments and conclusions and should be struck out.

Section 115(1) and (2) of the Evidence Act, 2011 provides thus:

> *"115(1) Every affidavit used in the court shall contain only a statement of facts and circumstances to which the witness deposes, either of his own personal knowledge or from information which he believes to be true.*
>
> *(2) An affidavit shall not contain extraneous matter, by way of objection, prayer or legal argument or conclusion."*

The law is settled that affidavits must contain facts and circumstances within the knowledge of the deponent and not legal arguments, prayers, objections or conclusions. See **Ibiyeye v. Gold (2013) 9 WRN 45 at 70**. However, it is equally settled that where a party alleges that certain paragraphs of an affidavit offend Section 115(2) of the Evidence Act, the burden rests on that party to specifically demonstrate how the impugned paragraphs amount to legal arguments, objections, prayers or conclusions. Mere assertion that paragraphs offend the law is

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insufficient.See the case of **STANBIC IBTC BANK PLC V. LGC LTD (2017) 18 NWLR (PT.1598) 431** where the court held:

> *"Where a party alleges that certain paragraphs of an affidavit offend the provisions of Section 115(2) of the Evidence Act, the responsibility is on that party to explain how the paragraphs of the affidavit are inconsistent with that section of the Evidence Act. It is therefore not enough for the party to allege certain paragraphs are inconsistent with the provisions of the Act. In the instant case, learned counsel for the respondent failed to explain how paragraph 8(c) and (d) of the affidavit in support of the motion constituted arguments and conclusion as alleged"*

In the instant case, both the 6th Defendant and the Plaintiff merely listed the paragraphs alleged to be offensive and proceeded to contend that they contain legal arguments and conclusions. No effort was made to identify the specific portions complained of or demonstrate how the depositions constitute objections, prayers, legal arguments or conclusions prohibited by Section 115(2) of the Evidence Act. The Court cannot undertake the duty of counsel by embarking upon an independent examination of each challenged paragraph in search of possible infractions where the objector has failed to particularize the alleged defects. The burden of establishing the alleged violation rests squarely on the party raising the objection.

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Consequently, the objections raised by the 6th Defendant against paragraphs 14, 15, 16, 17, 21, 22, 23, 32, 33, 34, 35, 37, 38, 39, 40, 41, 43 and 44 of the Plaintiff's affidavit, as well as the objections raised by the Plaintiff against the Counter-Affidavits of the 3rd, 4th, 6th and 7th Defendants pursuant to Section 115 of the Evidence Act, are hereby discountenanced for lacking in merit. I so hold.

To the objection raised by the 3rd Defendant, this Court has carefully considered the objection challenging the competence of the Amended Originating Summons on the ground that same was issued in the name of the law firm of Gbenga Makanjuola & Co., allegedly contrary to the principle laid down in **Okafor v. Nweke**.

The gravamen of the objection is that a law firm, not being a legal practitioner enrolled to practice law in Nigeria, cannot validly initiate a court process. However, a closer examination of the Originating Summons, particularly the endorsement on the process, reveals that it was in fact signed by Gbenga Makanjuola, Esq., a natural person whose name is on the roll of Legal Practitioners.

The distinction between the issuance of a process and the signing of a process is both real and legally significant. While the law is settled that a court process must be signed by a legal practitioner, the administrative act of filing or applying for issuance are done by the Court. In the present case, since the Originating Summons was duly signed by a

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known and identifiable legal practitioner, the mischief contemplated in ***Okafor v. Nweke*** does not arise. The identity of the counsel responsible for the process is not in doubt, and no miscarriage of justice has been occasioned.

In the circumstances, the objection is misconceived, lacking in merit. I so hold.

Now to the resolution of the substantive issue. I have carefully considered the Originating Summons, the affidavit in support thereof, the Counter-Affidavits filed by the respective Defendants, the exhibits attached thereto, the further affidavits where applicable, and the written addresses of learned counsel to the parties. I have equally considered the constitutional provisions and judicial authorities cited and relied upon by counsel in support of their respective positions.

