

IN THE FEDERAL HIGH COURT OF NIGERIA

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ABUJA

ON THURSDAY THE 29<sup>TH</sup> DAY OF OCTOBER, 2026

BEFORE HIS LORDSHIP HON. JUSTICE OBIORA ATUEGWU EGWUATU

JUDGE

SUIT NO: FHC/ABJ/CS/1854/2026

BETWEEN:

ETHELBERT ROCHAS ANAYO OKOROCHA.....APPLICANT

AND

1. INDEPENDENT NATIONAL ELECTORAL

COMMISSION (INEC)

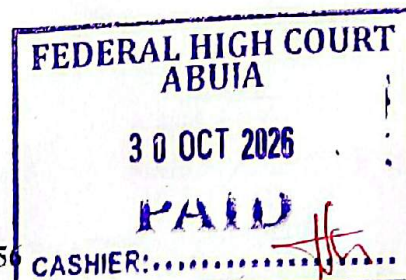
2. ALL PROGRESSIVES CONGRESS (APC)

3. UZODIMMA GOODHOPE ODIDIKA

RESPONDENTS

JUDGMENT

By an *Originating Summons* dated and filed on the 13<sup>th</sup> of August, 2026 the Applicant sought the determination of five (5) questions and the grant of ten (10) reliefs should the questions be resolved in Applicant's favour as follows;



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### Questions:

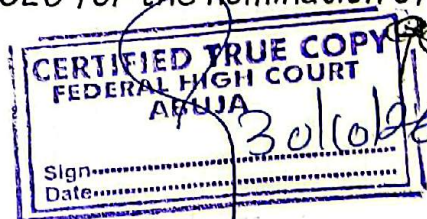
1. 'Having regard to the provisions of Sections 65 (1) (b) and 285 (14) (a) & (b) of the 1999 Constitution of the Federal Republic of Nigeria (As Amended) read with Sections 29, 32, 33, 84, and 88 (2) of the Electoral Act, 2026 and as well as the Rules/Regulations/Guidelines of the All Progressives Congress regulating the conduct of its National Primary Election Whether it is lawful for the 2<sup>nd</sup> Respondent to forward/submit to the 1<sup>st</sup> Respondent and for the 1<sup>st</sup> Respondent to publish, as done by it on the 1/8/2026, the name of 3<sup>rd</sup> Respondent as the candidate the 2<sup>nd</sup> Respondent proposes to sponsor for the 2027 General Election in respect of the Imo West Senatorial District when it was not the 3<sup>rd</sup> Respondent that emerged as the winner of the Primary Election of the 2<sup>nd</sup> Respondent conducted on the 18<sup>th</sup> May, 2026 but the Applicant that emerged as the winner of the Primary?
2. Having regard to the provisions of Sections 65 (1) (b) and 285 (14) (a) & (b) of the 1999 Constitution of the Federal Republic of Nigeria (As Amended) read with Sections 29, 32, 33, 84, and 88(2) of the Electoral Act, 2026 and as well as the Rules/Regulations/Guidelines of the All Progressives Congress regulating the conduct of its National Primary Election Whether





it is lawful for the 1<sup>st</sup> Respondent to receive/accept from the 2<sup>nd</sup> Respondent and publish, as done by the 1<sup>st</sup> Respondent on the 1/8/2026, and recognize the 3<sup>rd</sup> Respondent as the candidate the 2<sup>nd</sup> Respondent proposes to sponsor for the 2027 General Election in respect of the Imo West Senatorial District, when it was not the 3<sup>rd</sup> Respondent that emerged as the winner of the Primary Election of the 2<sup>nd</sup> Respondent conducted on the 18/5/2026 and monitored by the 1<sup>st</sup> Respondent but the Applicant?

3. Whether the Applicant, being the winner of the 2<sup>nd</sup> Respondent's primary held on the 18/5/2026 duly conducted by the 2<sup>nd</sup> Respondent and monitored/observed/recorded by the 1<sup>st</sup> Respondent for the nomination of its candidate for the 2027 General Election in respect of the Imo West Senatorial District, is not the person lawfully entitled to have his name forwarded by the 2<sup>nd</sup> Respondent to the 1<sup>st</sup> Respondent and consequently recognized and published by the 1<sup>st</sup> Respondent as the duly nominated candidate of the 2<sup>nd</sup> Respondent for the 2027 General Election for the Imo West Senatorial District?
4. Whether the 1<sup>st</sup> Respondent is not bound by the reports of its officers/agents who monitored the primaries duly conducted by the 2<sup>nd</sup> Respondent on the 18/5/2026 for the nomination of her

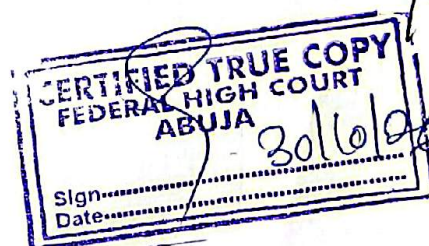


candidate for the 2027 General Election in respect of the Imo West Senatorial District which reports indicated that it is the Applicant who emerged as the winner of the Primary Election of the 2<sup>nd</sup> Respondent for the Imo West Senatorial District?

5. Having regard to the provision of S. 183 of the Constitution of the Federal Republic of Nigeria 1999 (As Amended) whether the publication of the 3<sup>rd</sup> Respondent by the 1<sup>st</sup> Respondent on the 1/8/2026 as the winner of the 2<sup>nd</sup> Respondent's Primary to be its preferred flagbearer for the Imo West Senatorial District/Zone in the General Election meant to hold in 2027 is not wrongful?

