IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA
ON THURSDAY, THE 5TH DAY OF NOVEMBER, 2026
BEFORE HIS LORDSHIP, THE HON. JUSTICE PETER O. LIFU (JP)
JUDGE

SUIT NO. FHC/ABJ/CS/1819/2025

BETWEEN:

HON. NAFIU BALA GOMBE ----- ----- PLAINTIFF

AND

1. **AFRICAN DEMOCRATIC CONGRESS (ADC)**
2. **SENATOR DAVID MARK**
3. **OGBENI RAUF AREGBESOLA**
   (2nd and 3rd Defendants sued for themselves And on behalf of persons who purportedly Become Members of the National Working Committee of the ADC at the July 2025 99th Meeting)
4. **INDEPENDENT NATIONAL ELECTORAL COMMISSION**
5. **CHIEF RALPH NWOSU**

DEFENDANTS

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JUDGMENT

The Plaintiff commenced this action via an Originating Summons but was subsequently amended pursuant to an order of this Court. The Amended Originating Summons is dated and filed on the 11th May, 2026, seeking for the determination of the following questions:-

1. WHETHER BY VIRTUE OF THE MANDATORY PROVISIONS OF SECTIONS 82(1), (3), AND (5) OF THE ELECTORAL ACT 2022, READ ALONG WITH SECTIONS 223(1)(A) AND 228(A) AND (B) OF THE CONSTITUTION OF

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THE FEDERAL REPUBLIC OF NIGERIA, 1999, AS AMENDED, AND PARAGRAPHS 14. 16 AND OTHER PARAGRAPHS OF THE REGULATIONS AND GUIDELINES FOR POLITICAL PARTIES, 2022, THE 4TH DEFENDANT [INEC] HAS A DUTY TO ENSURE THAT THE 1ST DEFENDANT COMPLIES WITH THE AFOREMENTIONED PROVISIONS OF THE ELECTORAL ACT 2022 AND THE 1999 CONSTITUTION. AS AMENDED. IN RESPECT OF ANY MEETING, CONVENTION. OR CONGRESS TO CONSTITUTE ITS EXECUTIVE COMMITTEE OR ANY OTHER GOVERNING BODY.

2. WHETHER UPON A PROPER INTERPRETATION OF PARAGRAPH F15(C) OF PART 1 OF THE THIRD SCHEDULE OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED), SECTIONS 223(1)(A) AND 228(A)&(B) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED), SECTIONS 82(1)(3) AND (5) OF THE ELECTORAL ACT 2022, AND PARAGRAPHS 14 AND 16 OF THE REGULATIONS AND GUIDELINES FOR POLITICAL PARTIES, 2022, THE 4TH DEFENDANT IS NOT ENTITLED TO VALIDATE ANY MEETING OF THE 1ST DEFENDANT OR TO ACKNOWLEDGE, ACCEPT, OR GIVE EFFECT TO THE OUTCOME OF ANY MEETING OF THE 1ST DEFENDANT, INCLUDING THE 99TH NEC MEETING HELD ON 29TH JULY 2025, WHICH WAS NOT HELD IN ACCORDANCE WITH THE AFOREMENTIONED PROVISIONS OF THE ELECTORAL ACT 2022 AND THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999.

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3. WHETHER THE 4TH DEFENDANT'S ATTENDANCE AT THE 1ST DEFENDANT'S 99TH NEC MEETING ON JULY 29, 2025: THE 4TH DEFENDANT'S ISSUANCE

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OF AN INEC REPORT; AND THE 4TH DEFENDANT'S RECOGNITION OF THE 2ND AND 3RD DEFENDANTS [AND ALL OTHER PERSONS THEY REPRESENT] AS MEMBERS OF THE 1ST DEFENDANT'S NATIONAL WORKING COMMITTEE (NWC) ARE WRONGFUL, NULL, VOID AB INITIO, AND OF NO EFFECT WHATSOEVER, BECAUSE NO REQUISITE NOTICE WAS GIVEN AND NO ELECTION TOOK PLACE AT THE MEETING, AS MANDATED BY SECTIONS 82(1), (3), AND (5) OF THE ELECTORAL ACT 2022, READ WITH SECTIONS 223(1) AND 228(A) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999, AS AMENDED.

4. WHETHER BY VIRTUE OF THE MANDATORY PROVISIONS OF SECTIONS 82(1), (3), AND (5) OF THE ELECTORAL ACT 2022, READ ALONG WITH SECTIONS 223(1)(A) AND 228(A) AND (B) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999, AS AMENDED, THE 4TH DEFENDANT, IN THE PERFORMANCE OF ITS DUTY, IS NOT ENTITLED TO DEAL WITH THE 2ND AND 3RD DEFENDANTS [AND ALL OTHER PERSONS THEY REPRESENT] AS THE EXECUTIVE COMMITTEE MEMBERS OR OTHER GOVERNING BODY OF THE 1ST DEFENDANT, OR TO SUPERVISE, MONITOR, OR OBSERVE THEIR ACTIVITIES, OR TO ENABLE THEM TO FUNCTION AS SUCH EXECUTIVES, BECAUSE THEY WERE NOT DEMOCRATICALLY ELECTED AS REQUIRED BY THE MANDATORY PROVISIONS OF THE ELECTORAL ACT 2022 AND THE 1999 CONSTITUTION, AS AMENDED.

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5. WHETHER, UNDER THE COMBINED AND PROPER INTERPRETATION OF SECTIONS 223(I)(A) AND 228(A) AND (B) OF THE CONSTITUTION OF

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THE FEDERAL REPUBLIC OF NIGERIA, 1999, (AS AMENDED), SECTION 82(1), (3) AND (5) OF THE ELECTORAL ACT 2022, AND PARAGRAPHS 14 AND 16 OF THE REGULATIONS AND GUIDELINES FOR POLITICAL PARTIES, 2022, THE ADMINISTRATIVE DECISION OF THE 4TH DEFENDANT TO VALIDATE THE PURPORTED ASSUMPTION OF THE 1ST DEFENDANT'S LEADERSHIP BY THE 2ND AND 3RD DEFENDANTS AND OTHERS THEY REPRESENT IS NOT A FLAGRANT BREACH OF THE AFOREMENTIONED PROVISIONS AND THEREFORE UNLAWFUL, UNCONSTITUTIONAL, NULL, VOID, AND OF NO EFFECT WHATSOEVER?

6. WHETHER ALL ACTIONS, DECISIONS, AND STEPS TAKEN BY THE 2ND AND 3RD DEFENDANTS [AND OTHER MEMBERS OF THE NWC THEY REPRESENT] AS NATIONAL OFFICERS OF THE 1ST DEFENDANT, FROM JULY 29, 2025, THE DATE OF THEIR UNLAWFUL AND ILLEGAL EMERGENCE AS SUCH OFFICERS, ARE NULL, VOID, AND WITHOUT EFFECT.

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7. WHETHER. UNDER THE COMBINED AND PROPER INTERPRETATION OF SECTIONS 223(I) (A) AND 228(A) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED), SECTION 82(3) OF THE ELECTORAL ACT 2022, AND PARAGRAPHS 14 AND 16 OF THE REGULATIONS AND GUIDELINES FOR POLITICAL PARTIES, 2022, THE 4TH DEFENDANT IS BOUND TO RECOGNIZE THE PLAINTIFF AS THE ONLY ELECTED MEMBER OF THE 1ST DEFENDANT'S NATIONAL WORKING COMMITTEE [NWC] WHOSE FOUR-YEAR TENURE REMAINS IN EFFECT AND WHO IS LEGALLY ENTITLED TO SUPERVISE THE 1ST DEFENDANT'S AFFAIRS.

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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 BY VIRTUE OF THE MANDATORY PROVISIONS OF SECTIONS 82(1), (3), AND (5) OF THE ELECTORAL ACT 2022, READ ALONG WITH SECTIONS 223(1)(A) AND 228(A) AND (B) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 AS AMENDED, AND PARAGRAPHS 14, 16, AND OTHER PARAGRAPHS OF THE REGULATIONS AND GUIDELINES FOR POLITICAL PARTIES, 2022, THE 4TH DEFENDANT [INEC] HAS A DUTY TO ENSURE THAT THE 1ST DEFENDANT COMPLIES WITH THE AFOREMENTIONED PROVISIONS OF THE ELECTORAL ACT 2022 AND THE 1999 CONSTITUTION, AS AMENDED, IN RESPECT OF ANY MEETING, CONVENTION, OR CONGRESS TO CONSTITUTE ITS EXECUTIVE COMMITTEE OR ANY OTHER GOVERNING BODY.

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2. A DECLARATION THAT UPON A PROPER INTERPRETATION OF PARAGRAPH F15(C) OF PART 1 OF THE THIRD SCHEDULE OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED) SECTIONS 223(1)(A) AND 228(A)&(B) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED), SECTIONS 82(1)(3) AND (5) OF THE ELECTORAL ACT 2022, AND PARAGRAPHS 14 AND 16 OF THE REGULATIONS AND GUIDELINES FOR POLITICAL PARTIES, 2022, THE 4TH DEFENDANT IS NOT ENTITLED TO VALIDATE ANY MEETING OF THE 1ST DEFENDANT OR TO ACKNOWLEDGE, ACCEPT, OR GIVE EFFECT TO THE OUTCOME OF

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ANY MEETING OF THE 1ST DEFENDANT, INCLUDING THE 99TH NEC MEETING HELD ON 29TH JULY 2025, WHICH WAS NOT HELD IN ACCORDANCE WITH THE AFOREMENTIONED PROVISIONS OF THE ELECTORAL ACT 2022 AND THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999.

3. A DECLARATION THAT THE 4TH DEFENDANT'S ATTENDANCE AT THE 1ST DEFENDANT'S 99TH NEC MEETING ON JULY 29, 2025; THE 4TH DEFENDANT'S ISSUANCE OF AN INEC REPORT; AND THE 4TH DEFENDANT'S RECOGNITION OF THE 2ND AND 3RD DEFENDANTS [AND ALL OTHER PERSONS THEY REPRESENT] AS MEMBERS OF THE 1ST DEFENDANT'S NATIONAL WORKING COMMITTEE (NWC) ARE WRONGFUL, NULL, VOID AB INITIO, AND OF NO EFFECT WHATSOEVER, BECAUSE NO REQUISITE NOTICE WAS GIVEN AND NO ELECTION TOOK PLACE AT THE MEETING, AS MANDATED BY SECTIONS 82(1), (3), AND (5) OF THE ELECTORAL ACT 2022, READ WITH SECTIONS 223(1) AND 228(A) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999. AS AMENDED.

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4. A DECLARATION THAT BY VIRTUE OF THE MANDATORY PROVISIONS OF SECTIONS 82(1), (3), AND (5) OF THE ELECTORAL ACT 2022, READ ALONG WITH SECTIONS 223(1)(A) AND 228(A) AND (B) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA. 1999, AS AMENDED, THE 4TH DEFENDANT, IN THE PERFORMANCE OF ITS DUTY, IS NOT ENTITLED TO DEAL WITH THE 2ND AND 3RD DEFENDANTS [AND ALL OTHER PERSONS THEY REPRESENT] AS THE EXECUTIVE COMMITTEE MEMBERS OR OTHER GOVERNING BODY OF THE 1ST DEFENDANT OR

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TO SUPERVISE, MONITOR, OR OBSERVE THEIR ACTIVITIES, OR TO ENABLE THEM TO FUNCTION AS SUCH EXECUTIVES, BECAUSE THEY WERE NOT DEMOCRATICALLY ELECTED AS REQUIRED BY THE MANDATORY PROVISIONS OF THE ELECTORAL ACT 2022 AND THE 1999 CONSTITUTION, AS AMENDED.

