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

**APPEAL NO: CA/ABJ/CS/1254/2026**
**SUIT NO: FHC/ABJ/CS/1819/2025**

**BETWEEN:**

AFRICAN DEMOCRATIC CONGESS (ADC) .....**APPELLANT**

**AND**

1. HON. NAFIU BALA GOMBE
2. SENATOR DAVID MARK
3. OGBENI RAUF AREGBESOLA
   *(2nd and 3rd Defendants sued for themselves and on behalf of persons who purportedly became members of the National Working Committee of the ADC at the July 2025 99th NEC meeting)*

.....**RESPONDENTS**

4. INDEPENDENT NATION AL ELECTORAL COMMISSION.
5. CHIEF RALPH NWOSU

FEDERAL HIGH COURT ABUJA
16 NOV 2026
PAID
CASHIER:.....
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**NOTICE OF APPEAL**

**ORDER 7 RULE 2 OF THE COURT OF APPEAL RULES 2021.**

**TAKE NOTICE** that the Appellant herein being dissatisfied with the judgment of the Federal High Court, Abuja Judicial Division, delivered on the 5th day of November 2026, **in Suit No: FHC/ABJ/CS/1819/2025, Hon. Nafiu Bala Gombe Vs African Democratic Congress (ADC) and 4 Ors** by Hon. Justice Peter O. Lifu, do hereby appeal to the Court of Appeal upon the grounds set out in paragraph 3 and will, at the hearing of the appeal, seek the reliefs set out in paragraph 4. **And the Appellant further states** that the names and addresses of the persons directly affected by the appeal are those set out in paragraph 5.

2. **PART OF THE DECISION COMPLAINED OF:**

**The whole judgment of the trial Court granting reliefs 1-8 in favour of the 1st Respondent based on the amended originating summons filed on the 11th day of May 2026 against the Appellant and the dismissal ofl the grounds of the preliminary objections challenging the competence and jurisdiction of the trial court to hear and determine the case of the 1st Respondent**

3. **GROUNDS OF APPEAL**

**GROUND ONE**

1. The learned trial Judge erred in law and acted without jurisdiction when his Lordship entertained and determined the 1st Respondent's claims on the basis of the Amended Originating Summons dated and filed on the 11th of May 2026, notwithstanding that the amendment occasioned a unilateral and fundamental alteration of the originating process by changing the capacity in which the 2nd and 3rd Respondents were originally sued, without any specific application seeking such alteration or an order of Court granting same, thereby purporting to extend the proceedings to persons who allegedly became members of the National Working Committee of the Appellant at the 99th NEC meeting of July 2025, and thereby occasioning a miscarriage of justice.

**PARTICULARS OF ERROR**

a. The Originating Summons filed on the 2nd of September 2025 instituted the action against the 2nd and 3rd Respondents in their personal capacities and did not sue them as suing for themselves or in any representative capacity on behalf of any other persons.
b. By the Amended Originating Summons dated and filed on the 11th of May 2026, the 1st Respondent altered the capacity in which the 2nd and 3rd Respondents were sued as suing for themselves and on behalf of persons who purportedly became members of the National Working Committee of the Appellant at the 99th NEC meeting of July 2025.
c. The amendment was not a mere correction of names or description of parties but a fundamental alteration of the capacity in which the 2nd and 3rd Respondents instituted the

action and an enlargement of the proceedings to accommodate the purported interests of other persons who were not originally parties to the action in that capacity.

d. The 1st Respondent did not specifically seek an order of Court authorising the 2nd and 3rd Respondents to institute or maintain the action for themselves and on behalf of the said persons.

e. The order of the Court granting leave to amend did not specifically authorise the alteration of the capacity in which the 2nd and 3rd Respondents were originally sued or the introduction of the purported representative action.

f. The learned trial Judge failed to consider the principle enunciated in **In Re: Apeh v. PDP (2017) 11 NWLR (Pt. 1576) 252 at 293** and **Ajose-Adeogun v. Olojede (2024) 13 NWLR (Pt. 1956) 537 at pp. 560–561, paras. D–A**, that parties are not permitted to unilaterally alter the case as constituted and that the names of parties in an action must be maintained except as may otherwise be ordered by a Court of law.

g. The learned trial Judge consequently relied on an incompetent Amended Originating Summons which introduced a representative capacity that was not part of the original action and which was not authorised by the order granting leave to amend.

h. The learned trial Judge thereby permitted a fundamental alteration of the constitution of the parties and character of the proceedings and proceeded to determine the 1st Respondent's claims and grant reliefs 1–8 on the basis of the said incompetent Amended Originating Summons, thereby occasioning a miscarriage of justice.

i. The learned trial Judge failed to consider the effect of the commencement of the Electoral Act, 2026 on the Amended Originating Summons filed on the 11th of May, 2026, particularly the restriction imposed by section 83(5) thereof on the jurisdiction of courts over matters pertaining to the internal affairs of a political party.

j. The learned trial Judge failed to examine the original and Amended Originating Summons side by side to determine whether the amendment merely clarified or particularised the original cause of action or materially altered the nature of the proceedings after the

commencement of the Electoral Act 2026, having regard to the applicable repeal and saving provisions and section 6 of the Interpretation Act.

k. The learned trial Judge thereby failed to determine whether the claims, as constituted in the Amended Originating Summons, disclosed an enforceable statutory right or, in substance, sought judicial intervention in the internal leadership, administration and affairs of the African Democratic Congress, contrary to section 83(5) of the Electoral Act, 2026.

**GROUND TWO**

2. The learned trial Judge erred in law and acted without jurisdiction when his lordship dismissed the Notice of Preliminary Objection of the Appellant and proceeded to hear and determine the 1st Respondent's Amended Originating Summons and grant reliefs 1–8 therein, notwithstanding that the substance of the 1st Respondent's claims concerned the internal leadership, administration and governance of the Appellant, which dispute was essentially an intra-party dispute and not an independent statutory cause of action within the jurisdiction of the trial Court.