**Reliefs:**

1. 'A DECLARATION OF COURT that by virtue of the provisions of Sections 65 (1) (b) and 285 (14) (a) & (b) of the 1999 Constitution of the Federal Republic of Nigeria (As Amended) read with Sections 29, 32, 33, 84, and 88 (2) of the Electoral Act, 2026 and as well as the Rules/Regulations/Guidelines of the All Progressives Congress regulating the conduct of its National Primary Election, it is unlawful for the 2<sup>nd</sup> Respondent to forward/submit to the 1<sup>st</sup> Respondent and for the 1<sup>st</sup> Respondent to publish, as done by it on the 1/8/2026, the name of 3<sup>rd</sup> Respondent as the candidate the 2<sup>nd</sup> Respondent proposes to sponsor for the 2027 General Election



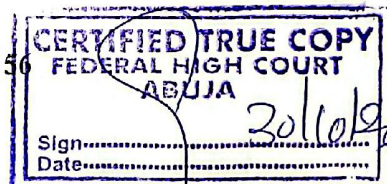


in respect of the Imo West Senatorial District when it was not the 3<sup>rd</sup> Respondent that emerged as the winner of the Primary Election of the 2<sup>nd</sup> Respondent conducted on the 18<sup>th</sup> May, 2026 but the Applicant that emerged as the winner of the Primary.

2. A DECLARATION OF COURT that pursuant to the provisions of Sections 65 (1) (b) and 285 (14) (a) & (b) of the 1999 Constitution of the Federal Republic of Nigeria (As Amended) read with Sections 29, 32, 33, 84, and 88 (2) of the Electoral Act, 2026 and as well as the Rules/Regulations/Guidelines of the All Progressives Congress regulating the conduct of its National Primary Election, it is unconstitutional and lawful for the 1<sup>st</sup> Respondent to receive/accept from the 2<sup>nd</sup> Respondent and publish, as done by the 1<sup>st</sup> Respondent on the 1/8/2026, and recognize the 3<sup>rd</sup> Respondent as the candidate the 2<sup>nd</sup> Respondent proposes to sponsor for the 2027 General Election in respect of the Imo West Senatorial District, when it was not the 3<sup>rd</sup> Respondent that emerged as the winner of the Primary Election of the 2<sup>nd</sup> Respondent conducted on the 18/5/2026 and monitored by the 1<sup>st</sup> Respondent but the Applicant.

3. A DECLARATION OF COURT that the Applicant, being the winner of the 2<sup>nd</sup> Respondent's primary held on the 18/5/2026 duly conducted by the 2<sup>nd</sup> Respondent and

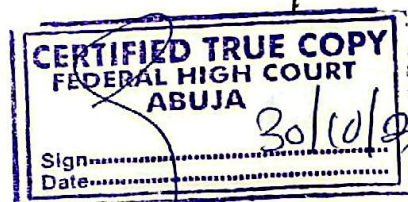
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monitored/observed/recorded by the 1<sup>st</sup> Respondent for the nomination of its candidate for the 2027 General Election in respect of the Imo West Senatorial District, is the person lawfully entitled to have his name forwarded by the 2<sup>nd</sup> Respondent to the 1<sup>st</sup> Respondent and consequently recognized and published by the 1<sup>st</sup> Respondent as the duly nominated candidate of the 2<sup>nd</sup> Respondent for the 2027 General Election for the Imo West Senatorial District.

4. **A DECLARATION OF COURT** that the 1<sup>st</sup> Respondent is bound by the reports of its officers/agents who monitored/observed/recorded the primaries duly conducted by the 2<sup>nd</sup> Respondent on the 18/5/2026 for the nomination of her candidate for the 2027 General Election in respect of the Imo West Senatorial District which reports indicated that it is the Applicant who emerged as the winner of the Primary Election of the 2<sup>nd</sup> Respondent for the Imo West Senatorial District.

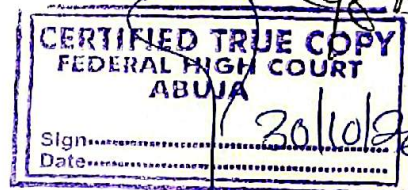
5. **A DECLARATION OF COURT** that having regard to the provision of S. 183 of the Constitution of the Federal Republic of Nigeria 1999 (As Amended) the publication of the 3<sup>rd</sup> Respondent by the 1<sup>st</sup> Respondent on the 1/8/2026 as the winner of the 2<sup>nd</sup> Respondent's Primary conducted on the 15/5/2026 as the 2<sup>nd</sup>





Respondent's nominated candidate for the Imo West Senatorial District in the General Election meant to hold in 2027 is wrongful.

6. **A DECLARATION OF COURT** that the Applicant is the lawfully nominated candidate of the 2<sup>nd</sup> Respondent to contest in the General Election to be held in the year 2027 to the Senate of the Federal Republic of Nigeria from the Imo West Senatorial District having scored the highest votes at the 2<sup>nd</sup> Respondent's Primary Election held on Monday, 18<sup>th</sup> May, 2026.
7. **AN ORDER OF COURT** setting aside and making null, void and of no effect, whatsoever, that aspect of the publication made by the 1<sup>st</sup> Respondent on the 1/8/2026 which declared/stated the 3<sup>rd</sup> Respondent as the person that won the highest votes in the primary election of the 2<sup>nd</sup> Respondent held on Monday 18<sup>th</sup> May, 2026 to contest as the preferred candidate of the 2<sup>nd</sup> Respondent to contest in the general election to the Senate of the Federal Republic of Nigeria for the Imo West Senatorial Zone billed to take place in the year 2027.
8. **AN ORDER OF COURT** directing the 1<sup>st</sup> Respondent to recognize and publish the Applicant as the duly nominated candidate of the 2<sup>nd</sup> Respondent to contest the General Election due in 2027 to the Senate of the Federal Republic of Nigeria from the Imo West Senatorial District.