5. A DECLARATION THAT, BY THE COMBINED AND PROPER INTERPRETATION OF SECTIONS 223(I)(A) AND 228(A) AND (B) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999, (AS AMENDED), SECTION 82(1), (3), AND (5) OF THE ELECTORAL ACT 2022, AND PARAGRAPHS 14 AND 16 OF THE REGULATIONS AND GUIDELINES FOR POLITICAL PARTIES, 2022. THE ADMINISTRATIVE DECISION OF THE 4TH DEFENDANT TO VALIDATE THE PURPORTED ASSUMPTION OF THE 1ST DEFENDANT'S LEADERSHIP BY THE 2ND AND 3RD DEFENDANTS AND OTHERS THEY REPRESENT IS A FLAGRANT BREACH OF THE AFOREMENTIONED PROVISIONS AND THEREFORE UNLAWFUL, UNCONSTITUTIONAL, NULL, VOID, AND OF NO EFFECT WHATSOEVER.

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6. A DECLARATION THAT ALL ACTIONS, DECISIONS, AND STEPS TAKEN BY THE 2ND AND 3RD DEFENDANTS [AND OTHER MEMBERS OF THE NWC THEY REPRESENT] AS NATIONAL OFFICERS OF THE 1ST DEFENDANT, FROM JULY 29, 2025 THE DATE OF THEIR UNLAWFUL AND ILLEGAL EMERGENCE AS SUCH OFFICERS, ARE NULL, VOID, AND WITHOUT EFFECT.
7. A DECLARATION THAT, BY THE COMBINED AND PROPER INTERPRETATION OF SECTIONS 223(I) (A) AND 228(A) OF THE

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CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED), SECTION 82(3) OF THE ELECTORAL ACT 2022, AND PARAGRAPHS 14 AND 16 OF THE REGULATIONS AND GUIDELINES FOR POLITICAL PARTIES, 2022, THE 4TH DEFENDANT IS BOUND TO RECOGNIZE THE PLAINTIFF AS THE ONLY ELECTED MEMBER OF THE 1ST DEFENDANT'S NATIONAL WORKING COMMITTEE NWC] WHOSE FOUR-YEAR TENURE REMAINS IN EFFECT AND WHO IS LEGALLY ENTITLED TO SUPERVISE THE 1ST DEFENDANT'S AFFAIRS.

8. AN ORDER SETTING ASIDE ALL DECISIONS AND RESOLUTIONS OF THE 99TH NEC MEETING OF THE 1ST DEFENDANT, HELD IN JULY 29 2025 BY WHICH THE 2ND AND 3RD DEFENDANTS AND OTHER MEMBERS OF THE NWC THEY REPRESENT BECAME MEMBERS OF THE NATIONAL WORKING COMMITTEE OF THE 1ST DEFENDANT, BEING CONTRARY TO SECTIONS 82(1) AND 82(3) OF THE ELECTORAL ACT 2022, READ ALONG WITH SECTIONS 223(1) AND 228(A) AND (B) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999, AS AMENDED.

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9. AN ORDER OF PERPETUAL INJUNCTION RESTRAINING THE 4TH DEFENDANT FROM RECOGNIZING OR DEALING WITH THE 2ND AND 3RD DEFENDANTS, AND OTHER MEMBERS OF THE NWC THEY REPRESENT AS OFFICERS OR MEMBERS OF THE 1ST DEFENDANT'S NATIONAL WORKING COMMITTEE, NATIONAL EXECUTIVE COMMITTEE, OR ANY GOVERNING COMMITTEE OF THE 1ST DEFENDANT.
10. AN ORDER OF PERPETUAL INJUNCTION RESTRAINING THE 2ND AND 3RD DEFENDANTS AND OTHER MEMBERS OF THE NWC THEY

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REPRESENT FROM ACTING OR PARADING THEMSELVES AS OFFICERS OF THE 1ST DEFENDANT OR AS MEMBERS OF THE 1ST DEFENDANT'S NATIONAL WORKING COMMITTEE, NATIONAL EXECUTIVE COMMITTEE, OR ANY GOVERNING COMMITTEE OF THE 1ST DEFENDANT

The Amended Originating Summons is supported by 43 paragraphs Affidavit deposed to by the Plaintiff himself with twelve annexures marked as Exhibits NBG 1 to NBG 12. There is a Written Address. Upon receipt of the 1st Defendant's Counter Affidavit, the Plaintiff on the 14th September, 2026 filed a 29 paragraphs Further Affidavit with a Written Address. Upon receipt of the 3rd Defendant's Counter Affidavit, the Plaintiff on 14th September, 2026 filed a 37 paragraphs Further Affidavit with a Written Address in support.

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In opposition to the Amended Originating Summons, the 1st Defendant on 2nd October, 2026 filed a 5 paragraphs Consequential Counter Affidavit deposed to by one Adenike Adelakun-Ahmed with twelve annexures marked as Exhibits ADC 1 to ADC 12. There is a Written Address in support.

Opposing the Amended Originating Summons, the 2nd Defendant on 7th April. 2026 filed a 38 paragraphs Counter Affidavit deposed to by one Abubakar Abdurrahman Daniya with seven annexures marked as Exhibit DM1 to DM 7. There is a Written Address.

On the part of the 3rd Defendant, he filed on the 11th September, 2026 18 paragraphs Counter Affidavit deposed to by one James Onuminya with

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eight annexures marked as Exhibits ORA 1 to ORA 8. There is a Written Address.

On the part of the 4th Defendant, they left it at the discretion of the court.

The 5th Defendant filed a 37 paragraphs Counter Affidavit deposed to by one Olaniyan Taofik with six annexures marked as Exhibit RN 1 to RN 6. There is a Written Address in support.

The facts of this case are that the matter strictly concerns an action aimed at enforcing constitutional compliance, internal democracy, and the rule of law within the 1st Defendant (African Democratic Congress [ADC]) following the resignation of its National Working Committee (NWC) members, excluding the Plaintiff. The Plaintiff maintains that he was duly elected as the Deputy National Chairman of the 1st Defendant on 12th October, 2022, backed by an issued membership card and INEC Form EC 16G(II), for a four-year tenure expiring on 11th October, 2026, making him the only surviving elected NWC member who did not resign. He asserts that following the resignation of the 5th Defendant (former National Chairman) and other NWC members on 2nd July, 2025, vacancies could only be filled through a proper democratic election by delegates as mandated by Article 22(13) of the party's constitution, the Electoral Act 2022, and the Nigerian Constitution.

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The Plaintiff contends that the 2nd and 3rd Defendants, alongside 49 other individuals, were arbitrarily appointed and purportedly ratified as

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members of the 1st Defendant's NWC with the 2nd and 3rd Defendants serving as National Chairman and National Secretary during the 99th National Executive Committee (NEC) meeting held on 29th July, 2025, without any democratic election taking place. He argues that the notice for the 29th July, 2025 meeting issued by the 5th Defendant on 4th July, 2025, and followed by a 22nd July, 2025 letter, was legally defective as it failed to include the required agenda and the names of convention or meeting committee members as stipulated by the Electoral Act. Despite this noncompliance, the Plaintiff states that the 4th Defendant (INEC) wrongfully attended the meeting, issued a validation report, published the names of the 2nd and 3rd Defendants on its website as National Chairman and Secretary, and improperly recognized them following letters received on 4th September, 2025.

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The Plaintiff maintains that the emergence of the 2nd and 3rd Defendants is a flagrant breach of the 1999 Constitution (as amended) and the Electoral Act 2022. He asserts that as the sole remaining elected national officer who did not resign, he publicly condemned the actions via a press release on 30th July, 2025, and formally notified INEC on 8th August, 2025, of the vacancies and his assumption of an acting leadership role, but his legitimate powers continue to be threatened by the actions of the 2nd and 3rd Defendants who are illegally running party affairs across the 36 states and the FCT while planning to expel him. He maintains that unless this Honourable Court intervenes to set aside the decisions of the 99th NEC meeting and restrain the 2nd and 3rd Defendants from parading as

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national officers or establishing party structures, irreparable damage and havoc will be inflicted on him and the integrity of the party.

The case of the 1st, 2nd, 3rd and 5th Defendants, in summary, is that the suit concerns the internal affairs and leadership of the 1st Defendant, the African Democratic Congress (ADC), and that the Plaintiff's allegations are misconceived and largely untrue. They contend that the Plaintiff voluntarily resigned his position as Deputy National Chairman by a letter dated 17th May 2025, thereby relinquishing his leadership responsibilities and losing the standing to challenge subsequent party decisions.

The Defendants maintain that, under the ADC Constitution, the National Executive Committee (NEC) exercises delegated powers of the National Convention between conventions, including the power to waive certain membership requirements, suspend specified constitutional provisions, dissolve the National Working Committee (NWC), and elect or appoint national officers. They rely on the resolutions of the 97th and 98th NEC meetings held on 27th March 2025 and 15th May 2025, respectively, as well as the notices given to the Independent National Electoral Commission (INEC) concerning the 99th NEC meeting scheduled for 29th July 2025 and the subsequent change of venue to Chelsea Hotel, Abuja.

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They further contend that the 99th NEC meeting was validly convened, at which the existing NWC was dissolved and a new leadership constituted, with the 2nd Defendant emerging as National Chairman, the 3rd

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Defendant as National Secretary, and the 5th Defendant as National Organizing Secretary. They maintain that INEC monitored the meeting, confirmed compliance with the applicable requirements, and recognized the new leadership by publishing the names of the relevant officers.

The Defendants consequently argue that the Plaintiff lacks locus standi to challenge the party's decisions, that the dispute is non-justiciable as it relates to internal party affairs, and that the suit is misconceived and should be dismissed. The 3rd Defendant additionally challenges the Plaintiff's proof of membership, alleges failure to exhaust the party's internal dispute-resolution mechanisms and comply with financial obligations, and seeks declaratory reliefs and ₦50 million in costs by way of counterclaim. The 1st Defendant also contends that the suit discloses no reasonable cause of action and raises issues requiring oral evidence, while the 2nd Defendant argues that granting the Plaintiff's reliefs would disrupt party administration and undermine internal democracy.

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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, therefore my decision on the Notice of Preliminary Objection affects them as well. The objections as noted in my earlier Ruling of 24th July, 2026 are:

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1. Subject matter jurisdiction of the suit.
2. None justiciability of the subject matter
3. Lack of locus standi of the plaintiff.
4. None exhaustion of internal remedy mechanism of a political party
5. Alleged abuse of court process by plaintiff.
6. No reasonable cause of action

The 1st, 2nd, 3rd and 5th defendants forcefully argue that the plaintiff's suit centers on the internal leadership, structure, and governance of a political party specifically the African Democratic Congress (ADC) which constitutes the exclusive domestic affair of a voluntary association and is entirely non-justiciable. In support of this non-interference principle, the defendants rely on foundational Supreme Court authorities such as ***Onuoha v. Okafor* (1983) 2 SCNLR 244, *Dalhatu v. Turaki* [2003] NGSC 11, *Amaechi v. INEC* (2007) 9 NWLR (Pt. 1040) 504, *Ugwu v. Ararume* (2007) 12 NWLR (Pt. 1048) 367, *Aguma v. APC* (2021) 14 NWLR (Pt. 1796) 351, and *Shinkafi v. Yari* [2016] NGSC 96**, which establish that a political party is like a voluntary club whose internal management and choice of leaders cannot be overridden by the courts. Furthermore, the 1st, 3rd, and 5th defendants submit that under Section 251(1) of the 1999 Constitution (as amended) and Section 7 of the Federal High Court Act, the Federal High Court is a court of limited, enumerated civil jurisdiction. They argue that the subject matter does not fall within these heads, citing ***PDP v. Sylva* (2012) 13 NWLR (Pt. 1316) 85 and *Obiuweubi v. CBN* (2011) 7 NWLR (Pt. 1247) 465** to contend that merely joining the Independent National Electoral Commission (INEC) the 4th defendant cannot cloak the court

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with jurisdiction when the principal reliefs are directed against the political party and its members.