**PARTICULARS OF ERROR**

a. From the claims of the 1st Respondent and the Counter-Affidavits and other processes filed by the Appellant and the other parties before the trial Court, the real issue before the trial Court concerned the internal affairs and leadership of the Appellant.

b. The dispute arose principally from decisions taken at the 99th National Executive Committee meeting of the Appellant held on the 29th of July 2025, particularly the dissolution of the existing National Working Committee, the constitution of a new leadership structure and the emergence of the 2nd and 3rd Respondents as national officers of the party.

c. The 1st Respondent's complaints substantially concerned the exercise of powers by the National Executive Committee of the Appellant, the validity of its internal decisions and resolutions, and the constitution and composition of its National Working Committee.

d. The 1st Respondent further sought declarations recognising him as the only elected member of the National Working Committee whose tenure remained subsisting and as the person legally entitled to supervise the affairs of the Appellant, thereby inviting the Court to determine questions relating directly to the internal leadership and administration of the party.

e. The 1st Respondent also sought orders setting aside the decisions and resolutions of the 99th National Executive Committee meeting and restraining the 2nd and 3rd Respondents and other members of the National Working Committee from acting or holding themselves out as officers of the Appellant.

f. The principal controversy submitted for determination was therefore the validity of the internal leadership arrangements and decisions of the Appellant, rather than an independent claim founded upon the breach of a specific statutory obligation owed by INEC to the 1st Respondent.

g. The mere invocation of Sections 223(1)(a) and 228(a) and (b) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), Section 82 of the Electoral Act, 2022, and the Regulations and Guidelines for Political Parties 2022, did not, without more, transform the essentially intra-party dispute into an independent statutory cause of action or automatically render every question arising from the internal administration and leadership of the Appellant justiciable.

h. The joinder of the 4th Respondent, INEC, and the allegation that it failed to discharge its monitoring responsibilities did not alter the essential character of the dispute, which remained a challenge to the internal decisions, leadership structure and administration of the Appellant.

i. The learned trial Judge failed to appreciate the distinction between the statutory responsibility of INEC to monitor political parties in accordance with the law and the judicial determination of disputes concerning the exercise of internal administrative and leadership powers by the organs of a political party.

j. The learned trial Judge thereby allowed the 1st Respondent to clothe an essentially intra-party leadership dispute with constitutional and statutory terminology in order to invite judicial intervention in matters substantially concerning the internal affairs of the Appellant.

k. The Supreme Court decided in **Aguma vs. APC (2021) 14 NWLR (Pt. 1796) 351; (2021) LPELR-55927(SC),** that alleging a breach of the party's constitution did not, by itself, confer standing to challenge an internal leadership decision.

l. The learned trial Judge consequently assumed jurisdiction to determine a dispute which was not justiciable in the manner presented by the 1st Respondent, contrary to the Supreme Court decisions in **Anyanwu vs. Emmanuel & ors (2025) LPELR-80882(SC) at Pp. 44 paras. D**; **Oni vs. Oyebanji (2023) 13 NWLR (Pt. 1902) 507 at P. 546, paras. B-C,** thereby occasioning a miscarriage of justice.

**GROUND THREE**

3. The learned trial Judge erred in law and acted without jurisdiction when his lordship entertained and determined the 1st Respondent's suit notwithstanding that the same subject matter concerning the leadership and administration of the Appellant and the validity of the 99th NEC meeting held on 29th July 2025 had been previously and finally adjudicated upon by the Federal High Court in **Suit No. FHC/ABJ/CS/1637/2025: Hon. Leke Joseph Abejide vs. The African Democratic Congress (ADC) & 4 Ors,** in the judgment delivered by Hon. Justice M. S. Liman on the 2nd day of July 2026, which judgment remained subsisting and binding, thereby rendering the subsequent proceedings res judicata, an abuse of Court process and incompetent.

**PARTICULARS OF ERROR**

a. The Federal High Court, presided over by **Hon. Justice M. S. Liman**, delivered an earlier judgment on the 2nd of July 2026 in **Suit No. FHC/ABJ/CS/1637/2025**, concerning the dispute relating to the leadership and administration of the Appellant.

b. The Plaintiff in the earlier suit, Hon. Leke Joseph Abejide, was a member of the National Executive Committee of the Appellant.

c. The parties in the earlier suit, except the 1st Respondent herein, were the same as the parties in the instant suit.

d. The subject matter in the earlier suit included the validity of the Appellant's NEC meeting of the 29th of July 2025, which dissolved and reconstituted a new leadership structure involving the 2nd and 3rd Respondents.

e. The earlier suit was dismissed by the trial Court for lacking merit and for want of jurisdiction.

f. The judgment in the earlier suit determined issues relating to the legality, lawfulness and scope of the authority and powers exercised by the Appellant in respect of its leadership arrangements.

g. The attention of the learned trial Judge, Hon. Justice Peter O. Lifu, was drawn to the subsisting judgment of Hon. Justice M. S. Liman, via a motion on notice filed on 2nd of October 2026, but his Lordship failed to give due consideration to its legal effect.

h. The judgment of Hon. Justice M. S. Liman delivered on the 2nd of July 2026 remained subsisting and binding and had not been set aside.

i. The learned trial Judge failed to consider whether the earlier judgment operated as res judicata or issue estoppel in respect of the issues submitted for determination in the instant suit.

j. The learned trial Judge, being a Court of coordinate jurisdiction, could not exercise appellate jurisdiction over or sit on appeal against the subsisting judgment of the Federal High Court delivered by Hon. Justice M. S. Liman.

k. The subsequent suit constituted an abuse of Court process to the extent that it sought to relitigate issues already determined by a Court of competent jurisdiction.