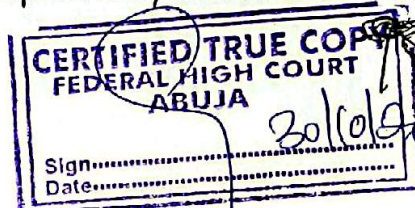
9. **AN ORDER OF COURT** prohibiting the 3<sup>rd</sup> Respondent whether by himself or through the 2<sup>nd</sup> Respondent or anyone, howsoever named, from parading himself as the nominated candidate of the 2<sup>nd</sup> Respondent to contest in the General Election to the Senate of the Federal Republic of Nigeria from the Imo West Senatorial Zone.

10. **AN ORDER OF COURT** awarding Cost against the Respondents as the noble Court may deem appropriate in all the circumstances of this suit.'

The Application is supported by an affidavit of 4 paragraphs deposed to by Amen Rochas the son of the Applicant and personal assistant on Political matters attached with documents marked as exhibits 1-15 respectively and a written address in support.

Upon being served, the 1<sup>st</sup> Defendant filed a counter-affidavit of 15 paragraphs deposed to Gyang Davou Dung the Assistant Chief legal officer (ACLO) in the employ of the 1<sup>st</sup> Respondent on the 28<sup>th</sup> of August, 2026 attached with documents marked as exhibits INEC 1-5 respectively and a written address in support.

For the 2<sup>nd</sup> Respondent, a counter affidavit of 32 paragraphs deposed to by Rear Admiral Williams Kayode (Rtd) was filed on the 28<sup>th</sup> of August, 2026 attached with documents respectively marked as exhibits



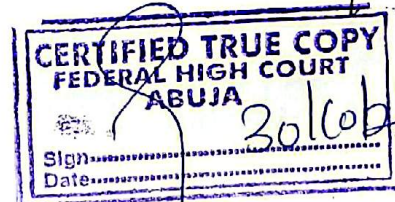


WK 1-WK 19 and a written address. A 2<sup>nd</sup> Respondent's 1<sup>st</sup> written deposition deposed to by Akang Joy Etete of 25 paragraphs attached with documents marked as exhibits AJ-1 to AJ-18 respectively was also filed on the 28<sup>th</sup> of August, 2026. A 2<sup>nd</sup> Respondent's 2<sup>nd</sup> written deposition deposed to by Hon. Onyekachi Ibezim of 16 paragraphs was also filed on the 28<sup>th</sup> of August, 2026 attached with two documents respectively marked as exhibit HOI-1 to HOI-2.

The 3<sup>rd</sup> Respondent on his part filed a counter affidavit of 20 paragraphs on the 10<sup>th</sup> of September, 2026 deposed to by Hon. Lucky Ajokperiniovo attached with documents respectively marked as exhibits UGO 1-UGO 10 and a written address.

The Applicant filed further affidavits in reaction to the processes of the Respondents. To the Counter affidavit of the 1<sup>st</sup> Respondent, Applicant filed a reply affidavit of 22 paragraphs deposed to by the Applicant on the 3<sup>rd</sup> of September, 2026 attached with a reply address. To that of the 2<sup>nd</sup> Respondent, a reply affidavit of 38 paragraphs deposed to by the Applicant attached with documents respectively marked as exhibits R1-R3 and an argument in reply was filed on the 4<sup>th</sup> of September, 2026.

A Reply affidavit of 39 paragraphs deposed to by the Applicant was filed in reaction to the counter affidavit of the 3<sup>rd</sup> Respondent on the 12<sup>th</sup> of



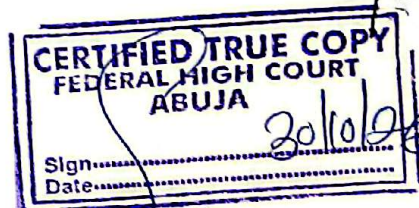
September, 2026 attached with documents marked as exhibits R1-R12 respectively and a reply address.

In response to the reply affidavits of the Applicant, the 1<sup>st</sup> Respondent filed a further counter affidavit deposed to by Gyang Davou Dung of 38 paragraphs attached with a further written address on the 6<sup>th</sup> of September, 2026. The 2<sup>nd</sup> Respondent filed a further counter affidavit of 4 paragraphs deposed to by Rear Admiral Williams Kayopde (Rtd) attached with a document marked as exhibit WKPFR-1. The 3<sup>rd</sup> Respondent filed a further counter affidavit deposed to by Hon. Lucky Ajokperiniovo attached with a reply on points of law.

To the 2<sup>nd</sup> Respondent's further counter affidavit, the Applicant filed a reply affidavit of 8 paragraphs attached with documents marked as exhibits RO1-RO3 respectively.

Not done, the 2<sup>nd</sup> Respondent, in addition to the processes filed, filed a *notice of preliminary objection* dated 27<sup>th</sup> on the 28<sup>th</sup> of August, 2026 attached with an affidavit of 8 paragraphs deposed to by Joy Adeyemi and a written address. In response the Applicant filed a counter affidavit of 6 paragraphs deposed to by the Applicant on the 4<sup>th</sup> of September, 2026.

The 3<sup>rd</sup> Respondent on his part also filed a Motion on Notice on the 17<sup>th</sup> of September, 2026 seeking to strike out Applicant's written address filed on the 12<sup>th</sup> of September, 2026 for non-compliance with Paragraph





7 (7) of the *Federal High Court (Pre-Election) Practice Directions (Amendment) 2026*. The Applicant filed a counter affidavit of 8 paragraphs attached with a written address in opposition to the 3<sup>rd</sup> Respondent's application.

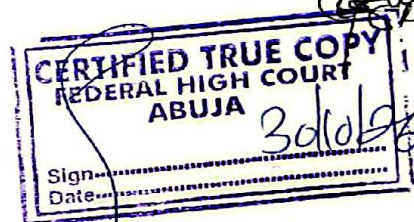
The above are the live processes filed by the parties in this suit.