The 1st, 2nd, 3rd, and 5th defendants uniformly challenge the plaintiff's legal standing to institute the action. Citing landmark locus standi principles from ***Adesanya v. President, FRN* [1981] NGSC 3 and *Thomas v. Olufosoye* [1986] NGSC 14**, the defendants maintain that a litigant must demonstrate a personal legal interest or injury over and above that of the general public. The 1st and 2nd defendants support this by pointing to certified documentary evidence establishing that the plaintiff voluntarily resigned from his position as Deputy National Chairman prior to the events in question, and that his office was subsequently dissolved by a valid National Executive Committee (NEC) resolution. Consequently, they argue he holds no cognizable legal interest or personal right to challenge internal executive arrangements, relying further on ***Nworka v. Ononeze-Madu* (2019) 7 NWLR (Pt. 1672) 422.** The 3rd defendant additionally objects that the plaintiff failed to establish membership or registration through the party's official register.

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The 1st, 3rd, and 5th defendants object that the suit is premature because the plaintiff failed to comply with a mandatory condition precedent. Citing Articles 21 and 22 of the ADC Constitution (2022) alongside judicial precedents such as ***Eguamwense v. Amaghizemwen* (1993) 9 NWLR (Pt. 315) 1, *Ozoije v. Orlu* (2022) LPELR-59152(CA), and *Dikko v. Awallo* (2016) LPELR-42939 (CA)**, they maintain that an aggrieved member must first

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exhaust internal dispute resolution mechanisms before rushing to court, and that this failure places the court's jurisdiction in abeyance.

The 1st, 2nd, and 5th defendants contend that the action constitutes a gross abuse of court process. Relying on apex court definitions in ***Saraki v. Kotoye* (1992) 9 NWLR (Pt. 264) 156, *Arubo v. Aiyeleru* [1993] NGSC 4, and *Dingyadi v. INEC* [2011] NGSC 13,** the 2nd and 5th defendants argue that the suit is tainted by bad faith, suppression, and active misrepresentation of material facts specifically because the plaintiff's affidavit denies his resignation in the face of certified resignation letters and INEC-monitored NEC reports. Furthermore, drawing on ***Universal Trust Bank v. Dolmetsch Pharmacy* [2007] NGSC 146,** the suppression of these material facts strips the process of equity. The 1st defendant also asserts that the suit is fundamentally flawed and abusive because it is founded upon a false and unsubsisting party constitution annexed to the originating summons.

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The 1st, 2nd, 3rd, and 5th defendants argue that the originating processes disclose no reasonable cause of action. Relying on the principles outlined in ***Chevron (Nig.) Ltd. v. Lonestar Drilling Nigeria Ltd.* [2007] NGSC 112 and *INEC v. ADP* (2023) LPELR-59689(CA)**, they contend that a cause of action is evaluated strictly on the face of the pleadings. Because the party's NEC acted strictly within its powers under the authentic party constitution to manage leadership affairs and because INEC duly monitored and

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recognized these outcomes no actionable legal wrong has been committed against the plaintiff.

The 1st and 5th defendants further object that the questions for determination and the reliefs sought are vague, academic, hypothetical, and moot. Citing the foundational stance of the Supreme Court in ***Adeyemi v. Opeyori* (1976) NSCC 455, *Shinkafi v. Yari* [2016] NGSC 96, and *Nobis-Elendu v. INEC* (2015) 16 NWLR (Pt. 1485) 197**, they argue that because INEC has already exercised its statutory mandate by observing the NEC meeting and publishing the recognized officers, any judicial intervention would serve no practical legal purpose and would amount to issuing an advisory opinion on a fully crystallized state of affairs.

In response, the Plaintiff counters the issue of non-justiciability by drawing a distinction between a political party's internal day-to-day operations and its mandatory compliance with external statutory laws. He argues that the suit is anchored on clear statutory infractions of Section 82 of the Electoral Act 2022 and Sections 223 and 228 of the 1999 Constitution (as amended) regarding democratic elections for party leadership. See ***Peoples Democratic Party (PDP) v. Alhaji Sule Lamido & Ors* SC/CV/164/2026.**

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To establish that actions violating statutory provisions transcend internal party affairs and become justiciable, the Plaintiff relies on *Hon. Austin Nwachukwu & Ors v. INEC & Ors* (Unreported by Omotosho, J. delivered

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on 31st October, 2025), *PDP & 2 Ors v. Hon. Austine Nwachukwu & 8 Ors* (Unreported, Appeal No. CA/ABJ/1613/2025 delivered on 9th March, 2026), *Hon. Joshua M. Ishaku v. All Progressives Congress & 2 Ors* (Unreported, Appeal No. SC/CV/35/25 delivered on 16th February, 2026), ***Lau v. PDP* (2018) 4 NWLR (Pt. 1608) 60, *PDP & Ors v. Ogundipe & Ors* (2018) LPELR-43887(CA), and *Amaechi v. INEC & Ors* (2008) 5 NWLR (Pt. 1080) 227.**

He also cites the landmark ruling in ***Ugwu & Anor v. Ararume & Anor* (2007) LPELR-24345 (SC)** (reported in the substantive law reports), which extensively interpreted the mandatory nature of electoral provisions and the court's jurisdiction under Section 6(6)(b) of the 1999 Constitution, alongside ***Okogie v. Attorney-General of Lagos State* (1981) 1 NCLR 218.**

On the issue of locus standi, the Plaintiff maintains that he did not resign as a member or officer of the 1st Defendant's National Working Committee (NWC), asserting that the purported notice of resignation (Exhibit ADC 1) and its forwarding letter (Exhibit ADC 2) do not bear his authentic signature. He contends that the signature on Exhibit ADC 1 is a forged and poor imitation when compared to his authentic signatures executed before the Commissioner for Oaths at the court registry.

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Consequently, the Plaintiff argues that because this foundational challenge to his *locus standi* rests on a forged document, the court cannot resolve the conflict through affidavits alone; rather, pleadings must be ordered and oral evidence must be taken pursuant to Section

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116 of the Evidence Act 2011. In support of the requirement to take oral evidence during irreconcilable affidavit conflicts on crucial issues, the Plaintiff cites **Anyaeche & Anor v. Nduka (2017) LPELR-42459(CA)**, ***Alex & Anor v. Chief of Naval Staff & Ors* (2019) LPELR-46783(CA)**, ***Ebohon v. AG Edo State* (1997) 50 LRCN 1323**, ***Falobi v. Falobi* (1976) 9-10 SC 1**, ***Babale v. Eze* (2012) 14 NWLR (Pt. 1321) 518**, ***Akinsete v. Akindutire* (1966) 1 All N.L.R. 147**, ***Olu-Ibukun v. Olu-Ibukun* (1974) 2 S.C. 41**, ***National Bank of Nigeria Ltd v. Are Brothers (Nig) Ltd* (1977) 6 S.C. 99**, ***Okoye v. Lagos State Government* (1990) 3 N.W.L.R. (Pt. 136) 115**, and ***Duwin Pharmaceutical & Chemical Co. Ltd v. Beneks Pharmaceutical and Cosmetics & Ors* (2008) 4 N.W.L.R. (Pt. 1077) 376**.

Furthermore, citing ***Odunewu v. Martins* [2011] 8 NWLR (Pt. 1250) 574**, ***Adamu v. Akogwu* (2023) LPELR-59522(CA)**, ***Nigerian Airforce v. Kamaldeen* (2007) 7 NWLR (Pt. 1032) 164**, and ***Alake v. State* (1991) 7 NWLR (Pt. 205) 567**, he asserts that a forged document is null and void in its entirety and has no legal effect.

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RESOLUTION ON PRELIMINARY OBJECTIONS.

The 1st, 2nd, 3rd and 5th Defendants challenged the locus standi of the Plaintiff to institute this suit, contending that he lacks the requisite legal standing to question the internal leadership arrangements of the 1st Defendant. Their contention is predicated principally on the allegation that the Plaintiff voluntarily resigned his position as Deputy National Chairman of the 1st Defendant before the emergence of the 2nd and 3rd

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Defendants as National Chairman and National Secretary, respectively. The 3rd Defendant further challenged the Plaintiff's proof of membership of the party.

In response, the Plaintiff denied resigning from his position and maintained that the purported resignation letter, and its forwarding letter do not bear his authentic signature. He contended that the documents relied upon by the Defendants were forged and that the conflict surrounding his alleged resignation cannot properly be resolved merely on the affidavit evidence before the Court.

The law is settled that locus standi concerns the legal capacity of a person to institute an action before a court of law. The doctrine of locus standi is concerned with whether a party has demonstrated a sufficient interest in the subject matter of the dispute so as to justify being heard. It is a threshold inquiry directed at ensuring that the Court adjudicates real controversies brought by persons whose rights or interests are directly affected, and not abstract or hypothetical disputes. See the case of ***Jitte v. Okpulor* (2016) 2 NWLR (Pt. 1497) 542** where the court held:

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> *"The concept of locus standi denotes the legal capacity to institute proceedings in a court of law. For a person to have locus standi to sue, all he needs to do is to show that he has sufficient interest in the subject matter of the action and that his civil rights and obligations have been or are in danger of being infringed. It is the statement of claim that will show*

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whether the plaintiff has locus standi to sue or not. However, where by his evidence, it is clear that the plaintiff is a busybody or an interloper, the court is entitled to hold that he lacks the locus standi to sue and the matter struck out. In other words, if he does not show sufficient interest in the matter, he has no locus to sue."

The question is whether the Plaintiff has disclosed a sufficient interest in the subject matter of this suit to warrant the invocation of the judicial powers of this Court.

From the facts presented, the Plaintiff claims to have been duly elected as the Deputy National Chairman of the 1st Defendant on 12th October, 2022, for a four-year tenure expiring on 11th October, 2026. He further asserts that, following the alleged resignation of other members of the National Working Committee, he remained the only elected member who had not resigned and was consequently entitled to question the legality of the purported constitution of a new National Working Committee without the requisite democratic election. His claims are supported by documents exhibited to his affidavit, including his membership card and INEC Form EC 16G(II).

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In my considered view, these assertions disclose a direct and personal interest in the subject matter of the suit. The Plaintiff is not merely seeking to ventilate a general grievance concerning the affairs of the 1st Defendant; rather, he alleges that actions taken by the Defendants

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threaten his subsisting tenure, position and rights as an elected national officer of the party. Whether his allegations are ultimately established is a different question from whether he has the requisite standing to present them for judicial determination.

Furthermore, the alleged resignation upon which the Defendants principally rely is expressly disputed by the Plaintiff, who challenges the authenticity of the signature. At this stage, the Court must be careful not to determine the substantive dispute concerning the validity of the alleged resignation under the guise of resolving the question of locus standi. The Plaintiff's denial does not, by itself, establish forgery; however, the disputed document cannot be treated as conclusively determining the issue against him without due consideration of the competing evidence.

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Accordingly, I find and hold that the Plaintiff has demonstrated sufficient interest in the subject matter of this action to clothe him with the requisite locus standi to institute the suit. The objection of the 1st, 2nd, 3rd and 5th Defendants on this ground therefore fails and is hereby dismissed. I so hold.

On the issue of reasonable cause of action, the 1st, 2nd, 3rd and 5th Defendants contended that the Plaintiff's suit discloses no reasonable cause of action. Their argument is that the National Executive Committee of the 1st Defendant acted within its powers under the party's Constitution

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in managing its leadership affairs, while the 4th Defendant duly monitored and recognized the outcome of the 99th NEC meeting held on 29th July, 2025. They therefore maintained that no actionable legal wrong has been disclosed against the Plaintiff.

The Plaintiff, on the other hand, contended that the suit is founded on alleged violations of Sections 223 and 228 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), and Section 82 of the Electoral Act, 2022. He alleged that the 2nd and 3rd Defendants emerged as national officers of the 1st Defendant without the requisite democratic election and that the 4th Defendant unlawfully recognized them despite the alleged non-compliance with the applicable statutory provisions.

The law is settled that, in determining whether a reasonable cause of action has been disclosed, the Court examines the originating processes to ascertain whether they disclose a cause of action with some chance of success. where the court held: **See MOBILE PRODUCING UNLIMITED VS. LASEPA (2002) LPELR 1887 (SC)**

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> *"...it is now trite that in confirming whether there is reasonable cause of action in a suit, it is only the writ and statement of claim that are considered by our jurisprudence. Once these documents disclose triable issues capable of leading to the grant of reliefs, then the court holds that a reasonable cause of action exists. At this stage, the court does not look at the defence of the defendants; that's a matter of joinder of issues*

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to be trashed out at trial nor does it pay attention to the weakness in the case presented by the plaintiff; which is a matter to be trashed out at the trial of the case"

The Court is not, at this stage, called upon to determine whether the Plaintiff will ultimately succeed on the merits of his claims.