1. The learned trial Judge thereby proceeded to determine the claims of the 1st Respondent without resolving the legal effect of the earlier judgment, thereby occasioning a miscarriage of justice.

**GROUND FOUR**

4. The learned trial Judge erred in law and acted without jurisdiction when his lordship held that the 1st Respondent had the requisite locus standi to institute the suit and challenge the leadership arrangements of the Appellant, notwithstanding the evidence before the Court that the 1st Respondent had resigned from his position as Deputy National Chairman and membership of the Appellant by a letter dated the 17th of May 2025, expressed to take effect from the 26th of May 2025, and had failed to establish any subsisting legal interest entitling him to the reliefs claimed.

**PARTICULARS OF ERROR**

a. The Appellant's case before the trial Court was that the 1st Respondent resigned from his position as Deputy National Chairman and membership of the Appellant by a letter dated the 17th of May 2025, expressed to take effect from the 26th of May 2025.
b. **Exhibit ADC1**, a Certified True Copy of the 1st Respondent's resignation letter, was before the trial Court, while **Exhibit ADC2** was the Certified True Copy of the Notification of the 1st Respondent's resignation obtained from the 4th Respondent.
c. The alleged resignation took place before the events of July 2025 and more than two months before the 99th NEC meeting held on 29th July 2025.
d. The Appellant also relied on evidence that the office of the 1st Respondent was dissolved by a resolution of the National Executive Committee.
e. The learned trial Judge failed to properly consider the legal effect of the alleged resignation and the evidence relating to the dissolution of the office occupied by the 1st Respondent in determining whether he retained any subsisting legal interest in the subject matter of the suit.

f. The 1st Respondent did not establish any subsisting personal right or legally cognisable interest entitling him to challenge the subsequent internal executive arrangements of the Appellant.

g. The 1st Respondent's alleged former membership or office in the Appellant did not, without proof of a subsisting legal interest, confer upon him an unrestricted right to seek the nullification of the leadership and administrative arrangements of the entire party.

h. The 1st Respondent failed to establish that his personal interest, if any, entitled him to the broad reliefs seeking to invalidate the emergence and participation of the 2nd and 3rd Respondents and other members of the National Working Committee.

i. The learned trial Judge consequently erred in holding that the 1st Respondent had the requisite locus standi to institute and maintain the action.

j. Even if the 1st Respondent was the Deputy National Chairman of the Appellant, he did not prove his right to the chairmanship of the Appellant, far above others, to have locus standi to sue.

k. The Electoral Act 2022 did not confer locus standi upon the 1st Respondent merely by virtue of his membership or office in the political party to seek judicial enforcement of its constitution concerning an internal leadership dispute.

**GROUND FIVE**

5. The learned trial Judge erred in law when his lordship held that Exhibit ADC1, being the resignation letter of the 1st Respondent dated the 17th day of May 2025, was fictitious or fabricated, principally on the basis of visual comparison of the signature appearing on the document with signatures appearing on other documents subsequently executed in the course of the proceedings, without sufficiently establishing the evidential foundation for such a conclusion and without properly distinguishing between the failure to establish the 1st Respondent's execution of the document and proof that the document was forged or fabricated, and this occasioned a miscarriage of justice.

**PARTICULARS OF ERROR**

a. The Appellant relied on Exhibit ADC1 to establish that the 1st Respondent had voluntarily relinquished his position as Deputy National Chairman of the Appellant before the 99th NEC meeting held on the 29th of July 2025.
b. The 1st Respondent expressly denied executing Exhibit ADC1 and alleged that his signature appearing thereon was forged, thereby placing the authorship and genuineness of the document directly in issue.
c. The 1st Respondent also did not plead the particulars of the forgery alleged.
d. In response to the allegation of forgery, the 1st Respondent applied to the trial Court for an order directing the filing of pleadings and the calling of oral evidence to resolve the disputed issue of the alleged forgery of his signature.
e. The 1st Respondent, having alleged that his signature on Exhibit ADC1 was forged, raised an allegation of fraud which he was under an obligation to establish by credible and cogent evidence.
f. The 1st Respondent, apart from his general denial of executing Exhibit ADC1, did not lead evidence sufficient to establish that the signature appearing thereon was forged or fabricated.
g. Rather than determine the disputed allegation of forgery upon the pleadings and oral evidence sought by the 1st Respondent, the learned trial Judge proceeded to resolve the issue principally by visual comparison of the disputed signature with signatures appearing on other documents in the record.
h. The learned trial Judge, at pages 55–56 of the judgment, stated that he compared the signature appearing on Exhibit ADC1 with signatures appearing on documents executed by the 1st Respondent before the Commissioner for Oaths and other documents in the record whose execution by the 1st Respondent was not in dispute.
i. The learned trial Judge failed to identify the particular documents executed by the 1st Respondent before the Commissioner for Oaths, or the other documents in the record,

which he relied upon as standards of comparison, by their respective dates, titles or exhibit numbers.

j. The learned trial Judge failed to demonstrate that the signatures appearing on the documents employed for comparison were admitted or otherwise satisfactorily established as the authentic signatures of the 1st Respondent and were therefore reliable standards against which the disputed signature on Exhibit ADC1 could properly be examined.

k. The signatures appearing on the Affidavit in Support of the Originating Summons filed on the 2nd of September 2025, **Exhibit NB3** (the press conference letter dated the 30th of July 2025), **Exhibit NB4** (the Notification of Vacancy dated the 8th of August 2025) attached thereto, the Affidavit in Support of the Amended Originating Summons filed on the 11th of May 2026, and **Exhibit NBG1** (the membership card of the 1st Respondent) attached thereto are substantially different from one another in their form and manner of execution.

l. The variations in the signatures appearing on the foregoing documents demonstrate that the signatures of the 1st Respondent are not invariably identical in their form and execution, a circumstance which the learned trial Judge failed to adequately consider in determining the authenticity of Exhibit ADC1.