***Applicant's case:***

The Applicant is a registered member of the APC, from Ideato Local Government Area in Imo State and from the Imo West Senatorial District. He had previously served as Governor of Imo State from 2011 to 2019 and Senator representing Imo West from 2019 to 2023.

APC advertised its schedule of activities and timetable for its primaries, following which the Applicant purchased and completed an *Expression of Interest Form* and *Nomination Form*. The 3<sup>rd</sup> Respondent is also an APC member from Imo West and is the serving Governor of Imo State. His tenure will expire on 14 January 2028. Notwithstanding his tenure as Governor, he purchased APC's *Expression of Interest* and *Nomination Forms* for the senatorial primary election.

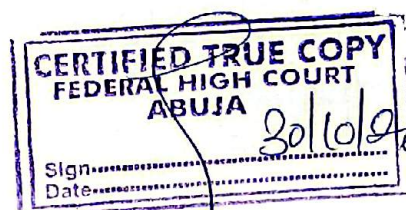
The Applicant and 3<sup>rd</sup> Respondent were screened and cleared to participate in the direct primary. APC notified INEC of the primary by letter dated 7 May 2026. APC's National Working Committee issued a notice dated 17 May 2026 directing that State Chairmen of the National Assembly Primary Election Committees should not engage in press



briefings or announce or publish the results of the primaries, but should forward the results to the party's National Secretariat for announcement.

On 18 May 2026 the direct primary was conducted and the Applicant emerged victorious with 150,780 votes while the 3<sup>rd</sup> Respondent scored 102,158 votes. APC thereafter wrote two letters to INEC reporting the conduct of the primaries and attaching the list of contestants and outcome of the primaries. INEC's Electoral Officers in Imo State made and signed a report of the result on 18 May 2026.

The Applicant further relied on a report made by the Head of the Election and Party Monitoring Department for the Resident Electoral Commissioner in Imo State and forwarded to the Chairman of INEC in Abuja. The documents in INEC's custody includes the Primary Election Summary Result, INEC Monitors Checklist, Outcome of Political Party Elections, APC's Declaration of Result Form and an Election and Party Monitoring Department Report, all of which the Applicant deposed showed that the Applicant won the primary. The result submitted to INEC was not made public until 1 August 2026, when, to the Applicant's shock and chagrin, the 1<sup>st</sup> Respondent rather than publish the true outcome of the primary election which the Applicant won as confirmed by the 1<sup>st</sup> Respondent's own reports, the 1<sup>st</sup> Respondent strangely published that it was the 3<sup>rd</sup> Respondent that won same.





It is the Applicant's further case that the 2<sup>nd</sup> Respondent did not issue the Applicant with the prescribed forms, including Forms EC 09 and EC 09A-G required for submitting the nomination of a candidate who emerged from a primary election to the 1<sup>st</sup> Respondent for onward publication.

**1<sup>st</sup> Respondent's case:**

The case of the 1<sup>st</sup> Respondent is that she was notified and invited to attend and monitor the 2<sup>nd</sup> Respondent's primaries for the nomination of its Imo West Senatorial District candidate for the forthcoming Presidential and National Assembly Elections fixed for 16<sup>th</sup> January, 2027. Pursuant to the said invitation, the 1<sup>st</sup> Respondent deployed its officials who attended and monitored the 2<sup>nd</sup> Respondent's said primary election which took place on the 18<sup>th</sup> of May, 2026. The 1<sup>st</sup> Respondent's officials who monitored the primary election submitted a report (exhibit INEC 1) which showed that the 3<sup>rd</sup> Respondent scored the highest number of votes at the said primary election and was accordingly declared the winner.

The 1<sup>st</sup> Respondent did not receive a complaint from any aspirant who participated at the said primaries prior to or after the conduct of the said primaries. The 1<sup>st</sup> Respondent specifically denied signing, stamping or dating Exhibits 8, 8A, 9, 10, 11, 12, 13, 14 and 15 attached to the



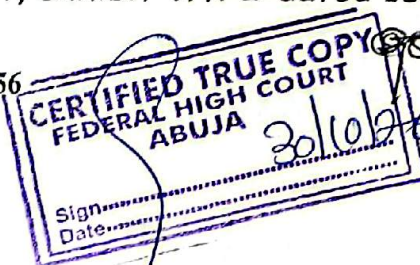
Applicant's affidavit in support and that these documents did not form part of the 1<sup>st</sup> Respondent's records.

Further, that after the conduct of the 2<sup>nd</sup> Respondent's National Assembly primaries for the nomination of its candidates for the 2027 General Election, the 2<sup>nd</sup> Respondent forwarded to the 1<sup>st</sup> Respondent an approved list of Senatorial and House of Representatives candidates by a letter dated 26 June 2026. Imo West was not among the constituencies where appeals had succeeded. The 2<sup>nd</sup> Respondent subsequently submitted the name and particulars of the 3<sup>rd</sup> Respondent as its candidate through Forms EC 9C and EC 9 as well as another letter dated 26<sup>th</sup> June, 2026, together with attachments by which the 2<sup>nd</sup> Respondent submitted the name of the 3<sup>rd</sup> Respondent to the 1<sup>st</sup> Respondent.

Finally, that the 1<sup>st</sup> Respondent published the particulars of the 3<sup>rd</sup> Respondent as submitted by the 2<sup>nd</sup> Respondent in line with the requirements of the *Electoral Act, 2026*.