In the instant case, a careful examination of the Amended Originating Summons reveals that the Plaintiff has raised questions concerning the legality of the constitution of the 1st Defendant's National Working Committee, the alleged failure to conduct the requisite election, and the extent of the 4th Defendant's statutory obligations under the Electoral Act, 2022 and the Constitution. He further alleged that the actions complained of adversely affect his position and tenure as an elected national officer of the 1st Defendant. These allegations disclose identifiable legal questions requiring judicial determination.

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Whether the 1st Defendant's NEC possessed the requisite powers to constitute a new leadership, whether the relevant statutory provisions were complied with, and whether the 4th Defendant acted lawfully are matters touching on the merits of the suit. They cannot properly be determined conclusively merely by asserting that the Defendants acted in accordance with the party's Constitution. The Court must consider the competing positions and the applicable law before reaching a final determination.

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Consequently, I find and hold that the Plaintiff's Amended Originating Summons discloses a reasonable cause of action against the Defendants. The objection on this ground therefore fails and is hereby dismissed. I so hold.

The 1st, 2nd and 5th Defendants challenged the suit as constituting an abuse of Court process. Their contention is that the Plaintiff suppressed material facts and misrepresented his status by denying his resignation from the 1st Defendant's National Working Committee, notwithstanding the purported resignation letter and other documents relied upon by the Defendants. The 1st Defendant further argued that the suit is founded on an allegedly false and unsubsisting Constitution of the party.

The Plaintiff, however, disputed the authenticity of the purported resignation letter, maintaining that the signature appearing thereon is not his. His position is that he did not resign from his position and that the action was instituted to challenge the alleged unlawful constitution of the new leadership of the 1st Defendant.

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The law is settled that abuse of court process arises where the judicial process is employed improperly or for a purpose other than that for which it is intended. The mere institution of an action to assert a legal right or challenge an allegedly unlawful act does not, without more, constitute an abuse of court process. See **I.T.B. Plc v. Okoye (2021) 11 NWLR (Pt. 1786) 163** where the court held:

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"The concept of abuse of judicial process is imprecise. It involves circumstances and situations of infinite variety and conditions. It's one common feature is the improper use of the judicial process by a party in litigation to interfere with the due administration of justice. It is recognized that the abuse of the process may lie in both a proper and improper use of the judicial process by a party in litigation. But the employment of judicial process is only regarded generally as an abuse when a party improperly uses the issue of the judicial process to the irritation and annoyance of his opponent; and the efficient and effective administration of justice. This will arise in instituting a multiplicity of actions on the same subject matter against the same opponent on the same issues."

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In the instant case, the principal complaint of the Defendants is substantially founded on the alleged resignation of the Plaintiff and the purported falsity of the facts upon which he commenced the action. However, the Plaintiff has expressly disputed the authenticity of the resignation letter and maintains that he remains entitled to challenge the legality of the events of 29th July, 2025. The mere existence of this conflict does not, in itself, establish that the Plaintiff has deployed the judicial process in bad faith or for an improper purpose. Rather, the dispute raises questions that require proper consideration of the affidavit evidence and the documents relied upon by the respective parties.

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Furthermore, the Defendants have not, on the grounds as presented, demonstrated that the Plaintiff instituted the action for the purpose of harassing them, multiplying proceedings or improperly interfering with the administration of justice. The allegation that the Plaintiff's case is false or misconceived is not, without more, sufficient to establish abuse of court process.

Consequently, I find and hold that the Defendants have not established sufficient grounds to sustain their objection on abuse of court process. The objection therefore fails and is hereby dismissed. I so hold.

On the issue of exhausting the internal dispute resolution of the 1st Defendant's Constitution, the 1st, 3rd and 5th Defendants contend that this suit is premature and incompetent because the Plaintiff failed to exhaust the internal dispute-resolution mechanisms provided under Articles 21 and 22 of the Constitution of the 1st Defendant before approaching this Court.

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I have considered the submission of learned counsel and the circumstances of this case. I agree with the Defendants that political parties are entitled to establish internal mechanisms for resolving disputes among their members, and that members are ordinarily expected to comply with the constitution and rules of their party. However, the existence of such a mechanism does not automatically oust the

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jurisdiction of a court of law or constitute an absolute bar to judicial intervention in every dispute arising from the affairs of a political party.

The central complaint of the Plaintiff in this suit is that the emergence of the 2nd and 3rd Defendants and other members of the National Working Committee at the 99th NEC meeting of 29th July, 2025 violated the mandatory provisions of Sections 82(1), (3) and (5) of the Electoral Act, 2022, Sections 223(1)(a) and 228(a) of the Constitution of the Federal Republic of Nigeria, 1999, as amended, and the applicable Regulations and Guidelines for Political Parties. Thus, the dispute is not presented merely as a disagreement over the day-to-day administration of the 1st Defendant; it raises questions as to compliance with constitutional and statutory requirements governing the constitution of a political party's executive organs.

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The Constitution is the supreme law of the land, and every person and authority exercising power in Nigeria, including a registered political party, is subject to its provisions. By Section 1(1) and (3) of the Constitution, any law or action inconsistent with the Constitution is liable to be invalidated to the extent of the inconsistency. See ***Ugba v. Suswam*** **(2014) 14 NWLR (Pt. 1427) 264** where the Apex Court held:

> *"The Constitution is the only instrument which is imbued with absolute power to create and confer jurisdiction. It is the ultimate and can be compared to none. In other words, it is an organic instrument which confers powers and also creates*

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rights and limitations. It is the supreme law in which certain first principles of fundamental nature are established. Once the powers, rights and limitations under the Constitution are identified as having been created, their existence cannot be disputed in a court of law"

Consequently, the internal constitution or rules of a political party cannot be applied to defeat or override a mandatory constitutional or statutory obligation. Where a party alleges that its internal processes have resulted in a violation of such obligations, the Court must be able to examine the complaint and determine whether the alleged breach has been established. See *Peoples Democratic Party (PDP) v. Alhaji Sule Lamido & 4 Ors.*, Appeal No. SC/CV/164/2026, delivered on 30th April 2026 where the Apex Court held:

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"Where the acts complained of concern the performance of statutory or oversight obligations of a party to the suit such as the Independent National Electoral Commission (INEC), a claim for injunctive relief enforcing or restraining such acts transcends the realm of internal party affairs and becomes justiciable; accordingly, a plaintiff cannot be precluded from approaching the court to enforce compliance with statutory duties, as such matters implicate legal rights beyond mere"

Furthermore, Section 6(6)(b) of the Constitution vests judicial powers in the courts in respect of questions concerning the civil rights and

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obligations of persons. The right of access to a court, constitutionally protected under Section 36(1), cannot be arbitrarily stalled or extinguished merely by invoking an internal dispute-resolution clause. Although the existence of an agreed internal procedure may be relevant in determining whether a particular action is premature, it cannot operate as an absolute ouster of judicial jurisdiction where the Court is called upon to determine an alleged breach of the Constitution or an applicable statute.

In the present case, the Plaintiff seeks judicial determination of whether the 99th NEC meeting and the purported constitution of the new National Working Committee complied with the governing constitutional and statutory provisions. Whether the Plaintiff will ultimately succeed on those allegations is a separate question on the merits; it is not a reason to deny him a hearing at the threshold solely because the Defendants contend that he ought first to have pursued the party's internal mechanisms.

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Accordingly, I find that the objection founded on the Plaintiff's alleged failure to exhaust the internal dispute-resolution mechanism of the 1st Defendant is not sufficient, in the circumstances of this case, to bar the action. The objection is therefore dismissed. I so hold.

On the issue of whether this court has the requisite jurisdiction to entertain matters bordering on the internal affairs of a political party like the 1st Defendant. I have carefully considered the contention of the Defendants

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that this suit concerns the internal affairs of the 1st Defendant and is therefore not justiciable. The general principle that courts should exercise restraint in interfering with the internal affairs of political parties is not in doubt. Political parties are voluntary associations, and the Court ought not to assume the role of their leadership or interfere in matters of internal administration merely because a member is dissatisfied with a decision taken by the party. However, the question that arises in this case is whether that principle excludes judicial intervention where the complaint is that the party's actions violate express constitutional and statutory provisions governing the democratic election of its officers.

In resolving this question, I find the decision of the Supreme Court in *Peoples Democratic Party (PDP) v. Alhaji Sule Lamido & 4 Ors (Supra)*, particularly instructive. The Court stated:

> *"These decisions are perfectly in place and they remain the law but where as in the instant case a political party violates its own constitution and rubbish the Electoral Act and the Constitution the court must intervene to prevent anarchy and ensure the survival of democracy in Nigeria. See sections 223 and 228 of the Constitution and more particularly section 82(3) of the Electoral Act which provides:"*

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The significance of this pronouncement is that the principle of non-interference in the internal affairs of political parties is not absolute. Where a complaint raises an alleged violation of the Constitution or an applicable statute, the Court is not deprived of the power to examine the

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legality of the action merely because it occurred within the structure of a political party. The Supreme Court further observed at the same judgment:

> *"The appellant and other political parties in Nigeria are not above the law. They are registered under the authority of the Constitution of the Federal Republic of Nigeria to promote democracy and the rule of law in Nigeria."*
>
> *"Lawlessness in the political arena also manifests in the brazen conduct of party affairs in defiance of internal rules and statutory prescriptions. Political parties, though voluntary associations, are subject to the discipline of the law when their actions affect civil rights and obligations of their members and others. Internal democracy is not a slogan; it is a legal imperative. The Courts will not hesitate to intervene where party actions breach statutory or constitutional provisions."*

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These pronouncements are directly relevant to the present suit. The Plaintiff is not merely inviting this Court to substitute its preference for that of the 1st Defendant or to determine who should lead the party as a matter of political choice. His complaint is that the emergence of the 2nd and 3rd Defendants as national officers through the events of 29th July 2025 was not preceded by the democratic electoral process required by law. The complaint therefore raises a question of compliance with the Constitution and the Electoral Act, rather than a mere disagreement over the internal political choices of the 1st Defendant.

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In this regard, section 223(1)(a) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), requires the constitution of a political party to provide for the periodical election, on a democratic basis, of its principal officers and members of its executive or governing body. Similarly, section 82(3) of the Electoral Act, 2022, provides:

> *"The election of members of the executive committee or other governing body of a political party, including the election to till a vacant position in any of the aforesaid bodies, shall be conducted in a democratic manner and allowing for all members of the party or duly elected delegates to vote in support of a candidate of their choice."*

The legal implication is that the internal constitution of a political party, and the powers conferred on any of its organs, must be exercised consistently with the Constitution and applicable legislation. The fact that the National Executive Committee of the 1st Defendant may possess powers to convene meetings, make decisions or fill vacancies does not, without more, establish that every procedure adopted by it satisfies the statutory requirement of democratic election. Equally, the fact that the Independent National Electoral Commission was notified of, or monitored, the meeting does not by itself establish that the prescribed electoral process was followed.

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I am therefore satisfied that this Court is competent to determine whether the process by which the 2nd and 3rd Defendants emerged complied with

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the applicable constitutional and statutory requirements. To undertake that inquiry is not to usurp the internal administration of the 1st Defendant; it is to exercise the judicial responsibility of determining the legality of the actions challenged before the Court. The Court must, of course, decide the substantive complaint on the evidence and cannot presume a violation merely because the Plaintiff has alleged one.

Consequently, I reject the Defendants' contention that the suit is non-justiciable simply because it concerns the internal affairs of the 1st Defendant. Where, as in the present case, the Plaintiff's complaint is founded on an alleged breach of the constitutional and statutory requirements for democratic election of party officers, the Court is entitled to examine the process and pronounce upon its legality. The principle of non-interference cannot serve as a shield against judicial scrutiny of conduct alleged to be unlawful under the Constitution or the Electoral Act. I so hold.