The gravamen of the Plaintiff's case is that the 3rd, 4th, 5th, 6th and 7th Defendants have failed to satisfy the constitutional performance thresholds stipulated under Section 225A of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), and that the 1st Defendant has failed in its constitutional duty by not deregistering the said political parties. The Plaintiff consequently seeks sundry declaratory and consequential reliefs aimed at compelling the 1st Defendant to deregister the affected political parties and restraining them from further participation in the electoral process.

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The significance of this principle is that the Plaintiff bears the burden of placing before the Court sufficient evidence demonstrating that the constitutional conditions warranting the deregistration of the affected political parties have arisen and that the 1st Defendant has unlawfully refused to perform a mandatory constitutional duty.

The Plaintiff's case is predicated principally on the assertion that the 3rd, 4th, 5th, 6th and 7th Defendants failed to secure twenty-five percent of votes cast in the relevant elections (one State of the Federation in a Presidential election or one Local Government of the State in a Governorship election) and further failed to win any elective office contemplated by Section 225A of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended). According to the Plaintiff, such alleged failures automatically triggered the constitutional obligation of the 1st Defendant to deregister the affected political parties.

The law remains settled that he who asserts must prove. By Sections 131, 132 and 133 of the Evidence Act, 2011, the burden of proving the existence of facts lies on the person who asserts those facts. Mere allegations, however strongly made, do not constitute proof. Courts of law are enjoined to act on evidence and not speculation, suspicion or conjecture. Consequently, where a party seeks declarations founded upon alleged electoral failures, such party must place before the Court

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cogent evidence establishing those failures. See **Thp Ltd & Ors v. Gtb Plc & Anor (2022) LPELR-58755(CA)** where the Court held:

> *"The decision of the Court must be based on hard facts and not on assumptions, suspicion, speculations or conjecture. A Judge of first instance decides on evidence led by the Parties to a case before him. He does not, with respect, concoct evidence. He does not imagine evidence. He interprets a situation as per the cold facts before him, not as per what he would have preferred the facts to be. .... A Court cannot decide issues on speculation no matter how close what it relies on may seem to be to the facts. Speculation is not an aspect of inference that may be drawn from facts that are laid before the Court. Inference is a reasonable deduction from the facts whereas speculation is a mere variant of imaginative guess which, even when it appears plausible."*

The evidence before the Court reveals that the 3rd Defendant, African Democratic Congress (ADC), won two seats in the House of Representatives during the 2023 General Elections in Kogi State, namely the Ijumu/Kabba-Bunu Federal Constituency and the Yagba East/Yagba West/Mopamuro Federal Constituency. See (Exhibits ADC 1 and INEC PP1). These persons have since defected from the 3rd Defendant's party. Section 225A contemplates those who won and

remain and not those who carried their mandate to another political part.

The evidence further reveals that the 4th Defendant, Action Alliance (AA), won a Local Government Council Election in Rivers State as evidenced by a Certificate of Return issued by the Rivers State Independent Electoral Commission and tendered before this Court as Exhibit AA12B.

Similarly, the 6th Defendant, Accord, tendered Certificates of Return issued by the Jigawa State Independent Electoral Commission evidencing victories in Councillorship Elections.

The 7th Defendant, Zenith Labour Party, equally tendered documentary evidence showing victories in Chairmanship and Councillorship elections in Abia State, supported by Certificates of Return issued by the appropriate electoral authority. (Exhibits ZLP 2 and ZLP 3). These alleged victories do not in any way insulate or justify their submission of escaping the threshold. The 4th, 5th, 6th and 7th Defendants victories have been cut short by their defections.

The next issue concerns the interpretation of Section 225A of the Constitution. The Plaintiff placed considerable reliance on the decisions in **PDM V. INEC & ANOR, NUP V. INEC** and other authorities for the proposition that Section 225A must be interpreted disjunctively.