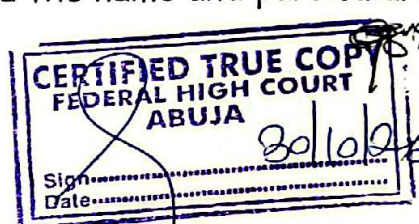
#### **2<sup>nd</sup> Respondent's case:**

The case of the 2<sup>nd</sup> Respondent, who described the documents attached to the Applicant's affidavit as false and fabricated, is that the 2<sup>nd</sup> Respondent's primary election for the Imo State APC Senatorial primary election was held on the 18<sup>th</sup> of May, 2026, INEC monitored the primary election and issued a report. The report, exhibit WK-2-dated 18<sup>th</sup> May,





2026, showed the winners in the three senatorial districts of Imo State with the 3<sup>rd</sup> Respondent the winner of Imo West Senatorial district with 230, 464 votes while the Applicant scored 1, 098 votes. Further, that after the Primary Election Committee announced the results in Imo State, the Imo State National Assembly Primary Election Appeal Committee for the 2026 Senate Primary Election held on the 18<sup>th</sup> of May, 2026 convened and issued its report dated 20<sup>th</sup> of August, 2026. It is the case of the 2<sup>nd</sup> Respondent that the Appeal Committee considered the primary and no petition, complaint or memorandum was received from an aspirant or stakeholder challenging the result. That only the APC National Chairman and National Secretary are authorized to communicate with INEC concerning the nomination of candidates. The 2<sup>nd</sup> Respondent denied the authenticity of Applicant's exhibits 8, 9 and 10 contending that the documents did not originate from the APC National Working Committee or from the proper authorities. The 2<sup>nd</sup> Respondent also denied exhibits 11, 12, 13 and 14 maintaining that exhibit 14 is not the authentic result sheet. The names and signatures appearing as those of the Chairman and Secretary of the Senatorial Primary Election Committee were fabricated. The 2<sup>nd</sup> Respondent deposed that exhibit WK-4 is the authentic APC result sheet and that the National Chairman and National Secretary of the 2<sup>nd</sup> Respondent subsequently submitted the name and particulars of



the 3<sup>rd</sup> Respondent to INEC through Forms EC 9C and EC 9, which were received by INEC on 14 July 2026.

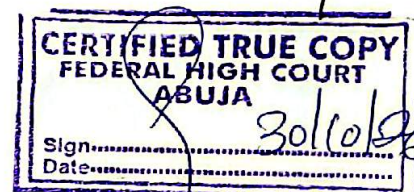
Further, the 2<sup>nd</sup> Respondent did not issue to the Applicant Forms EC 09 and EC 09A-G because he did not win the primary election.

Finally, that Applicant's action is statue-barred under Section 285 (9) of the Constitution.

### **3<sup>rd</sup> Respondent's Case:**

The case of the 3<sup>rd</sup> Respondent is that primary election for Imo State three Senatorial Seats for the 2<sup>nd</sup> Respondent's Senatorial tickets was conducted on the 18<sup>th</sup> of May, 2026 using the Option A-4 procedure. The votes were recorded, collated and duly transmitted from the voting venues at the Wards, the respective Local Government Areas Collation Centres and then delivered to the Senatorial District Returning Officer who finally collated and declared the results. With respect to the three Senatorial primaries, the ultimate winners were Alex Mbata, Senator Patrick Chinwuba Ndubueze and Senator Goodhope Uzodimma respectively for the Imo East, Imo North and Imo West Senatorial Districts. The 3<sup>rd</sup> Respondent emerged winner for the Imo West Senatorial Seat with 230, 464 votes to the Applicant's 1, 098 votes.

The Report of the election was duly signed by all members of the electoral Committee on the 18<sup>th</sup> of May, 2026 which was the day the





result was equally publicly declared. No person, especially the Aspirants, was in doubt as to the result of the election on that day.

Further, that there were twelve Local Government Areas in the Senatorial District and results were returned in respect of all quarters and places designated for the election. During the collation, the Electoral Committee was provided with the results recorded at the Wards and Local Government Areas, subject to arithmetical lapses, and those results represented the authentic result of the election.

That the 1<sup>st</sup> Respondent duly monitored the election and issued a Report which corroborated the result of the 2<sup>nd</sup> Respondent and showed that 3<sup>rd</sup> Respondent emerged victorious in the Imo West Senatorial District election.

The 2<sup>nd</sup> Respondent constituted the *Imo State National Assembly Primary Election Appeal Committee* which by a notice issued on 19<sup>th</sup> May, 2026 invited aggrieved persons to present petitions. The Committee sat on 20<sup>th</sup> May, 2026 at the 2<sup>nd</sup> Respondent's State Secretariat in Owerri. However, no petitions were presented. The Committee consequently issued a Report affirming that the primaries were conducted in substantial compliance with the APC Constitution, APC Electoral Guidelines 2026 and the *Electoral Act, 2026*, and that no procedural breach, irregularity or disenfranchisement was substantiated. The 2<sup>nd</sup> Respondent, in accordance with its Guidelines and Constitution, met and



ratified the results of the primary election conducted nationwide. By 14<sup>th</sup> July, 2026, the 2<sup>nd</sup> Respondent forwarded the list of its candidates together with their nomination Forms and Affidavits in Form EC 9. No such documents were forwarded with respect to the Applicant, and in deed with respect to who did not win the election.

It is the further case of the 3<sup>rd</sup> Respondent that he was not at the time occupying a paid employment of the Legislative arm of the Government of the Federal Republic of Nigeria and that exhibit 7 attached to the Applicant's affidavit did not warn the State Chairman of the National Assembly Primary Election Committee against announcing or publishing the outcome of the primary election, nor did it instruct that the results would be announced at the National Secretariat of the 2<sup>nd</sup> Respondent. Exhibit 7 dealt only with "media briefing within their respective states of assignment", which is distinguished from announcement of results. The results were announced at the designated venues on the day of the election.

Contrary to the deposition of the Applicant, exhibit 8 of the Applicant is merely a letter requesting that the Commission take note of the mode of the primary adopted and update its records accordingly. There was no reference to an attachment and exhibit 8A was not submitted as an annexure to exhibit 8. The signatures and the stamp on exhibit 8 did not originate from the 1<sup>st</sup> Respondent.