m. The signature appearing on Exhibit ADC1 is, however, similar to the signature appearing on Exhibit NB3 attached to the 1st Respondent's Originating Summons filed on the 2nd of September 2025, a circumstance which the learned trial Judge failed to adequately consider in resolving the dispute as to the authenticity of Exhibit ADC1.

n. The learned trial court failed to determine that the fact that the signature of a person in one document is different from his signature in another document implies that he is not the author of the two signatures, as held in the cases of **Garba vs. Garba & Ors (2017) LPELR-43154(CA) at Pp. 15-17, paras. E-B; Odunewu vs. Martins & Ors (2010) LPELR-4683(CA) at Pp. 11-12 paras. F.**

o. The learned trial Judge failed to sufficiently demonstrate how the perceived dissimilarities in the signatures established that the signature appearing on Exhibit ADC1 was not that of the 1st Respondent.

p. The learned trial Judge, having acknowledged that the power of a Court to compare disputed signatures must be exercised against signatures admitted or otherwise satisfactorily established to be those of the person concerned, failed to demonstrate that the comparison undertaken in the instant case satisfied that essential evidential requirement.

q. The learned trial Judge thereby elevated his visual impression arising from the comparison of the signatures into a conclusive finding against the authenticity of **Exhibit ADC1** without sufficiently demonstrating the evidential reasoning connecting the perceived dissimilarities to the conclusion reached.

r. The finding that Exhibit ADC1 was fictitious or fabricated materially influenced the learned trial Judge's determination that the 1st Respondent had not resigned from office and consequently affected his determination of the 1st Respondent's alleged subsisting tenure, locus standi and entitlement to the reliefs granted.

## GROUND SIX

6. The learned trial Judge erred in law when his lordship heard and determined the 1st Respondent's claims by way of an Amended Originating Summons, notwithstanding the existence of substantial and contentious disputes of fact, including allegations of forgery and the authenticity of the 1st Respondent's alleged resignation letter, which could not properly be resolved by affidavit evidence alone, and thereby occasioned a miscarriage of justice.

**PARTICULARS OF ERROR**

a. The 1st Respondent raised allegations that his signature on Exhibit ADC1 and Exhibit ADC2 was forged and that the documents did not emanate from him.

b. The allegation of forgery raised a substantial and contentious dispute of fact concerning the authorship, authenticity and execution of the said documents.

c. The 1st Respondent acknowledged that the suit could not properly be resolved on affidavit evidence alone and urged the trial Court to order pleadings to be filed and oral evidence called pursuant to Section 116 of the Evidence Act, 2011.

d. The allegations concerning the alleged forgery of Exhibit ADC1 and Exhibit ADC2 raised issues which required proper evidential examination and resolution.

e. The learned trial Judge declined to order pleadings or oral evidence notwithstanding the substantial disputes of fact arising from the affidavit evidence before the Court.

f. The learned trial Judge proceeded to determine the disputed issues on affidavit evidence and documentary comparison without affording the parties the opportunity to resolve the material conflicts through oral evidence and cross-examination.

g. The learned trial Judge thereby adopted a procedure unsuitable for the resolution of the substantial disputes of fact arising from the 1st Respondent's claims and the Appellant's defence

**GROUND SEVEN**

7. The learned trial Judge erred in law when his lordship held that the action instituted by the 1st Respondent was not hasty or premature and that the 1st Respondent was not required to explore or exhaust the internal dispute-resolution mechanisms provided under Articles 21 and 22 of the Constitution of the African Democratic Congress (ADC), 2022, before instituting the action, on the ground that the alleged violation of constitutional and statutory provisions entitled him to approach the Court without first determining whether the complaints presented in the action were subject to the said internal dispute-resolution mechanisms and whether the 1st Respondent had complied with, or was legally excused from complying with, the prescribed procedure.

**PARTICULARS OF ERROR**

a. The 1st Respondent relied on the Constitution of the Appellant as the basis for instituting the action before the trial Court.
b. The Constitution of the Appellant makes provision for internal mechanisms for the resolution of disputes arising within the party.
c. Articles 21 and 22 of the Constitution of the Appellant provide for internal dispute-resolution procedures which the 1st Respondent was required to explore or exhaust before resorting to litigation, having regard to the nature of his complaints.
d. There was no evidence before the trial Court establishing that the 1st Respondent had exhausted or even explored the internal dispute-resolution mechanisms provided by the Constitution of the Appellant.
e. The learned trial Judge failed to give effect to the internal dispute-resolution provisions of the Constitution of the Appellant.
f. The learned trial Judge thereby entertained an action which was premature and instituted without compliance with the applicable internal dispute-resolution procedure, thereby occasioning a miscarriage of justice.

**GROUND EIGHT**

8. The learned trial Judge erred in law when his lordship held that the emergence of the National Officers of the Appellant at the 99th National Executive Committee meeting of the Appellant held on the 29th July 2025 was invalid for want of democratic election under Section 82(3) of the Electoral Act, 2022, and consequently granted the declaratory and injunctive reliefs in the judgment, without first determining the precise legal character, constitutional basis and effect of the resolutions and administrative arrangements undertaken at the said meeting and this error has occasioned a miscarriage of justice.