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Now to the merit of the suit. In the Written Address in support of the Amended Originating Summons, learned counsel to the Plaintiff adopted the seven questions submitted for determination, proposing to argue questions 1 to 5 together and questions 6 and 7 consecutively.

Arguing the issues, counsel submitted that the constitution of the executive committee or any other governing body of a political party is governed by the Constitution of the Federal Republic of Nigeria 1999 (as

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amended), the Electoral Act 2022, and the Regulations and Guidelines for Political Parties, 2022. Citing sections 223 and 228 of the Constitution, counsel contended that periodical democratic elections of principal officers and members of the executive committee or other governing body at regular intervals not exceeding four years are made a condition precedent to membership of any political party's executive or governing body. Relying on cases such as ***Nnaji & Anor v. Ndubuisi & Ors*** **(2023) LPELR-61131(SC) and *Sikiru v. Odubiyi & Ors* (2025) LPELR-80805 (CA),** counsel maintained that where a law or statute lays down a procedure or condition precedent, the failure to fulfill it renders the act null and void. Counsel argued that the failure of the 2nd and 3rd Defendants and those they represent to emerge through a democratic process is "fatal and incurable," violating mandatory constitutional provisions which touch on the legality of proceedings and are more than mere technicalities. Furthermore, all processes originating from a party's constitution remain subject to the supreme 1999 Constitution, the Electoral Act, and regulatory guidelines.

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Counsel also drew attention to section 82 of the Electoral Act 2022, which requires every registered political party to give the Commission at least 21 days' notice of any convention, congress, conference, or meeting convened for mergers, electing executive committee members, or nominating candidates. Under section 82(3), such elections must be conducted in a democratic manner allowing all members or duly elected delegates to vote. Citing the Supreme Court's decision in ***Ugwu***

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& Anor v. Ararume & Anor* (2007) 12 NWLR (Pt. 1048) 365 (also reported at *(2007) LPELR-24345 (SC), counsel emphasized that statutory enactments and clear provisions requiring written notice and compliance must be given their natural meaning using literal construction. Counsel noted that the repeated use of the mandatory word "shall" leaves no room for discretion and confers a right of action. Because no notice to elect the executive committee members of the 1st Defendant was issued or given to the 4th Defendant (INEC), and no democratic election preceded the emergence of the 2nd and 3rd Defendants, the proceedings and actions taken including the dissolution of the democratically elected NWC and the constitution of interim/caretaker members violated sections 223 and 228 of the Constitution and section 82 of the Electoral Act, rendering them invalid, null, and void under section 82(5) and section 1(3).

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Addressing the responsibilities of the 4th Defendant (INEC), counsel emphasized that under Paragraph 15(c) of Part I of the Third Schedule of the Constitution, Section 83 of the Electoral Act, and paragraphs 14 and 16 of the Regulations and Guidelines for Political Parties 2022, the 4th Defendant has a statutory duty to monitor political parties, deploy monitors, and ensure strict compliance with the law. Counsel contended that Exhibits NBG-4, 5, 6, 7, and 8 show the 4th Defendant failed in its statutory duty by attending an invalid meeting and perversely issuing a report that validated the illegal and undemocratic emergence of the 2nd and 3rd Defendants, even listing them on its website. Citing ***CBN v. Igwillo* (2007) 5 NWLR (Pt. 1026) 627** (also reported at *(2007) LPELR-835(SC)*),

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counsel argued that any action taken outside statutory powers is ultra vires, null, and void. Citing ***Adefulu & Ors v. Okulaja & Ors* (1996) 9 NWLR (Pt. 475) 668** (also reported at ***(1996) LPELR-24853(SC)*** and ***Ladoja v. INEC* (2007) 7 NWLR (Pt. 1034) 409** (also reported at ***(2007) LPELR-1738(SC)***, counsel submitted that when an appointment or act is declared null and void, it is completely wiped off, binds no one, and gives rise to no rights or obligations.

Counsel concluded by asserting that the 4th Defendant's power to monitor is regulatory and allows it to sanction parties failing to adhere to internal democracy. Formally urging the Honourable Court, counsel requested the resolution of questions 1 to 5 in favour of the Plaintiff establishing that the principal reliefs are backed by unassailable documentary evidence which in turn entitles the Plaintiff to the grant of consequential reliefs 6 to 10 pursuant to the principle that consequential orders give effect to already granted principal judgments

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In the Written Address in response to the Amended Originating Summons, learned counsel to the 1st Defendant adopted the formulated seven issues for determination, addressed under preliminary issues and substantive headings.

Arguing the preliminary issues, counsel submitted that the Plaintiff lacks the requisite legal standing (*locus standi*) to institute and maintain the action. Citing ***Vincent Bello v. Magnus A. Eweka* (1981) 12 NSCC 48,**

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***Wallersteiner v. Moir* (1974) 3 All E.R. 217, and *Fabunmi v. Agbe* (1985) 1 NWLR (Pt. 2) 299**, counsel emphasized that a plaintiff seeking declaratory reliefs must succeed entirely on the strength of their own evidence alone and not on admissions or the weakness of the defense. Counsel contended that the Plaintiff's case is conclusively demolished by his own voluntary resignation letter dated 17th May, 2025 (Exhibit 'ADC 1'). Relying on Sections 104 and 105 of the Evidence Act, ***Tabik Investment Ltd. v. G.T.B. PLC* (2011) 17 NWLR (Pt. 1276) 240, *Anaeze v. Anyaso* (1993) 5 NWLR (Pt. 291) 1, and *Young Shall Grow Motors Ltd. v. Onalaja* (2021) 3 NWLR (Pt. 1763) 300**.

Counsel maintained that the certified true copy of the resignation letter carries superior evidentiary weight over bare affidavit denials, estopping the Plaintiff from contradicting his own signed document. **Citing *Ibrahim v. Abdallah* (2019) 17 NWLR (Pt. 1701) 293,** counsel noted that documentary evidence is the best form of proof. Consequently, having resigned six weeks prior to the events of 2nd July, 2025, and over two months before the 99th NEC meeting, the Plaintiff held no subsisting interest and lacked *locus standi*. Furthermore, citing ***Jegede v. INEC* (2021) 14 NWLR (Pt. 1797) 409, *Aguma v. APC* (2021) 14 NWLR (Pt. 1796) 351, and *Pali v. Abdu* (2019) 5 NWLR (Pt. 1665) 320**, counsel argued that the internal affairs of political parties such as holding offices or internal appointments are non-justiciable questions outside the adjudicatory competence of the courts. Additionally, entirely independently, the Plaintiff's office of Deputy National Chairman was extinguished when the

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National Working Committee was validly dissolved with immediate effect at the 99th NEC meeting on 29th July, 2025 (Exhibit 'ADC 8'), leaving no office or right to infringe.

Arguing the substantive issues, counsel submitted that Sections 223 and 228 of the 1999 Constitution and Section 82 of the Electoral Act 2022 do not preclude the National Executive Committee (NEC) of the 1st Defendant from exercising its plenary constitutional powers between National Conventions. Citing ***Gusau v. Lawal* (2023) 10 NWLR (Pt. 1892) 297**, counsel stated that Section 82 of the Electoral Act ensures INEC is notified to observe or monitor party activities rather than conduct them, and that the 4th Defendant received due 25 days' notice (Exhibit 'ADC 6'), monitored the meeting (Exhibit 'ADC 8'), and recognized the outcome. Counsel submitted that Article 19(14) of the ADC Constitution (Exhibit 'ADC 3'), particularly sub-paragraphs (c), (o), (s), (x), (z), and (6), explicitly vests the NEC with complete plenary authority to discharge all functions of the National Convention between conventions, set up caretaker committees, and make decisions that are binding on all organs and members.

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Addressing the 4th Defendant's role, counsel maintained that the monitoring of the 99th NEC meeting and subsequent recognition of the 2nd and 3rd Defendants were fully lawful and in line with Paragraph F15(C) of Part 1 of the Third Schedule of the 1999 Constitution and Sections 82 and 148 of the Electoral Act. Counsel also noted that the prior affidavit

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to show cause filed and withdrawn by the 4th Defendant constitutes an admission against interest that remains part of the court's record pursuant to Section 74 of the Evidence Act and ***Ezechukwu v. Onwuka* (2016) 5 NWLR (Pt. 1506) 529.**

Counsel further contended that the Plaintiff cannot claim automatic succession to Acting National Chairman under Articles 22(12) and (13) of the ADC Constitution because he had already forfeited his membership by resigning, and because his former office was completely dissolved by the NEC resolution. Regarding the notice of the NEC meeting, counsel argued under ***Jegede v. INEC* (2021) 14 NWLR (Pt. 1797) 409, *Adeleke v. Oyetola* (2020) 6 NWLR (Pt. 1721) 440, and *INEC v. NNPP* (2023) 12 NWLR (Pt. 1899) 431** that Section 82(1) of the Electoral Act does not require the notice to contain the meeting's agenda, and subsidiary guidelines cannot override the clear provisions of the principal Act. Finally, counsel concluded that the Plaintiff failed to discharge the heavy burden of proof required for declaratory reliefs, and formally urged the Honourable Court to dismiss the suit in its entirety for want of jurisdiction and lack of merit.

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In the Written Address in support of the Counter-Affidavit, learned counsel to the 2nd Defendant formulated the following issues for determination:

1. *Whether the Plaintiff, having voluntarily resigned his position, retains the locus standi to institute this action.*
2. *Whether this Honourable Court has jurisdiction to entertain this suit, being one bordering on the internal affairs of a political party.*

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3. *Whether, having regard to the evidence before the Court, the Plaintiff has disclosed any reasonable cause of action.*

Arguing the issues, counsel submitted that locus standi is the gateway to judicial adjudication without which the court is robbed of jurisdiction ab initio. Citing ***Adesanya v. President FRN* (1981) 5 SC 112,** counsel noted that a plaintiff must show sufficient legal interest in the subject matter. The uncontroverted evidence shows the Plaintiff resigned by letter dated 17th May, 2025, which was accepted and communicated to INEC, completely divesting him of authority and rights. Citing ***Thomas v. Olufosoye* (1986) 1 NWLR (Pt. 18) 669 and *Uwazuruike v. Nwachukwu* (2013) 3 NWLR (Pt. 1342) 503**, counsel maintained that a party with no legal interest lacks locus standi, making the claim dead on arrival.

On justiciability, counsel argued that the suit invites the court to descend into internal party management, violating the settled principle that courts do not interfere in domestic affairs of political parties except for clear statutory or constitutional breaches. Citing ***Onuoha v. Okafor* (1983) 2 SCNLR 244, *Dalhatu v. Turaki* (2003) 15 NWLR (Pt. 843) 310, and *APC v. Lere* (2020) 1 NWLR (Pt. 1705) 254**, counsel emphasized that the composition, restructuring, and leadership decisions fall squarely within internal autonomy, and INEC's monitoring and validation further reinforces this legality.

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Regarding the cause of action, counsel stated that a cause of action requires a legal wrong and a corresponding violated right, which the

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Plaintiff failed to demonstrate, having voluntarily exited the process. Citing ***A.G. Federation v. Abubakar* (2007) 10 NWLR (Pt. 1041) 1**, counsel noted that political dissatisfaction dressed in judicial robes is speculative and an abuse of process. Furthermore, counsel argued that INEC's role in receiving notice, monitoring proceedings, issuing a report, and recognizing the outcome creates a strong presumption of regularity that the Plaintiff failed to rebut. Citing ***Ekpenyong v. Nyong* (1975) 2 SC 71**, counsel highlighted that equitable declaratory and injunctive reliefs cannot be granted based on speculation or media narratives, and that the Plaintiff failed to controvert documentary evidence (Exhibits DM1–DM7) demonstrating compliance with party and electoral laws. Counsel accordingly urged the court to dismiss the suit in its entirety for want of jurisdiction and lack of merit.