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There was no authentic Report of the election presenting the Applicant as the winner as it was the Secretary of the Election Committee, who prepared the Report which was signed by all members and was founded on the collated results at all stages of the process. The Report showed that the 3<sup>rd</sup> Respondent, rather than the Applicant, won the election by a landslide. The Applicant was never presented as winner by the Electoral Committee, the Head of Department, Election and Party Monitoring (EPM), or the Resident Electoral Commissioner of the 1<sup>st</sup> Respondent for Imo State to the Chairman of the 1<sup>st</sup> Respondent.

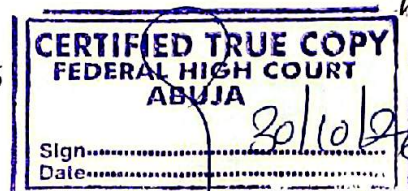
Finally, exhibit 10 is therefore not an authentic document.

As noted earlier, the Applicant file reply affidavits to the counter affidavits filed by the Respondents while the Respondents also filed further counter affidavits. I have read these processes and noted the facts deposed therein. I shall refer to the facts deposed to therein as the need arises.

The above represents the positions of each of the parties in this suit.

Now, the established facts of this case to which the parties are *ad idem* are that the Applicant and the 3<sup>rd</sup> Respondent are members of the 2<sup>nd</sup> Respondent. They both contested for the 2<sup>nd</sup> Respondent's ticket for the Imo West Senatorial Seat in Imo State in the 2<sup>nd</sup> Respondent's primary election held on the 18<sup>th</sup> of May, 2026. The 1<sup>st</sup> Respondent monitored the primary election.

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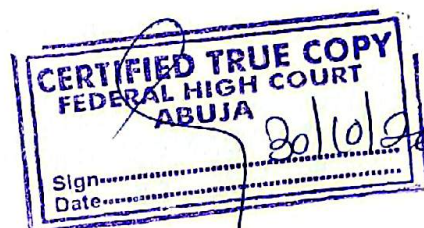


The point of disagreement is that while the Applicant is contending that he won the primary election but that the result was not announced on the day of the election but later made public on the 1<sup>st</sup> of August, 2026 publishing the name of the 3<sup>rd</sup> Respondent as the winner, the Respondents are contending that the result was announced on the day of the election and that the 3<sup>rd</sup> Respondent won the election with landslide and was declared the winner.

#### ***Preliminary Objections:***

As stated earlier as well, the 2<sup>nd</sup> Respondent filed a notice of preliminary objection challenging the jurisdiction of this Court to entertain this matter. The 2<sup>nd</sup> Respondent in the objection, sought an order 'striking out this suit in its entirety for lack of jurisdiction because the action is statute barred under section 285 (9) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).'

The grounds for the objection are that this action was filed by the Applicant on the 13<sup>th</sup> of August, 2026 well outside the 14-day time limit mandated by section 285 (9) of the 1999 Constitution for complaining about either the outcome of the May 18, 2026 Senatorial primary election or the submission of the 3<sup>rd</sup> Respondent's name to the 1<sup>st</sup> Respondent, an event, according to the 2<sup>nd</sup> Respondent, that occurred on July 14, 2026.





The 3<sup>rd</sup> Respondent also raised a preliminary objection to the suit in his written address in opposition to the Applicant's suit.

The grounds for his objection are that '(a) the court has no jurisdiction to adjudicate on the suit in that the Applicant's claim is statute barred having regard to section 285 (9) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), (b) the suit is academic and non-justiciable having regard to the ultimate reliefs sought by the Applicant which is, to be declared the candidate of the 2<sup>nd</sup> Respondent; and (c) Applicant's question 5 and reliefs 5 are not ripe for adjudication and are outside the jurisdiction of the Court in a pre-election matter.'

The law is well settled that jurisdiction is the lifeblood of adjudication. Jurisdiction constitutes the very foundation upon which the authority of a Court to entertain and determine a matter rests. Consequently, where a court embarks upon proceedings in the absence of jurisdiction, such proceedings, no matter how meticulously conducted or elegantly reasoned, are a nullity, for one cannot place something on nothing and expect it to stand. See *Ben Mene-Ejegi Esq. v. Nigeria Bar Association & Anor* (2026)-LPELR-84488(SC).

It is important that once the jurisdiction of a Court is challenged, the Court will take umbrage under section 6 of the 1999 Constitution to determine whether it had jurisdiction to proceed. See *Ibadan Electricity Distribution Company Plc v. Landmark University* (2021)



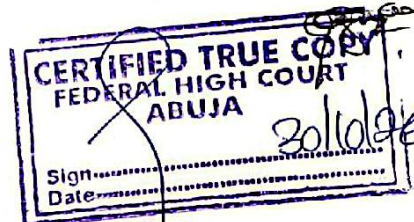
LPELR-56123(CA); Adeleke v. Osun State House of Assembly (2006)16 NWLR PT. 1006, PG. 608; Egbebu v. I.G.P. (2006) 5 NWLR PT. 972, PG. 146.

It is on the above settled position of the law that I shall resolve the challenge to the Court's jurisdiction first before proceeding to determine the merits of the case since this is a pre-election matter.

In the 2<sup>nd</sup> Respondent's written address in support of the preliminary objection, a sole issue was nominated for determination-'*whether the Applicant's suit is statute barred and this Honourable Court is divested of the jurisdiction to entertain it?*'

The 3<sup>rd</sup> Respondent on the other hand argued the preliminary objection on the three grounds of her objection.