**PARTICULARS OF ERROR**

a. The Appellant relied on Article 19(14) of its Constitution, which confers powers on the National Executive Committee to exercise the functions of the National Convention between conventions, together with other relevant provisions of its Constitution and the

resolutions of the 97th and 98th National Executive Committee meetings, in support of the powers exercised by the National Executive Committee.

b. The learned trial Judge acknowledged the relevance of Article 19(14) of the Constitution of the Appellant but failed to properly construe the scope and legal effect of the powers conferred on the National Executive Committee thereby.

c. The learned trial Judge failed to properly construe Sections 223(1)(a) and 228(a) and (b) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), and determine their application to the particular decisions and administrative arrangements undertaken at the 99th National Executive Committee meeting.

d. The learned trial Judge failed to determine the relationship between the constitutional requirement of periodic democratic elections into the executive or governing bodies of political parties and the powers exercisable by the National Executive Committee in administering the affairs of the party between National Conventions.

e. The learned trial Judge failed to determine whether the dissolution of the existing National Working Committee and the constitution of the new leadership at the 99th National Executive Committee meeting amounted to an election into substantive offices of the executive or governing body of the Appellant, the filling of vacant positions within the contemplation of Section 82(3) of the Electoral Act, 2022, or an interim or caretaker administrative arrangement undertaken pursuant to the Constitution of the Appellant.

f. The learned trial Judge proceeded on the assumption that the emergence of the 2nd and 3rd Respondents and other members of the National Working Committee through appointment or ratification necessarily amounted to an election into the executive or governing body of the Appellant, without first determining the constitutional basis and legal character of the arrangement.

g. The learned trial Judge consequently applied Section 82(3) of the Electoral Act, 2022, without first determining whether the particular decisions and administrative

arrangements undertaken at the 99th National Executive Committee meeting fell within the category of elections or filling of vacant positions regulated by that provision.

h. The learned trial Judge failed to consider the principles of law relied upon by the Appellant in **Peoples Democratic Party vs. Sheriff & Ors. (2017) 15 NWLR (Pt. 1588) 219; (2017) LPELR-42736(SC)** and **Aguma vs. All Progressives Congress & Ors. (2021) 14 NWLR (Pt. 1796) 351; (2021) LPELR-55927(SC)** in determining the constitutional powers of the National Executive Committee and the validity of the decisions and arrangements undertaken at the 99th National Executive Committee meeting.

## GROUND NINE

**9.** The learned trial Judge erred in law when his lordship held that the resolutions of the 99th NEC meeting of the Appellant held on 29th July 2025 were invalid under Sections 223(1)(a) and 228(a) and (b) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), and Section 82(3) of the Electoral Act 2022, without properly construing the said constitutional and statutory provisions and determining their application to the specific circumstances of the case and this occasioned a miscarriage of justice.

**PARTICULARS OF ERROR**

a. 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.

b. Section 228(a) and (b) of the Constitution empower the National Assembly to make laws prescribing guidelines and rules to ensure internal democracy within political parties and to regulate the activities of political parties.

c. Section 82(3) of the Electoral Act 2022 prescribes the democratic manner in which elections into the executive committee or other governing body of a political party, including elections to fill vacant positions in such bodies, are to be conducted.

d. The learned trial Judge failed to undertake a proper construction of Sections 223(1)(a), 228(a) and (b) of the Constitution and their application to the specific circumstances of the case.

e. The learned trial Judge failed to determine the relationship between the constitutional requirement of periodic democratic elections and the powers of the National Executive Committee of a political party to administer the party between national conventions.

f. The learned trial Judge failed to identify the particular provision of Article 19(14) of the Constitution of the Appellant which was inconsistent with Section 82(3) of the Electoral Act, 2022.

g. The learned trial Judge failed to demonstrate the specific inconsistency between the decisions of the 99th NEC meeting and the applicable constitutional or statutory provisions.

h. The learned trial Judge proceeded on a general invocation of constitutional supremacy without sufficiently demonstrating how the particular decisions and arrangements made by the National Executive Committee violated the provisions relied upon.

i. The learned trial Judge failed to determine whether the decisions complained of constituted an election into substantive offices of the executive or governing body of the Appellant or an interim administrative arrangement pending the constitution of a substantive governing body.

j. The circumstances under which the national officers of the Appellant emerged at the 99th NEC meeting held on 29 July 2025 were, according to the Appellant's case, within the principles of law decided by the Supreme Court in **People's Democratic Party vs. Sheriff & Ors. (2017) 15 NWLR (Pt. 1588) 219; (2017) LPELR-42736(SC)** and **Aguma vs. All Progressives Congress & Ors. (2021) 14 NWLR (Pt. 1796) 351; (2021) LPELR-55927(SC).**

k. The learned trial Judge thereby misconstrued and misapplied the constitutional and statutory provisions relied upon and occasioned a miscarriage of justice.

## GROUND TEN

10. The learned trial Judge erred in law when his lordship, having acknowledged that the Appellant gave INEC 25 days' notice of the 99th NEC meeting held on 29th July 2025 and that INEC attended and monitored the meeting, nevertheless proceeded to grant Declaration No. 3 in the judgment delivered on 5th November 2026, declaring the attendance of the 4th Respondent, the report of the 4th Respondent and the recognition of the national officers of the Appellant wrongful, null and void, on the reasoning that no requisite notice was given, without identifying any legal or factual deficiency in the notice, thereby occasioning a miscarriage of justice.

**PARTICULARS OF ERROR**

a. At page 57 of the judgment, the learned trial Judge expressly acknowledged that evidence established that INEC received 25 days' notice of the 99th NEC meeting of the Appellant and monitored the proceedings.

b. The learned trial Judge further stated that the evidence of the 25 days' notice received by INEC "**may be relevant to compliance with the notice requirement**", thereby expressly recognising its relevance to the requirement under Section 82(1) of the Electoral Act, 2022.

c. Section 82(1) of the Electoral Act, 2022, prescribes a minimum of 21 days' notice to INEC in respect of a meeting convened for the purposes specified therein.

d. Having acknowledged that INEC received 25 days' notice, the learned trial Judge failed to identify any deficiency in the period, content, service, recipient, or any other legally prescribed requirement of the notice which could justify the conclusion that the statutory notice requirement had not been satisfied.

e. The learned trial Judge failed to make any finding that the notice received by INEC was served outside the prescribed period or was otherwise defective in any particular manner recognised by the applicable statutory provisions.