In the Written Address in support of the Counter-Affidavit, learned counsel to the 3rd Defendant formulated the following issues for determination:

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1. *Whether the Plaintiff is entitled to the reliefs sought in his Amended Originating Summons filed on 11th May, 2026.*
2. *Whether the 3rd Defendant is entitled to the reliefs sought in his counterclaim.*

Arguing the issues, counsel submitted that the 2nd, 3rd, and 5th Defendants were lawfully constituted as national officers of the 1st Defendant at the 99th NEC meeting held on 29th July, 2025, following proper 25 days' notice given to the 4th Defendant (INEC) pursuant to Section 82 of the Electoral Act, and that the 4th Defendant lawfully monitored, reported on, and

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recognized their emergence. Citing ***State v. Nggilari & Ors* (2026) LPELR-84161(SC)**, counsel emphasized that words in a statute must be given their ordinary meaning. Counsel maintained that under Article 19(14)(c), (o), (z), and (6) of the ADC Constitution 2022, the National Executive Committee (NEC) is vested with plenary power to discharge all functions of the National Convention between conventions, and its decisions are binding on all organs and members. Citing ***Obe v. Abubakar & Ors* (2023) LPELR-60408 (SC)**.

Counsel noted that INEC's monitoring reports carry significant weight in resolving electoral disputes, and under ***Wali v. Abacha & Ors* (2023) LPELR-59867(CA) and *Kabir v. INEC & Ors* (2023) LPELR-59681(CA)**, a party's duty is to notify INEC, and the validity of a meeting is not undermined if INEC chooses not to or fails to monitor. Furthermore, counsel argued that the Plaintiff lacks *locus standi* because he voluntarily resigned his position as Deputy National Chairman by letter dated 17th May, 2025 (Exhibit 'ORA 1'), six weeks before the 99th NEC meeting. Citing ***Nyame v. I.N.E.C.* (2023) 15 NWLR (Pt. 1908) 553, *U.O.O. Nig. PLC v. Okafor & Ors* (2020) LPELR-49570(SC), and *A.P.C. v. Moses* (2021) 14 NWLR (Pt. 1796) 278**, counsel asserted that members are bound by a political party's constitution, disputes over internal affairs are non-justiciable, and failure to exhaust internal dispute resolution mechanisms under Articles 21 and 22 bars relief. Additionally, citing ***Gusau v. Lawal* (2023) 10 NWLR (Pt. 1892) 297 and *Orakul Resources Ltd. v. N.C.C.* (2022) 6 NWLR (Pt. 1827) 539**, mandatory internal mechanisms must be exhausted first.

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On the counterclaim, counsel argued that the Plaintiff violated Article 7 Rule 1 of the ADC Constitution by failing to renew membership for over six months and by bringing an incompetent suit without exhausting internal remedies. Citing Sections 83(5) and 83(6) of the Electoral Act, courts are prohibited from entertaining internal party affairs, and mandated to impose costs of not less than ₦10,000,000 on both counsel and Plaintiff. Citing ***Wema Bank & Anor v. Alaran Frozen Foods Agency (Nig) Ltd & Anor* (2015) LPELR-25980 (CA)**, ***Bonum (Nig) Ltd v. Ibe & Anor* (2019) LPELR-46442(CA)**, and Order 25 Rule 1(2) of the Federal High Court Civil Procedure Rules 2019, cost follows the event to indemnify successful parties. Furthermore, citing ***Okonkwo v. Cooperative & Commerce Bank (Nig) PLC & Ors* (2003) LPELR-2484(SC)**, ***Candide-Johnson & Ors v. NPA & Ors* (2017) LPELR-45357(CA)**, ***Adeniyi v. Oroja* (2006) All FWLR (Pt. 324) 1834, and *Ituen v. Speaker, Akwa Ibom State House of Assembly & Ors* (2021) LPELR-53318 (CA)**, The Nigerian Lawyer counterclaim can be competently incorporated into a counter-affidavit in originating summons proceedings since affidavits serve as pleadings. Counsel accordingly urged the court to dismiss the Plaintiff's claims, grant the 3rd Defendant's counterclaim, and award substantial costs.

In the Written Address in support of the Counter-Affidavit, learned counsel to the 5thDefendant formulated the following issues for determination:

PRELIMINARY OBJECTION GROUNDS:

1. *Whether the subject matter of the suit falls within the jurisdiction of the Federal High Court.*

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2. *Whether the Plaintiff has the requisite locus standi to file the action.*
3. *Whether the suit was prematurely filed having failed to exhaust the 1st Defendant's internal dispute resolution mechanism.*

SUBSTANTIVE ISSUE:

Whether the Plaintiff has proved his case in a manner that will entitle him to the reliefs sought.

Arguing the preliminary objection, counsel submitted that courts are creations of statute and derive their jurisdiction strictly from enabling laws. Citing ***Madukolu v. Nkemdilim* (1962) LPELR-24023(SC)**, counsel noted that a court's competence depends on proper constitution regarding members and qualifications, subject-matter jurisdiction with no restrictive features, and initiation by process upon fulfilling all conditions precedent. Reviewing Section 251 of the 1999 Constitution (as amended) alongside ***Bank of Industry Ltd v. Obeya* (2021) LPELR-56881(SC)**, ***Bronik Motors Ltd v. Wema Bank*, and *Oil & Gas Export Free Zone Authority v. Osanakpo* (2019) 6 NWLR (Pt. 1668)**, counsel argued that the Federal High Court is a court of enumerated jurisdiction and does not possess jurisdiction over internal party leadership disputes since they are completely absent from the items listed under Section 251. Applying the maxim *expressio unius est exclusio alterius*, items not included in the statutory list are deemed excluded. Furthermore, citing *Peoples Democratic Party v. Sylva* (2012) LPELR-7814(SC), counsel emphasized that pleadings must be scrupulously examined to ensure the Federal

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Government or its agency is not merely nominal, and that the subject matter actually falls within statutory competence.

Citing ***A.P.C. v. Moses* (2021) 14 NWLR (Pt. 1796) 278**, ***Agi v. P.D.P.* (2016) LPELR-42578(SC)**, ***Maduemezia v. Uwaje* (2015) LPELR-24542(CA)**, ***Oni v. Oyebanji* (2023) LPELR-60699(SC)**, and ***Jegede v. INEC* (2021) 14 NWLR (Pt. 1797) 409**, counsel argued that political parties are voluntary organizations akin to clubs where members freely consent to be bound by their internal rules, and disputes over internal management, leadership, or who should hold office are non-justiciable "no-go areas" governed by the majority rule from *Foss v. Harbottle*.

On *locus standi* and cause of action, citing ***Egbe v. Adefarasin* (1987) 1 NWLR (Pt. 47) 1 and *Owodunni v. Registered Trustees of Celestial Church of Christ* (2000) LPELR-2852 (SC)**, counsel stated that a cause of action is the aggregate of facts establishing a right of action and requiring proper privity. Citing ***Dingyadi v. INEC* (2010) LPELR-40142(SC) and *Nwosu v. P.D.P.* (2018) LPELR-44386 (SC)**, counsel demonstrated via the Plaintiff's own exhibit (NBG) that the Plaintiff voluntarily resigned his position as a national officer, thereby lacking any legal interest or *locus standi* to institute the suit. Moreover, citing ***Aladejobi v. N.B.A.* (2013) 15 NWLR (Pt. 1376) 66 and *Awoyemi v. Fasuan* (2006) 13 NWLR (Pt. 996) 86**, counsel noted that the suit was prematurely filed in direct violation of Article 21 of the ADC Constitution, which mandates the exhaustion of internal dispute resolution mechanisms before approaching any court.

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On the substantive merits, relying on Sections 131, 132, and 133 of the Evidence Act alongside ***Neka B.B.B. Manufacturing Co. Ltd. v. A.C.B. Ltd.* (2004) FWLR (Pt. 198) 1175**, counsel maintained that the burden of proof rests on the claimant to adduce best evidence that preponderates in favor of their assertions. For declaratory reliefs, the plaintiff must succeed strictly on the strength of their own case and not on the weakness of the defense, even under implied admissions, per ***Ashakacem PLC v. A.M.I. Limited* (2019) LPELR-46541(SC)**, ***Olly v. Tunji* (2012) LPELR-7911(CA)**, **and *D.P.P. v. I.N.E.C.* (2008) 3 LRECN 14**. Counsel argued that the Plaintiff failed to prove any infraction of Section 223 of the 1999 Constitution or Section 82(3) of the Electoral Act, pointing out that Article 19(14) (sub-sections c, i, and m) and Article 24 of the ADC Constitution (Exhibit NBG 3) expressly vest the National Executive Committee (NEC) with plenary powers to discharge all functions of the National Convention between conventions, dissolve the NWC, and establish caretaker committees for up to 12 months.

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Counsel further addressed previous appellate cases cited by the Plaintiff including ***Nnaji v. Ndubuisi*, *Sikiru v. Odubiyi*, *Adejoh v. Olofu*, *PDP v. Ogundipe*, *Ugwu v. Ararume*, *Uba v. Moghalu*, and *Ladoja v. INEC*** explaining that they were adjudicated while appellate courts were exercising jurisdiction over election and pre-election matters rather than internal party leadership disputes, rendering them inapplicable under the doctrine of *stare decisis* pursuant to ***Skye Bank PLC v. Kudus* (2011) LPELR-4962 (CA)**. Finally, citing ***Senator Nenadi Usman v. Labour Party & Anor***

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(2025) 16 NWLR (Pt. 2010) 101, where claims challenging party leadership mask as constitutional infractions but remain ancillary and non-justiciable, counsel urged the court to dismiss or strike out the suit in its entirety.

By way of Reply, counsel to the Plaintiff in their written address addressed the issues and arguments raised by the 1st and 3rd Defendants. The Plaintiff asserted that he did not resign as a member of the 1st Defendant's National Working Committee (NWC), as Exhibits ADC 1 and ADC 2 (the purported notice of resignation and forwarding letter) bear a forged, very poor simulation of his signature rather than his authentic signature, which is safely preserved on affidavits executed at the Court's Registry before the Commissioner for Oaths. Counsel argued that since the challenge to the Plaintiff's locus standi rests on this criminally uttered forged document, oral evidence and pleadings must be ordered under Section 116 of the Evidence Act 2011 to resolve the irreconcilable conflict.

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Furthermore, while political parties are bound by their internal rules, they must strictly comply with external laws such as the 1999 Constitution (as amended) and the Electoral Act 2022, meaning that violations of statutory mandates (like Section 82 of the Electoral Act) transcend internal party affairs and are fully justiciable. Exhibits such as ADC 6, ADC 7, ADC 8, and the Plaintiff's Exhibits NBG-3 to NBG-8 demonstrate that the emergence of the 2nd and 3rd Defendants (Senator David Mark and Ogbeni Rauf Aregbesola) as Caretaker National Chairman and Secretary was neither preceded by nor accompanied by any

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democratic election or delegate voting, but was instead an arbitrary contraption via a Caretaker Committee contrary to Section 223(1) of the 1999 Constitution and Section 82(3) of the Electoral Act 2022.

Counsel agreed with the general principle that a plaintiff must provide cogent and compelling evidence on preliminary issues, noting that the Plaintiff successfully relied on hard documentary evidence and admissions derived from the 1st Defendant's own exhibits, supported by the principle in ***Bello v. Eweka (1981) LPELR-765 (SC)*** regarding admissions against interest. Citing authorities such as ***Anyaeche & Anor v. Nduka (2017) LPELR-42459 (CA)*** and ***Alex & Anor v. Chief of Naval Staff & Ors (2019) LPELR-46783 (CA)***, counsel stressed that courts cannot resolve crucial affidavit conflicts without taking oral evidence. A forged document is null, void, and worthless, as held in ***Odunewu v. Martins [2011] 8 NWLR (Pt. 1250) 574 at 588*** and ***Adamu v. Akogwu (2023) LPELR-59522 (CA)***, and private correspondence sent to public bodies like INEC does not enjoy the presumption of regularity under Section 168 of the Evidence Act.