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I have carefully examined the arguments parties, and they appear to be in agreement that the provision is to be construed disjunctively. The real disagreement lies not in whether the provision is disjunctive but in the legal consequences flowing from that interpretation. Section 225A of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended) provides:

> *The Independent National Electoral Commission shall have power to de-register a political party for—*
>
> *(a) breach of any of the requirements for registration; and*
>
> *(b) failure to win at least twenty-five per cent of votes cast in—*
>
> *(i) one State of the Federation in a Presidential election; or*
>
> *(ii) one Local Government Area of a State in a Governorship election; or*
>
> *(c) failure to win at least—*
>
> *(i) one ward in the Chairmanship election;*
>
> *(ii) one seat in the National or State House of Assembly election; or*
>
> *(iii) one seat in the Councillorship election*

The Court of Appeal in **PDM V. INEC** (supra), as reproduced by the Plaintiff itself, emphasized that the provision is disjunctive and that the situations contemplated therein are independent of one another. The

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Plaintiff however urges this Court to interpret the provision as requiring a political party to satisfy every conceivable electoral benchmark before escaping deregistration.

The use of the disjunctive "or" ordinarily signifies alternatives and not cumulative obligations unless the context otherwise requires. Courts are not permitted to rewrite constitutional provisions under the guise of interpretation. See **Awuse v. Odili (2003) 18 NWLR (Pt. 851) 116** where the Court held:

> *"The primary function of the court is to search for the intention of the lawmaker in the interpretation of a statute. Where a statute is clear and unambiguous, the court in the exercise of its interpretative jurisdiction, must stop where the statute stops. In other words, a court of law has no jurisdiction to rewrite a statute to suit the purpose of one of the parties or both parties. The moment a court of law intends to rewrite a statute or really rewrites a statute, the intention of the lawmaker is thrown overboard and the court changes places with the lawmaker. In view of the fact that that will be against the doctrine of separation of powers entrenched in the Constitution, a court of law will not embark on such an unconstitutional act. Courts of law follow the literal rule of interpretation where the provision of the statute is clear and no more."*

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Under such interpretation, a political party that has won seats in the National Assembly, State House of Assembly, Chairmanship Elections or Councillorship Elections could still be liable to deregistration merely because it failed to secure twenty-five percent votes in a presidential election.

The law is settled that every word used by the legislature must, where possible, be given meaning and effect. Courts must avoid interpretations that render portions of a statute or constitutional provision redundant or absurd. See **Alagbaoso v. I.N.E.C. (2023) 8 NWLR (Pt. 1885) 115.**

Applying the foregoing principles to the present case, the documentary evidence before the Court clearly establishes that the 3rd Defendant won House of Representatives seats. The 4th Defendant won a Local Government Council Election. The 6th Defendant won Councillorship Elections. The 7th Defendant won Chairmanship and Councillorship Elections. Since they have all defected, there is nothing left for them. The affected political parties as they now stand won nothing. They have therefore failed.

The 7th Defendant never won a single election into any local government or council office since the 1999 Constitution came into force.

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The National Unity of Nigeria (NUP) V. INEC, 2021 LPELR was deregistered by INEC as ordered by the Supreme Court for failure to observe and comply with Section 225A of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). The National Unity of Nigeria in that case failed in the previous elections particularly in the 2023 General election. In the instant case, the political parties listed in this suit as Defendants have equally failed to secure the relevant percentage of votes in the states of the Federation and in the other elections so far conducted in the general election. The argument that the other election cycles have not been completed will not suffice in the circumstances of this case.
In the determination dispute between parties Courts are expected to confine itself to the issues raised by the parties. See the case of **INEC V. Advanced Congress of Democrats (2023) 3 NWLR (PT. 1870) at 97.**

The case of **NUP v. INEC** supra which is good law as declared by the Supreme Court has a little distinguishing element from the instant case. In **NUP v. INEC**, the appellant party won nothing in the general election just like some of the parties in the instant case. In the instant case, none of the parties has 25% of votes in the FCT or any of the 36 States of the Federation. This distinguishing element alone in my considered view makes them susceptible or liable to deregistration by the Independent National Electoral Commission.