Arguing his lone issue, the 2<sup>nd</sup> Respondent's counsel, after setting out the provision of section 285 (9) of the Constitution, submitted that the Applicant's cause of action arose and crystalized on May 18, 2026, the date of the 2<sup>nd</sup> Respondent's primary election for the Imo West Senatorial District and the declaration of its result. According to counsel, each of questions 1-5 and the reliefs sought by the Applicant is predicated on the heavily disputed allegation that he won the subject primary election conducted by the 2<sup>nd</sup> Respondent on that date. To the extent that the questions for determination and the reliefs sought by the Applicant arise from the Senatorial primary election of May 18,



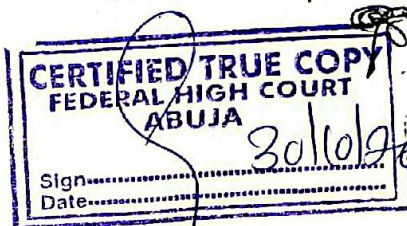


2026, this suit, filed on the 13<sup>th</sup> of August, 2026, is clearly barred by statute. Counsel relied on the cases of *Oni v. Fayemi (2020) 15 NWLR (Pt. 1746) Pg. 59 SC*.

Arguing further, counsel submitted that assuming, without conceding, that the cause of action did not arise on 18<sup>th</sup> of May, 2026, then it arose not later than 14<sup>th</sup> of July, 2026, the day the 2<sup>nd</sup> Respondent submitted the 3<sup>rd</sup> Respondent's name as the 2<sup>nd</sup> Respondent's senatorial candidate for the 2027 General Elections for the Imo West Senatorial District, as the 1<sup>st</sup> Respondent acknowledged receipt of that submission on the same date. Counsel relied on the case of *Sarki v. A.P.C. (2020) 1 NWLR (Pt. 1706) Pg. 515 SC*. The Applicant is therefore deemed to have been aware of the 3<sup>rd</sup> Respondent's candidacy as of July 14, 2026 when the 1<sup>st</sup> Respondent received the 3<sup>rd</sup> Respondent's name before the list was published on August 1, 2026 as the nomination became complete upon submission of the 3<sup>rd</sup> Respondent's name and personal particulars to the 1<sup>st</sup> Respondent. Thus, this suit filed about 30 days after the 14<sup>th</sup> of July, 2026 is statute barred. The cases of *PDP v. Uche & Ors (2023) LPELR-59604 (SC)*; *SDP & Anor v. INEC & Ors (2023) LPELR-59836(SC)*; *Kashi v, Gwagwa (2022) 9 NWLR (Pt. 1834) Pg. 139* were called in aid of counsel's submissions.

Counsel contended that the law is well settled that the constitutional timelines in section 285 (9) of the 1999 Constitution is not predicated

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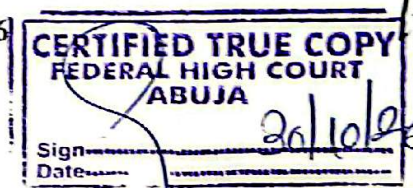
on the Applicant's awareness but on the date the event, which in this case is 18<sup>th</sup> May, 2026, or at best 14<sup>th</sup> July, 2026, the date the 3<sup>rd</sup> Respondent received the name of the 3<sup>rd</sup> Respondent from the 2<sup>nd</sup> Respondent, again relying on the case of *Kashi v. Gwagwa (supra)* and *Bello v. Yusuf & Ors (2019) LPELR-47918(SC); (2019) 15 NWLR (Pt. 1695) Pg. 250*.

The Court was thus urged to uphold the objection and strike out the Applicant's suit in its entirety, with substantial costs.

The 3<sup>rd</sup> Respondent's counsel in arguing his objection, on ground 1 (statute barred), towed the same line of argument with the 2<sup>nd</sup> Respondent and also relying on the cases of *Kashi v. Gwagwa (supra)*; *SDP v. INEC (2023) LPELR-39836(SC) 35-39*. Counsel however pointed out that Applicant's contention that the announcement of the result was proscribed relying on exhibit 7 is not correct as exhibit 7 merely recognized the procedure for announcement of results at the Ward, Local Government and Constituency Centre and the submission of result at the Headquarters, then restrained the Committee from engaging in media briefing within their respective States.

On his ground two (suit being academic and non-justiciable), counsel after referencing Applicant's reliefs 6, 7, 8 and 9, submitted that the Applicant is essentially asking the Court to determine who the candidate of a political party should be, which is an internal affair of the party and

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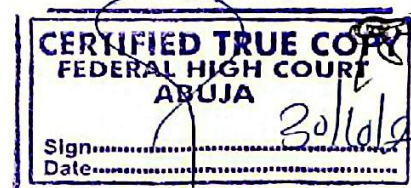


outside the authority of a Court, relying on the cases of *Pali v. Abdu* (2019) LPELR-46342(SC); *PDP v. Sylva* (2012) 3 NWLR (Pt. 1316) Pg. 83; *Agi v. PDP* (2017) 17 NWLR (Pt. 1595) Pg. 386; *Shinkafi v. Yari* (2016) 7 NWLR (pt. 1511) Pg. 340.

Besides the foregoing, counsel argued that by the provision of section 88 (3) of the *Electoral Act, 2026*, where the Court finds that a political party violated the Electoral Act in the process of the conduct of its primaries, '...the candidate for that election shall not be included in the election for the particular position in issue'. That the provision excludes the recognition of the Applicant and the publication of his name as a candidate. In as much as the Applicant has not sought a relief to the effect that the Court should not include the 2<sup>nd</sup> Respondent's candidate at the Election the entire suit is academic as the Court ought not to grant a vital relief such as this unless it is prayed for.

The Applicant's response to the arguments of the 2<sup>nd</sup> Respondent in respect of the suit being statute barred can be located at pages 11 to 14 of Applicant's reply to the 2<sup>nd</sup> Respondent's written address filed on the 4<sup>th</sup> of September, 2026.