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Moreover, locus standi is determined strictly from the Plaintiff's claims, and as affirmed by the Supreme Court in ***Unity Bank PLC v. Tambuwal Construction & Trading Co. Ltd. & Anor (2025) LPELR-80562 (SC)***, the Plaintiff disclosed sufficient legal interest and a justiciable cause of action regarding the truncation of his four-year tenure as Deputy National Chairman. Cases cited by the defense such as ***Jegede v. INEC and***

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Aguma v. APC are distinguishable and do not oust the court's jurisdiction over statutory infractions, as reinforced by the Supreme Court in ***APC & Ors v. INEC In re: CPC & Ors v. I.N.E.C. (2014) LPELR-24036(SC); [2015] 8 NWLR (Pt. 1462) 531***.

Citing the landmark decisions in *Hon. Austin Nwachukwu & Ors v. INEC & Ors (Unreported, delivered 31st October, 2025)*, the Court of Appeal ruling in *PDP & 2 Ors v. Hon. Austine Nwachukwu & 8 Ors (Appeal No. CA/ABJ/1613/2025, delivered March 9, 2026)*, and the Supreme Court pronouncements per J.Y. Tukur, JSC in *Hon. Joshua M. Ishaku v. All Progressive Congress & 2 Ors (Appeal No. SC/CV/35/25, delivered February 16, 2026)*, counsel emphasized that once a complaint is anchored on statutory infractions of the Electoral Act and the Constitution, the shield of internal affairs falls away and the Federal High Court possesses exclusive jurisdiction under Section 251(1) of the 1999 Constitution. Further relying on ***PDP & Ors v. Ogundipe & Ors (2018) LPELR-43887(CA)***, ***Ameachi v. INEC (2008) 5 NWLR (Pt. 1080) 227***, and the classic exposition of ***Ugwu & Anor v. Ararume & Anor (2007) LPELR-24345 (SC)*** by Niki Tobi, JSC and Muhammad, JSC regarding the mandatory nature of statutory provisions and the non-applicability of ouster doctrines, counsel argued that political party constitutions and caretaker committees cannot override the mandatory democratic election requirements enacted by the National Assembly.

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Counsel submitted that Section 223(1)(a) of the 1999 Constitution and Section 82(3) of the Electoral Act 2022 mandate that the formation of any governing body or filling of vacancies must be conducted through an election on a democratic basis allowing all members or duly elected delegates to vote. Citing ***Co-operative & Commerce Bank (Nig.) PLC v. AG Anambra State & Anor (1992) LPELR-875(SC)*** and ***Ndifon v. C.O.P. (2022) LPELR-58843 (SC)***, where a statute provides a specific method for performing a duty, that method and no other must be employed, rendering any alternative method null and void. The 1st Defendant's reliance on Article 19(14)(x) of its party constitution to arbitrarily set up a Caretaker Committee without elections is inconsistent with the Constitution and the Electoral Act, and thus illegal. Exhibits such as NBG-5 (draft agenda) and NBG-8 (meeting report) establish that no election, voting, or delegate participation took place at the 99th NEC meeting on 29th July, 2025; it merely rubber-stamped an unconstitutional caretaker arrangement previously put together by the NWC.

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Counsel maintained that under Section 82(2) of the Electoral Act 2022, INEC's statutory attendance is restricted to conventions, congresses, or meetings convened for electing executive committees, nominating candidates, or approving mergers. Because the 99th NEC meeting was not convened for an election, the meeting and its resolutions were a nullity *ab initio*. Furthermore, references by the 1st Defendant to a previously withdrawn and struck-out affidavit to show cause by INEC are legally incompetent and inadmissible, as supported by ***Nigeria***

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Reinsurance Corporation v. Alsagar National Insurance Co (2021) LPELR-53304(CA), Yarima v. Balami & Ors (2022) LPELR-72791(CA), and Royal Salt (Nig.) Ltd v. Fasheun (2025) LPELR-80645 (CA), which hold that struck-out court processes are treated as if they were never filed. Counsel concluded by urging the Honourable Court to resolve all issues in favor of the Plaintiff, declare the actions of the 2nd and 3rd Defendants null and void, and grant all reliefs sought in the Amended Originating Summons.

RESOLUTION ON THE MERIT OF THE CASE

I have carefully considered the Amended Originating Summons, the affidavits and documentary exhibits filed by the parties, together with the written addresses of learned counsel. The central questions arising for determination on the merits are whether the purported resignation of the Plaintiff, relied upon by the Defendants, has been established; whether the 99th National Executive Committee (NEC) meeting of the 1st Defendant held on 29th July 2025 lawfully dissolved the existing National Working Committee (NWC) and constituted the 2nd and 3rd Defendants as national officers; and whether the 4th Defendant acted in accordance with its constitutional and statutory obligations in monitoring and recognizing the outcome of that meeting.

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The Plaintiff's case is that he was elected Deputy National Chairman of the 1st Defendant on 12th October 2022 for a four-year tenure, and that he did not resign from that office. He contends that the 2nd and 3rd Defendants and other persons were appointed or ratified as national

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officers without a democratic election, contrary to section 223(1)(a) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), and section 82(3) of the Electoral Act, 2022. The Defendants, on the other hand, maintain that the Plaintiff resigned by a letter dated 17th May 2025, marked Exhibit ADC 1, and that the NEC acted within its powers under Article 19(14) of the Constitution of the 1st Defendant when it dissolved the existing NWC and constituted the new leadership at the 99th NEC meeting. They further rely on the notice given to INEC and the Commission's monitoring report, Exhibits ADC 7 and ADC 8.

I shall first consider the alleged resignation because it forms a substantial part of the Defendants' contention that the Plaintiff had relinquished his office before the events complained of. The Plaintiff denies the signature appearing on Exhibit ADC 1 and the forwarding letter, Exhibit ADC 2, and maintains that they do not bear his authentic signature. The 1st Defendant argues that the certified copy of the resignation letter is documentary evidence which ought to be preferred to the Plaintiff's denial.

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The fact that a document is certified, however, does not, by that fact alone, settle a genuine dispute as to whether the person named in it actually signed it. Certification may establish the status of the copy as a true copy of the document in the custody of the certifying authority; it does not necessarily establish the authenticity of the disputed signature. The Court must therefore consider the document alongside the other relevant evidence.

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In ***Ishaq & Anor v. INEC & Ors* (2008) LPELR-4336 (CA),** the Court of Appeal affirmed the power of a trial Court to compare a disputed signature or handwriting with a signature or handwriting admitted or otherwise established to be that of the person concerned. The same principle was reiterated in ***Momah & Anor v. Egwuawa* (2022) LPELR-59819(CA)**, where the Court upheld the comparison of signatures appearing on documentary exhibits. This is what the court held in Momah's case:

> *"The Appellants argued that the trial Court was not entitled to compare signatures on documents already admitted as exhibits. This is not the law. It is trite that a Court is entitled to scrutinize documents and processes before it in arriving at a just determination of any matter before it. In the instant case, the trial Court acted within the law when it compared the signatures of PW3 in Exhibit N with his signatures in Exhibits S and X respectively."* TheNigeriaLawyer

Furthermore, in ***Mobil Producing (Nig.) Unltd v. Hope* (2016) LPELR-41191 (CA)**, the Court of Appeal, relying on the Supreme Court decision in ***Adenle v. Olude* (2002) 18 NWLR (Pt. 799) 413**, emphasized the duty of the Court to undertake the necessary comparison of disputed and admitted signatures before reaching a reasonable conclusion. This is the position of the court:

> *"By the authoritative decision of the Apex Court in ADENLE v. OLUDE (supra) vis-a-vis the provisions of Section 101 of the Evidence Act (supra), the Court below and indeed any trial*

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Court for that matter, has a duty to take the initiative of making the necessary comparison of signatures in documentary exhibits before it before coming to a reasonable conclusion in the matter."

It follows that this Court is not bound to accept the disputed signature merely because it appears on a certified copy, nor is expert evidence invariably indispensable before the Court can consider the question of authenticity. The Court may compare the signature on Exhibit ADC 1 with signatures satisfactorily established to be those of the Plaintiff, including the relevant documents executed by him before the Commissioner for Oaths, where such documents form part of the evidence before it. The comparison must, however, be considered together with the surrounding documentary and affidavit evidence.

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I am mindful that an allegation of forgery is serious and that the burden and standard of proof applicable to such an allegation must be observed. The Court must not declare the signature forged merely because the Plaintiff denies it; neither should it conclude that the Plaintiff resigned merely because the Defendants tendered the letter. The question is whether, upon considering the available specimens, the circumstances surrounding the alleged resignation, and the totality of the evidence, the alleged resignation has been established to the standard required by law. In the absence of a satisfactory evidential basis for treating Exhibit ADC 1 as the Plaintiff's act, it cannot safely be relied upon

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as conclusive proof that he voluntarily relinquished his office. I therefore reject the proposition that the mere production or certification of Exhibit ADC 1, without resolving the genuine dispute as to its authorship, conclusively determines the question of resignation.

Applying the foregoing principles which give this Court the power to compare signatures to the evidence before the Court, I have carefully examined and compared the signature appearing on exhibit ADC 1, which is alleged to be the Plaintiff's resignation letter, with the signatures appearing on the documents executed by the Plaintiff before the Commissioner for Oaths and other documents in the record whose execution by the Plaintiff is not in dispute. Upon such examination and comparison, I observe that the signatures are clearly different in their structure, style, formation and general manner of execution. The differences are sufficiently noticeable as to demonstrate that the signatures do not appear to be one and the same. This observation is not based merely on the Plaintiff's denial but on the Court's independent examination of the signatures appearing on the respective documents. I have also considered the comparison alongside the circumstances surrounding the alleged resignation, the contents of Exhibit ADC 2, and the Plaintiff's categorical denial of the signatures appearing on both documents. Consequently, the alleged resignation letter, that is, Exhibit ADC 1, is fictitious or fabricated. I so hold.

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I now turn to the constitution of the new leadership of the 1st Defendant. Section 223(1)(a) of the Constitution requires the constitution and rules of a political party to provide for the periodical election on a democratic basis of its principal officers and members of its executive committee or other governing body. Section 228(a) empowers the National Assembly to make laws prescribing guidelines and rules to ensure internal democracy within political parties. In furtherance of that constitutional framework, section 82(1) of the Electoral Act, 2022 requires a registered political party to give INEC at least 21 days' notice of a convention, congress, conference or meeting convened for, among other things, electing members of its executive committee or other governing body. Section 82(3) further requires such elections to be conducted democratically, allowing all members or duly elected delegates to vote for the candidate of their choice. Section 82(5) prescribes invalidity where the notice required by subsection (1) has not been given.

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The provisions must be read together. The requirement to notify INEC and the requirement of democratic election are related but distinct obligations. Evidence that INEC received 25 days' notice and monitored the 99th NEC meeting may be relevant to compliance with the notice requirement; it does not, without more, establish that the officers who emerged were democratically elected. Equally, the fact that INEC monitored the meeting and subsequently recognized the outcome cannot by itself validate a process that is otherwise inconsistent with a mandatory constitutional or statutory requirement.

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I accept that political parties possess autonomy to regulate their internal affairs under their constitutions. Article 19(14) of the ADC Constitution, as relied upon by the Defendants, is relevant to the powers of the NEC between national conventions, including its powers concerning the NWC and the organization of party administration. Nevertheless, the exercise of those powers remains subject to the Constitution and applicable legislation. A party constitution cannot be interpreted or applied so as to displace the mandatory requirement of democratic elections imposed by section 223(1)(a) of the Constitution and section 82(3) of the Electoral Act, where the relevant statutory conditions apply.

The material question is therefore not simply whether the NEC had power to convene, deliberate or take administrative decisions. It is whether the particular process by which the 2nd and 3rd Defendants emerged complied with the applicable legal requirements. The Plaintiff relies on Exhibits NBG-4, NBG-5, NBG-6, NBG-7 and NBG-8 to contend that no democratic election or voting by members or duly elected delegates took place at the 99th NEC meeting. The Defendants rely on Exhibits ADC 6 and ADC 8, among other documents, to establish notice, monitoring and the decisions taken at the meeting.