The Independent National Electoral Commission has the constitutional authority and powers to deregister a political party under the provision

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of Section 225A of the Constitution of the Federal Republic of Nigeria (as amended). That power, however is not absolute, unqualified or unquestionable as it is subject to the scrutiny of judicial supervision or review to ensure its fairness and adherence to the provision enabling the power under the Constitution. All what this Court is entitled to do is to ensure that the sanctity of the political discipline as envisaged by Section 225A of the Constitution is maintained by the Independent National Electoral Commission. I am fortified in that position by the Supreme Court decision in the case of **INEC V. Youth Party (2023) 7 NWLR PT. 1883 at 249 at 325 paras C – H.**

From the above analysis and exposition, all the five political parties in this case has not met the constitutional threshold as required by Section 225A of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

The 5th Defendant's counsel has vehemently argued and relied on his exhibit A, B and C attached to its process therein, urging the Court to strike out its name as its issue has been decided by the Supreme Court. A careful perusal of the exhibit reveals that the claim in that suit borders squarely on intra party dispute snowballing and eventually dovetailing into an aspect of party registration and deregistration and do not in any way directly impact on the provisions of Section 225A of the Constitution. That case **Blessing Elujiuba v. INEC** has no direct bearing to the facts in issue in the instant case and in my considered view do not create binding precedent under the doctrine of stare decisis.

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The words used in Section 225A of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) are plain, direct, express and simple and should be given its literal meaning. Any deviation therefrom will not meet the goal and the mischief the law makers want to cure. Proliferation of political parties without any purposeful and intentional design to promote democratic ideals should be discouraged. Any tendencies towards pollution of the political environment by making merchandise of the ignorant members and the electorate must be frown at by the Court.

There is the argument in this suit that the Court of Appeal has stayed the Judgment of this Court. It must be recognized that this Court has the obligation indeed to observe due difference to the highly honoured orders and decision of appellate Court in the tradition of much cherished practice of adjudication under and in view of the constitutional hierarchy of Court structure.

It must also be remembered that as at the time of adoption of final written addresses of all the learned counsel for the parties in this suit, there was no order for stay of proceedings from any Court served on this Court neither was any such extant order of any appellate Court shown to the Court by any of the learned counsel. All what is on record of this Court was that there is a pending interlocutory appeal, suffice it to say

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that the application for stay in this Court has been heard and ruling duly entered in form of dismissal.

The position of the law is that the rules of Court do not have provision for the arrest of judgment as the Defendants in this case are attempting to do. See the case of **Shettima vs. Goni (2011) 18 NWLR PT. 1279 Pg 413 at 446 Paras A – C, page 485 at paras D – D.**

The Supreme Court has maintained its position on this subject matter over the years. A judgment of a Court cannot be arrested by litigant under any guise. See the cases of: **Bob Manuel vs. Briggs (2003) 5 NWLR Pt. 813 page 323 at page 341 para F per Nwaifo JSC.**
See also the case **Newswatch Communication Ltd vs. Attah (2000) 2 NWLR Pt. 646 page 592 at 605 paras D-G per Musdapher JCA** (as he then was).

There is however an exception to this rule. This exception lies in the fact that where the process of Court is about to be abused, it will be the duty of the Court to prevent such an abuse. In the instant case there is no express, direct and specific order of Court staying the judgment of this Court by the appellate Court capable of creating such exception. In the case of **Dingyadi vs. INEC (No. 1) (2010) 18 NWLR Pt. 1224 1, 2010 4 – 7 SC,** the Sokoto Division of the Court of Appeal was specifically stopped from delivering judgment in an appeal basically to stop an abuse of Court process. This is not the case here in my considered view. The Defendants all participated in the proceedings including the ones

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leading to the three interlocutory rulings and proceeded to adopt their respective objections to jurisdiction and the main originating summons. Fair hearing was duly granted to all parties and the judgment of the Court was accordingly fixed in the presence of all parties or their counsel.