f. At page 60 of the judgment, the learned trial Judge further acknowledged that notice to INEC and the conduct of a democratic election are separate statutory requirements, and that proof of the former does not constitute proof of the latter.

g. Notwithstanding these express findings, the learned trial Judge proceeded, in Relief 3 at page 65 of the judgment, to declare that INEC's attendance at the meeting, issuance of its report and recognition of the 2nd and 3rd Respondents were wrongful, null and void, on the grounds, among others, that no requisite notice was given.

h. The learned trial Judge failed to reconcile his lordship's express finding that INEC received 25 days' notice with the subsequent declaration that no requisite notice was given, thereby arriving at inconsistent conclusions on the same material issue.

i. The learned trial Judge failed to distinguish the question of compliance with the statutory notice requirement under Section 82(1) of the Electoral Act 2022, from the separate question of compliance with the democratic election requirement under Section 82(3) of the same Act.

j. The learned trial Judge thereby made a finding of non-compliance with Section 82(1) of the Electoral Act, 2022, without identifying the evidential or legal basis for such finding, notwithstanding his lordship's earlier express acknowledgment of the 25 days' notice received by INEC.

k. The erroneous finding that no requisite notice was given formed an express part of the foundation upon which Relief 3 was granted and materially affected the decision of the Court concerning the validity of INEC's attendance, report and recognition of the outcome of the 99th NEC meeting.

**GROUND ELEVEN**

11. The learned trial Judge erred in law when his lordship failed to properly evaluate the documentary evidence before the Court and consequently held that there was no evidence establishing that the emergence of the National Chairman and National Secretary of the Appellant, who were the 2nd and 3rd Respondents before the Court below, was preceded

by or resulted from a democratic process, and thereby invalidated their emergence without determining the evidential and legal effect of the resolutions, notices and other documentary evidence relating to the 99th National Executive Committee meeting held on the 29th of July 2025, and this occasioned a miscarriage of justice.

**PARTICULARS OF ERROR**

a. The learned trial Judge failed to properly evaluate the evidence relating to the resolutions of the 97th and 98th National Executive Committee meetings of the Appellant, which formed part of the constitutional and administrative background to the decisions taken at the 99th National Executive Committee meeting.
b. The learned trial Judge failed to adequately consider Exhibits ADC6 and ADC8, including the notice given to the 4th Respondent and the Commission's monitoring report relating to the 99th National Executive Committee meeting.
c. The learned trial Judge failed to consider the relevant provisions of the Constitution of the Appellant conferring administrative and organisational powers on the National Executive Committee, alongside the documentary evidence relating to the decisions taken at the meeting.
d. The learned trial Judge failed to properly evaluate the documentary evidence, including the notices and monitoring report of the 4th Respondent, in determining whether the process undertaken at the 99th National Executive Committee meeting was preceded by or resulted from a democratic process.
e. The learned trial Judge failed to properly evaluate the evidence of the 1st Respondent, including Exhibits NBG-6, NBG-7, NBG-8 and NBG-10, alongside the documentary evidence tendered by the Appellant, before arriving at his lordship's conclusion.
f. The learned trial Judge erroneously treated the absence of evidence of voting as conclusive proof of illegality without properly evaluating the totality of the documentary evidence relating to the decisions and process undertaken at the 99th National Executive Committee meeting.

g. The learned trial Judge thereby failed to evaluate the totality of the evidence before the Court and consequently invalidated the emergence of the 2nd and 3rd Respondents and other members of the National Working Committee without a proper evaluation of the material evidence, thereby occasioning a miscarriage of justice.

## GROUND TWELVE

12. The learned trial Judge erred in law when his lordship misconstrued the provisions of Paragraph F15(c), Part I of the Third Schedule to the Constitution of the Federal Republic of Nigeria, 1999 (as amended), read together with Sections 223(1)(a) and 228(a) and (b) of the Constitution and Section 82 of the Electoral Act, 2022, as imposing a general supervisory and enforcement obligation on INEC over the internal leadership, administration and decisions of the Appellant, and consequently imposed restrictions on the constitutional and statutory functions of INEC beyond the particular dispute submitted for determination.

**PARTICULARS OF ERROR**

a. Paragraph F15(c), Part I of the Third Schedule to the Constitution of the Federal Republic of Nigeria, 1999 (as amended), provides for the monitoring of the organisation and operation of political parties, including their finances and conventions, congresses and party primaries.
b. The learned trial Judge failed to properly distinguish between INEC's constitutional power to monitor the organisation and operation of political parties and the internal administrative powers of a political party.
c. The learned trial Judge failed to identify the specific constitutional or statutory provision empowering the Court to impose the general restriction contained in Declaration No. 2 of the judgment.
d. The learned trial Judge failed to demonstrate how the particular conduct of INEC in monitoring the 99th NEC meeting and issuing its report constituted a violation of its constitutional or statutory functions.

e. The learned trial Judge declared that INEC was not entitled to validate, acknowledge, accept or give effect to the outcome of any meeting of the Appellant which was not held in accordance with the specified constitutional and statutory provisions, without sufficiently confining the declaration to the particular meeting and circumstances before the Court.

f. The learned trial Judge failed to distinguish between the 99th NEC meeting in dispute and other meetings of the Appellant which may be convened in different circumstances.

g. The declarations made by the learned trial Judge extended beyond the particular facts and controversy before the Court and imposed an unnecessarily broad restriction on the constitutional and statutory functions of INEC

**GROUND THIRTEEN**

13. The learned trial Judge erred in law when his lordship held that the 1st Respondent had discharged the burden of proof and established his entitlement to the declaratory and injunctive reliefs sought, notwithstanding the absence of sufficient cogent and credible evidence in support of the material allegations upon which the reliefs were predicated, and this error has occasioned a grave miscarriage of justice.