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Having considered the competing positions, I find that the fact of notice to and monitoring by INEC cannot substitute for proof of democratic election where the law requires such an election. If, as the Plaintiff contends and the relevant documentary evidence establishes, the 2nd

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and 3rd Defendants emerged through appointment or ratification without the prescribed democratic process, the action cannot be sustained merely on the basis of the NEC's general powers under the party constitution. The constitutional and statutory requirements must prevail over any inconsistent internal arrangement. Paragraph F15(c) of Part I of the Third Schedule to the Constitution, which empowers INEC to monitor the organization and operation of political parties, including conventions, congresses and primaries, must also be understood within this legal framework. Monitoring is an important regulatory function, but it does not confer power to dispense with a mandatory legal requirement.

I must, however, distinguish the invalidity of a process from the Plaintiff's claim to automatic succession. The Plaintiff's assertion that he was the only elected NWC member who had not resigned may entitle him to have unrestricted right to superintend the affairs of the 1st Defendant. The validity of the challenged process and the Plaintiff's entitlement to a particular office are related but separate questions. Any relief declaring him entitled to act as a national officer must be supported by the applicable constitutional provisions and evidence, and subject to the internal working arrangements and decisions of the 1st Defendant and the provisions of applicable laws.

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I have also considered the contention that the matters in dispute concern the internal affairs of a political party. While courts are generally cautious not to interfere in purely internal political-party matters, that principle does not permit a political party to act contrary to the Constitution or a

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statute as noted earlier. Where the complaint raises a justiciable question concerning compliance with an express constitutional or statutory obligation, the Court must determine that question by reference to the applicable law and the evidence before it.

In the instant case, the Plaintiff has specifically challenged the emergence of the 2nd and 3rd Defendants on the ground that they were appointed or ratified at the 99th NEC meeting held on 29th July 2025 without a democratic election. The Plaintiff relies, among other documents, on Exhibits NBG-5 and NBG-8 in support of his contention that the process did not involve an election or voting by members or duly elected delegates. The Defendants, for their part, rely substantially on the powers of the NEC under the 1st Defendant's constitution, the notice allegedly given to INEC and the fact that the Commission monitored the meeting and subsequently the resulting outcome.

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Having considered the respective positions of the parties and the documentary evidence placed before this Court, there is no evidence before the Court establishing that the emergence of the 2nd and 3rd Defendants was preceded by, or resulted from, a democratic election conducted in accordance with section 82(3) of the Electoral Act, 2022. There is no satisfactory evidence demonstrating that the relevant members or duly elected delegates were afforded the opportunity to participate in an election and vote for candidates of their choice. In the absence of such evidence, the Court cannot presume compliance with

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a mandatory statutory requirement merely because the NEC held a meeting and adopted resolutions concerning the leadership of the party. The fact that INEC received notice of the meeting and monitored its proceedings does not fill this evidential gap. Notice to the Commission and democratic election are separate requirements, and proof of the former is not proof of the latter.

I am therefore unable to accept the contention that the general powers of the NEC under Article 19(14) of the 1st Defendant's constitution were sufficient, without more, to validate the emergence of the 2nd and 3rd Defendants. The exercise of internal party powers must conform to the superior requirements of the Constitution and applicable legislation. Where the law prescribes a democratic process for the election of members of a political party's executive or governing body, an appointment or ratification unsupported by evidence of that process cannot be treated as its legal equivalent. To hold otherwise would permit an internal party arrangement to override an express statutory obligation and render the democratic safeguards enacted by the legislature ineffective. For context, a democratic process refers to a procedure by which party officers are chosen through a genuine, participatory and constitutionally compliant election, in which eligible party members or duly elected delegates are given the opportunity to vote for candidates of their choice.

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Furthermore, the subsequent recognition of the 2nd and 3rd Defendants by INEC cannot, in itself, cure the failure to establish compliance with the law. INEC's constitutional and statutory function of monitoring political parties is regulatory in nature. Its attendance at a meeting and its report on the proceedings may be relevant evidence of what transpired, but recognition by the Commission cannot confer validity on an arrangement that has not been shown to satisfy the applicable legal requirements. The legality of the process must be determined by the Court in accordance with the governing law and the evidence before it, and not solely by reference to the administrative recognition accorded to its outcome.

Before I conclude on this issue, I have carefully compared the signature appearing on Exhibit ADC 1, purportedly the Plaintiff's resignation letter, with the signatures appearing on the various witness statements on oath deposed to by the Plaintiff in this suit. Upon a close examination and comparison of these signatures in line with the decisions of the courts earlier provided, I find that they are materially different and cannot reasonably be regarded as one and the same signature. This comparison is particularly relevant because the witness statements on oath of the Plaintiff provide signatures against which the disputed signature may be assessed. Although Exhibit ADC 1 was tendered by the Defendants as documentary evidence of the Plaintiff's alleged resignation, its production and certification do not, in themselves, resolve the question of whether the Plaintiff actually authored or signed it.

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In the circumstances, and having considered the disputed document alongside the signatures on the Plaintiff's witness statements on oath, I am not satisfied that Exhibit ADC 1 represents the genuine act of the Plaintiff. I therefore reject it as reliable proof that the Plaintiff voluntarily resigned from his position as Deputy National Chairman of the 1st Defendant. Accordingly, Exhibit ADC 1 is hereby held not to constitute a valid or established resignation letter of the Plaintiff, and the Defendants cannot rely on it to establish that he relinquished his office before the events giving rise to this suit. I so hold.

Consequently, I find that the emergence of the 2nd and 3rd Defendants as national officers of the 1st Defendant at the 99th NEC meeting of 29th July 2025 has not been shown to satisfy the mandatory requirement of democratic election under section 82(3) of the Electoral Act, 2022. The decisions and acts founded upon that process, insofar as they depend upon the validity of their emergence as officers, cannot be sustained merely on the strength of the NEC's general powers or INEC's subsequent recognition. The Plaintiff's challenge therefore succeeds on this substantive point. I so hold.

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Finally, I have considered the 3rd Defendant's counterclaim, including the contention that the Plaintiff failed to renew his party membership and did not exhaust internal dispute-resolution mechanisms, as well as the claim for costs. The counterclaim must stand on the evidence and legal grounds advanced in its support. The assertion that the Plaintiff failed to comply with internal party requirements which I have earlier deposed off

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in this judgment, without adequate proof and consideration of the legal effect of those requirements, establish an independent entitlement to the declaratory reliefs sought. Nor does the mere failure of a party's claim automatically entitle a counterclaimant to all the reliefs claimed. In the circumstances of this case, I am not satisfied that the 3rd Defendant has established a sufficient basis for the substantive declaratory reliefs sought by way of counterclaim.

For these reasons, I resolve the substantive questions in favour of the Plaintiff to the extent that the constitution of party leadership remains subject to the mandatory requirements of the Constitution and the Electoral Act, and that INEC's monitoring or recognition cannot cure a demonstrated failure to comply with those requirements. Accordingly, this Court holds as follows:

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1. A Declaration is hereby made that by virtue of the mandatory provisions of Sections 82(1), (3), and (5) of the Electoral Act 2022, read along with Sections 223(1)(a) and 228(a) and (b) of the Constitution of the Federal Republic Of Nigeria 1999 As Amended, and Paragraphs 14, 16, and other paragraphs of the Regulations and Guidelines for Political Parties, 2022, the 4th defendant [INEC] has a duty to ensure that the 1st defendant complies with the aforementioned provisions of the Electoral act 2022 and the 1999 Constitution, as amended, in respect of any meeting, convention, or congress to constitute its executive committee or any other governing body.

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2. A Declaration is hereby made that upon a proper interpretation of Paragraph f15(c) of part 1 of the Third Schedule of the Constitution of the Federal Republic Of Nigeria 1999 (as amended) Sections 223(1)(a) and 228(a)&(b) of the Constitution of the Federal Republic of Nigeria 1999 (As Amended), Sections 82(1)(3) and (5) of the Electoral Act 2022, and Paragraphs 14 and 16 of the Regulations and Guidelines for Political Parties, 2022, the 4th defendant is not entitled to validate any meeting of the 1st defendant or to acknowledge, accept, or give effect to the outcome of any meeting of the 1st defendant, including the 99th NEC meeting held on 29th July 2025, which was not held in accordance with the aforementioned provisions of the Electoral Act 2022 and the Constitution of the Federal Republic of Nigeria 1999.

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3. A Declaration is hereby made that the 4th defendant's attendance at the 1st defendant's 99th NEC meeting on July 29, 2025; the 4th defendant's issuance of an INEC report; and the 4th defendant's recognition of the 2nd and 3rd defendants [and all other persons they represent] as members of the 1st defendant's national working committee (NWC) are wrongful, null, void ab initio, and of no effect whatsoever, because no requisite notice was given and no election took place at the meeting, as mandated by sections 82(1), (3), and (5) of the Electoral Act 2022, read with Sections 223(1) and 228(a) of the Constitution of the Federal Republic of Nigeria, 1999 As Amended.

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4. A Declaration is hereby made that all actions, decisions, and steps taken by the 2nd and 3rd defendants [and other members of the NWC they represent] as national officers of the 1st defendant, from July 29, 2025 the date of their unlawful and illegal emergence as such officers, are null, void, and without effect.

5. A Declaration is hereby made that, by the combined and proper interpretation of Sections 223(i) (a) and 228(a) of the Constitution of the Federal Republic of Nigeria, 1999 (As Amended), section 82(3) of the Electoral Act 2022, and Paragraphs 14 and 16 of the Regulations and Guidelines for Political Parties, 2022, the 4th defendant is bound to recognize the plaintiff as the only elected member of the 1st defendant's national working committee NWC] whose four-year tenure remains in effect and who is legally entitled to supervise the 1st defendant's affairs.

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6. An Order is hereby made setting aside all decisions and resolutions of the 99th NEC meeting of the 1st defendant, held in 29th July, 2025 by which the 2nd and 3rd defendants and other members of the NWC they represent became members of the national working committee of the 1st defendant, being contrary to Sections 82(1) and 82(3) of the Electoral Act 2022, read along with Sections 223(1) and 228(a) and (b) of the Constitution of the Federal Republic of Nigeria, 1999, As Amended.

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7. An Order of perpetual injunction is hereby made restraining the 4th defendant from recognizing or dealing with the 2nd and 3rd defendants, and other members of the NWC they represent as officers or members of the 1st defendant's national working committee, national executive committee, or any governing committee of the 1st defendant.

8. An Order of perpetual injunction is hereby made restraining the 2nd and 3rd Defendants and other members of the NWC they represent from acting or parading themselves as officers of the 1st Defendant or as members of the 1st Defendant's national working committee, national executive committee, or any governing committee of the 1st Defendant.

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9. The Counterclaim of the 3rd Defendant fails in its entirety.

10. Since all parties are members of the same political family, I make no order as to cost.

This is the Judgment of the Court.



HON. JUSTICE PETER O. LIFU (JP)
JUDGE
05/11/2026.

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APPEARANCES:-

Robert Emukpoeruo, SAN, L. O. Fagbemi, SAN, Luka Musa Haruna, SAN with Michael Agber Esq., K. O. Ajana Esq., U. I. Mustapha Esq., K. A. Imafidon Esq., Soliat Disu Esq., S. D. Shut Esq., D. O. Adedoyin Esq., A. Olaninoye Esq., W. G. Adekoye Esq., Usman Lanase Esq. and A. Mikailu Esq. for the Plaintiff.

S. E. Aruwa, SAN with O. A. Olawuyi Esq. with S. A. Sambo Esq. and Dare Oketade Esq. for the 1st Defendant.

Dr. Suleiman Usman, SAN with C. Okpanachi Esq., Sadiq David Esq., Wuraola Oyewole Esq. and W. B. Oyewole for the 2nd Defendant.

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M. E. Sheriff Esq. with A. I. Garuba Esq. and B. E. Ekong Esq. for the 3rd Defendant.

Hassan Aminu Adamu Bello Esq. for the 4th Defendant.

Edun Kehinde Esq. for the 5th Defendant.

Ali C. Orji Esq., for the party seeking to be joined.

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