If any party wants to suspend the operation of an order fixing a case for judgment, they must seek specific order staying the effect of those orders. Fixing a case for Judgment is an order of Court. That order is still extant. In my considered view, this is the implication of the Court's decision in the case of **Zenith Bank Plc vs. John (2015) 7 NWLR (Pt. 1458), 393.**

Moreover and more importantly, the National Judicial Council by a circular Ref. No. **NJC/Cir./HOC/11/898 dated 16th June, 2025** directed as follows:-

(i) Henceforth, matters that have reached an advanced stage or have been adjourned for Judgment should not be transferred, irrespective of complaint by any of the parties".

The implication of the above directive is very discerning to a legal mind. Judgment of a Court should not be delayed or stayed or suspended. The judex is a man under authority. He complies implicitly with superior directives particularly as a public servant and judicial officer in line with his oath of office.

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In the absence of any specific order putting on hold the Judgment of the Court coupled with the fact that there is no inferred abuse of Court process and counsel has adopted all their processes while this Court has statutory time limit to deliver its Judgment, I hold that there is no legal impediment to the delivery of the Judgment of this Court.

Based on my conclusion and reasoning aforesaid, the multiple preliminary objections of all the 1st, 3rd, 4th, 5th, 6th and 7th Defendants as differently constituted, all fails and are accordingly dismissed.

The questions raised and submitted to the Court by the Plaintiff in their amended originating summons are all answered in the affirmative. Consequently, the Plaintiff's case succeeds in part as follows:-

a. It is hereby declared that the 3rd, 4th, 5th, 6th and 7th Defendants having failed to secure, meet up with and comply with the twenty five percent (25%) constitutional threshold to be eligible as political parties and having failed to satisfy all constitutional pre-conditions to have the status of a registered political party in Nigeria should be deregistered by the 1st Defendant from the list of political parties.

b. The 3rd, 4th, 5th, 6th and 7th Defendants, having failed to secure the constitutional threshold, should be deregistered from the list of registered political parties in Nigeria and are therefore not eligible

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or entitled to participate in the general election scheduled for 2027 or any other date set by the 1st Defendant.

c. The 1st Defendant is hereby directed and ordered to set the necessary machineries in motion for deregistration of the affected political parties and should not accept any correspondence from the affected entities forthwith.

d. The 1st Defendant is herein further ordered to employ its constitutional and all its legal powers to deregister any political party that has not met the constitutional minimum threshold with a view to sanitizing the political space.

e. I make no order as to cost.

Judgment is so entered.

HON. JUSTICE PETER O. LIFU (JP)
JUDGE
15/06/2026.

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APPEARANCES:-

J. A .H. Ruba SAN, Sule Umar SAN with Gbenga Makanjuola Esq., E. S. Chichi Esq., and F. Authur Osaroejii for the Plaintiff.

I. S. Moh. Esq. with E. M. Yunusa Esq. for 1st Defendant.

Prof. J. O. Olatoke SAN with Waheed Abdulraheem Esq. for 2nd Defendant.
S. A. Aruwa SAN with Dare Oketade Esq. and Y. D. Ahmed for 3rd Defendant.

Madeh Yakubu Esq. for 4th Defendant.

Peter O. Abang Esq. for 5th Defendant.

M. Adetunbi SAN, A. I. Lemu SAN with A. Z. Abdulsalam Esq., S. O. Suleiman Esq., M. M. Taiwo Esq., S. A. Nina Esq., Hassan Abdullahi for 6th Defendant.

T. Enahoro Esq. for the 7th Defendant.

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