**PARTICULARS OF ERROR**

a. Reliefs 1–5 sought by the 1st Respondent were declaratory in nature and required him to establish his entitlement thereto by credible and cogent evidence.

b. The evidence presented by the 1st Respondent showed that the National Working Committee meeting of the Appellant held on the 29th of July 2025 ratified the emergence of the 2nd and 3rd Respondents.

c. The evidence of the 1st Respondent further showed that the 4th Respondent was duly notified of the NEC meeting of the Appellant and attended same pursuant to the relevant constitutional and electoral provisions.

d. The INEC reports attached by the 1st Respondent, particularly Exhibit NBG-6, being a certified true copy of the report of the 4th Respondent, and Exhibits NBG-7, NBG-8 and

NBG-10, constituted material documentary evidence which the learned trial Judge failed to properly evaluate in determining whether the Appellant breached any constitutional or statutory provision.

e. There was no sufficient evidence before the trial Court that relevant members or duly elected delegates were denied the opportunity to participate in the process that produced the 2nd and 3rd Respondents.

f. The 1st Respondent did not place sufficient material or evidence before the trial Court to establish that the 2nd and 3rd Respondents emerged through an undemocratic or unlawful process or that the exercise of the internal powers of the Appellant violated the Constitution of the Federal Republic of Nigeria, 1999 (as amended), or the Electoral Act, 2022.

g. The learned trial Judge failed to properly evaluate the evidence presented by the 1st Respondent in support of the alleged constitutional and statutory violations upon which the declaratory reliefs were founded.

h. The learned trial Judge relied on the alleged weakness of the Appellant's defence rather than determining whether the 1st Respondent had independently discharged the burden of proving his entitlement to the declaratory reliefs sought.

i. The learned trial Judge thereby wrongly held that the 1st Respondent had established his case and proceeded to grant the declaratory and consequential injunctive reliefs in reliefs 1–8, notwithstanding the failure to establish the essential facts entitling him to those reliefs.

## GROUND FOURTEEN

14. The learned trial Judge erred in law when his lordship granted declarations and orders which extended beyond the specific dispute and controversy submitted for adjudication and granted reliefs which were not legally sustainable having regard to the findings of the Court and the evidence before it, thereby occasioning a miscarriage of justice.

**PARTICULARS OF ERROR**

a. The learned trial Judge failed to confine the declarations and orders granted to the specific resolutions and acts of the Appellant whose validity was directly challenged in the proceedings.

b. The learned trial Judge granted Declaration No. 2 in terms extending to any meeting of the Appellant and not merely the 99th NEC meeting which formed the subject matter of the proceedings.

c. The learned trial Judge failed to distinguish between the alleged invalidity of the particular process challenged by the 1st Respondent and the validity of other independent decisions or actions undertaken by the Appellant.

d. The learned trial Judge granted Declaration No. 5, thereby conferring on the 1st Respondent the right to supervise the affairs of the Appellant, without sufficiently establishing the legal basis and extent of such supervisory authority.

e. The learned trial Judge granted Declaration No. 5 notwithstanding that, even on the assumption that the 1st Respondent remained the only recognised member of the National Working Committee of the Appellant, his alleged tenure in that office had expired on the 11th of October 2026, before the delivery of judgment on the 5th of November 2026.

f. The learned trial Judge thereby conferred on the 1st Respondent a right to supervise the affairs of the Appellant beyond the expiration of the tenure upon which his alleged entitlement to such right was predicated.

g. The declarations and orders granted in reliefs 1–8 consequently exceeded the proper limits of the controversy submitted for adjudication and, in the case of Declaration No. 5, conferred an entitlement which was no longer legally sustainable as at the date of judgment.

**GROUND FIFTEEN**

15. The learned trial Judge erred in law when he failed to determine the legal effect of the Plaintiff's alleged failure to comply with the membership requirements imposed by the Constitution of the Appellant, particularly the requirement for renewal of party

membership, notwithstanding that the Plaintiff's continued membership and entitlement to exercise rights as a national officer of the party were directly challenged by the 3rd Respondent.

**PARTICULARS OF ERROR**

a. The 3rd Respondent specifically challenged the Plaintiff's membership status and contended that he had failed to renew his party membership for a period exceeding six months, contrary to Article 7, Rule 1 of the Constitution of the Appellant.
b. The issue was material to the Plaintiff's claim that he remained the only elected member of the National Working Committee whose tenure was subsisting and who was legally entitled to supervise the affairs of the Appellant.
c. The learned trial Judge acknowledged the contention concerning the Plaintiff's alleged failure to renew his party membership but failed to undertake a proper examination of Article 7, Rule 1 of the Constitution of the Appellant or determine the legal consequences of non-compliance with the provision.
d. The Court failed to determine whether the Plaintiff's alleged failure to renew his membership, if established, affected his continued status as a member of the Appellant or his entitlement to assert and exercise rights arising from his alleged membership and position as a national officer.
e. The Court proceeded to grant the Plaintiff substantive declaratory reliefs concerning his continuing status and entitlement to supervise the affairs of the Appellant without making a specific finding on the legal effect of the membership challenge raised against him.
f. The Court failed to distinguish between the question whether the 3rd Respondent had established an independent entitlement to the declaratory reliefs sought in the counterclaim and the separate question whether the evidence concerning the Plaintiff's membership status affected his entitlement to the reliefs claimed in the substantive action.
g. The failure to determine these material questions occasioned a miscarriage of justice, particularly having regard to the declaration in Relief 5 that the Plaintiff remained the

only elected member of the National Working Committee whose tenure was subsisting and who was legally entitled to supervise the affairs of the Appellant.

**GROUND SIXTEEN**

16. The learned trial Judge erred in law and thereby occasioned a miscarriage of justice when his lordship, having found that the emergence of the 2nd and 3rd Respondents and other affected persons as national officers of the Appellant had not been shown to satisfy the mandatory requirement of democratic election, proceeded to retrospectively nullify all actions, decisions and steps taken by them in the purported exercise of their offices from the 29th of July 2025, and to grant perpetual injunctions restraining them from acting or being recognised in any capacity within the national organs of the Appellant, without considering the applicability and legal effect of the de facto officer doctrine or distinguishing between the validity of their title to office and the validity of acts performed by them while occupying and exercising the functions of those offices.

**PARTICULARS OF ERROR**

a. At page 63 of the judgment, the learned trial Judge found that the emergence of the 2nd and 3rd Respondents as national officers of the Appellant at the 99th NEC meeting of the 29th of July 2025 had not been shown to satisfy the mandatory requirement of democratic election under Section 82(3) of the Electoral Act, 2022.

b. In stating the legal consequence of that finding, the learned trial Judge expressly held that: **"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**."

c. The learned trial Judge thereby qualified the consequence of the alleged invalidity of the emergence of the affected persons by reference to decisions and acts founded upon the challenged process and dependent upon the validity of their emergence as national officers.

d. The learned trial Judge failed to consider the distinction between the validity of the title by which the 2nd and 3rd Respondents assumed office and the legal effect of acts performed by them while occupying those offices and exercising the functions and powers ordinarily associated therewith.

e. The learned trial Judge failed to consider or determine the applicability and legal effect of the de facto officer doctrine, which recognises, subject to its established conditions and limitations, the validity of certain acts performed by persons exercising the functions and powers of an office notwithstanding a defect in their title to that office as in the case of **Marwa vs. Nyako (2012) 6 NWLR (Pt. 1296) 199.**

f. Having failed to consider the applicability of the said doctrine, the learned trial Judge proceeded, in Relief 4 at page 65 of the judgment, to declare that all actions, decisions and steps taken by the 2nd and 3rd Respondents and other members of the National Working Committee they represented as national officers of the Appellant from the 29th of July 2025 were null, void and without effect.

g. The learned trial Judge thereby retrospectively invalidated every action, decision and step taken by the affected persons in their capacities as national officers, without distinguishing acts directly dependent upon their disputed emergence from acts which could attract protection under the de facto officer doctrine or derive validity from an independent legal basis.

h. The learned trial Judge failed to examine the nature and circumstances of the acts sought to be nullified, including whether such acts involved the internal administration of the Appellant, the performance of functions ordinarily attached to the offices occupied, or dealings and transactions upon which members of the party and other persons might have acted or relied.

i. The learned trial Judge failed to consider the legal consequences of retrospectively nullifying all such acts, including the potential disruption of the administration and

operations of the Appellant and the rights and obligations arising from acts performed during the period in question.

j. At Relief 6 at page 66 of the judgment, the learned trial Judge proceeded to set aside all decisions and resolutions of the 99th NEC meeting by which the 2nd and 3rd Respondents and other members of the National Working Committee they represented became members of the National Working Committee, without sufficiently distinguishing the resolutions directly relating to their emergence from other decisions or resolutions requiring separate legal consideration.

k. The learned trial Judge also granted a perpetual injunction in Relief 7 at page 66 restraining INEC from recognising or dealing with the affected persons as officers or members of the National Working Committee, NEC or any governing committee of the Appellant, without sufficiently confining the restraint to the particular process of emergence adjudged to be defective.

l. Similarly, in Relief 8 at page 66, the learned trial Judge granted a perpetual injunction restraining the 2nd and 3rd Respondents and other members of the National Working Committee they represented from acting or parading themselves as officers of the Appellant or as members of its National Working Committee, NEC or any governing committee, without sufficiently distinguishing the question of their title to office from the legal consequences of acts already performed by them while exercising the functions of those offices.

m. The learned trial Judge thereby failed to ensure that the consequential declarations and injunctive orders were consistent with the qualified nature of the substantive finding made at page 63 of the judgment and the applicable legal principles governing the acts of de facto officeholders.

## GROUND SEVENTEEN

17. The Judgment is Against the Weight of Evidence.

4. **RELIEFS SOUGHT FROM THE COURT OF APPEAL**

a. An Order of this Hon Court allowing this Appeal.

b. An order declaring the entire proceedings conducted by Hon. Justice Peter O. Lifu **in Suit No: FHC/ABJ/CS/1819/2025, Hon. Nafiu Bala Gombe vs African Democratic Congress (ADC) and 4 Ors,** null, void and of no effect, same having been conducted without jurisdiction.

c. An order of this Hon. Court setting aside the judgment of the trial court delivered on the 5th day of November 2026 **in Suit No: FHC/ABJ/CS/1819/2025, Hon. Nafiu Bala Gombe Vs African Democratic Congress (ADC) and 4 Ors.**

d. The cost of this Appeal.

5. **NAMES AND ADDRESSES OF PERSONS AFFECTED BY THE APPEAL**

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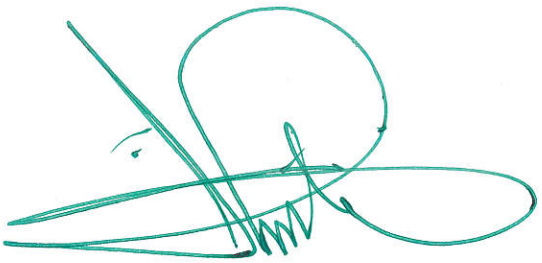
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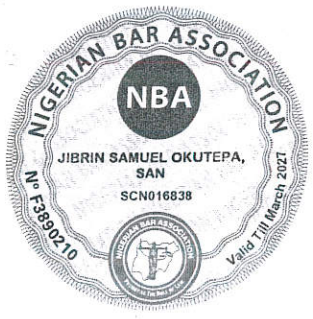
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**Dated this 16th day of November 2026**






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