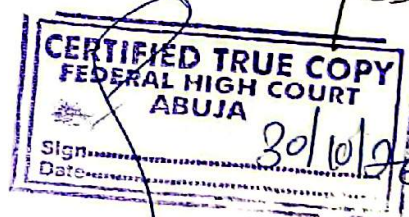
It is counsel's submission that he was not aggrieved by the outcome of the subject primary election having won the said election and so could not have initiated an action between the 18<sup>th</sup> of May, 2026 and 31<sup>st</sup> of May, 2026 or the 1<sup>st</sup> of June, 2026 against the outcome of a Senatorial



direct primary election of the 2<sup>nd</sup> Respondent in which he emerged victorious. Counsel contended that it was on the 1<sup>st</sup> of August, 2026 when the publication of the outcome of the primary was published by the 2<sup>nd</sup> Respondent that the Applicant saw and became aware that the Respondents have done their own thing outside the true events of the primary that held on the 18<sup>th</sup> of May, 2026 that he won. Counsel contended that the 'event, decision or action complained of in this suit is the publication by the 1<sup>st</sup> Respondent of the name of the 3<sup>rd</sup> Respondent on the 1/8/2026.' He urged the Court to so hold.

Counsel further contended, relying on the case of *Nnaduaka v. Anunobi* (2025) 9 NWLR (Pt. 1994) Pg. 65 that the document the court will look at in considering an objection hinged on limitation of time is the Applicant's affidavit, urging the court to disregard the 2<sup>nd</sup> Respondent's reference to the date of forwarding the 3<sup>rd</sup> Respondent's name (14/7/2026) since it was not shown that the Applicant was afforded the letter of the 2<sup>nd</sup> Respondent forwarding the name of the 3<sup>rd</sup> Respondent to the 1<sup>st</sup> Respondent or that the Applicant was served exhibit 1 (INEC Form EC9C).

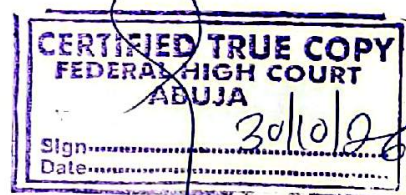
In respect to the 3<sup>rd</sup> Respondent's submissions, Applicant's counsel submitted (on ground 1) that the 14 days specified in section 285 (9) of the Constitution for the initiation of an action can only accrue if the Applicant was aggrieved by the outcome of the direct primary of the 2<sup>nd</sup>





Respondent which took place on the 18/5/2026. And because he won the primary he was not aggrieved and thus has no business initiating an action anytime between the 18<sup>th</sup> of May, 2026 to the 31<sup>st</sup> of May, 2026 or thereafter until his name was wrongly substituted by the 2<sup>nd</sup> Respondent and published by the 1<sup>st</sup> Respondent on the 1/8/2026 as announced by exhibits R8 and R9. Counsel argued, after referring to the cases of *Mulima v. Usman* (2014) 16 NWLR (Pt. 1432) Pg. 161; *Ishaku v. APC* (unreported Suit No. SC/CV/35/2026 delivered on the 16/2/2026), (on concealment of cause of action by a Respondent) that the time the legally cognizable injury in this case consummated was/is the publication of the name of the 3<sup>rd</sup> Respondent by the 1<sup>st</sup> Respondent on the 1/8/2026 which is the date the Applicant became aware that his name has been substituted by the 1<sup>st</sup> and/or the 2<sup>nd</sup> Respondent with that of the 3<sup>rd</sup> Respondent.

On ground 2, counsel submitted that he is not praying the court in reliefs 6-9 to determine who the candidate of the 2<sup>nd</sup> Respondent should be contrary to the argument of the 3<sup>rd</sup> Respondent but rather praying the court to bring into effect the direct primary of the 2<sup>nd</sup> Respondent conducted on the 18/5/2026 which the Applicant won, relying on exhibits 8, 10, 11-15, *Atuma v. APC* (2023) 16 NWLR (Pt. 1910) Pg. 371 @ 413-414.



On grounds 3, counsel submitted that any issue which calls for the interpretation of the Constitution is justiciable unless otherwise provided for in the Constitution, relying on the case of *AG Fed. V. AG Abia State (2001) 11 NWLR (Pt. 725) Pg. 686*. Counsel argued that the aggregate facts that found question 5 and the relief arising thereof, is complete as none of the Respondents have countered the facts deposed in paragraphs 3 (xii-xiv) and 3 (xxi) of Applicant's affidavit, contending that the argument of the 3<sup>rd</sup> Respondent that he has not been elected into office is unavailing for the simple reason that because the 3<sup>rd</sup> Respondent is a sitting governor of Imo State and his tenure would not have expired at the time of the inauguration of the Senate which he aspires for, he is incompetent by that fact to put himself out for contest.

The 3<sup>rd</sup> Respondent joined issues with the Applicant by filing 3<sup>rd</sup> Respondent's reply on law to the Applicant's response to the preliminary objection' on the 17/9/2026.

I have read the submissions and noted the points made therein.

Before proceeding to resolve the preliminary objections, let me first of all resolve the challenge to the Applicant' Reply submissions to the 3<sup>rd</sup> Respondent's Counter submissions.

The 3<sup>rd</sup> Respondent has by a Motion on Notice dated and filed on the 17<sup>th</sup> of September, 2026 sought 'an order striking out the Applicant's





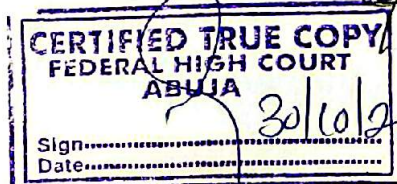
purported written address under the caption...for non-compliance with Paragraph 7 (7) of the Federal High Court (Pre-Election) Practice Directions (Amendment) 2026.'

The application is supported by an affidavit of 8 paragraphs deposed to by Julius Chinedu Mba attached with two documents marked as exhibits 1 and 2 respectively and a written address.

The contention of the 3<sup>rd</sup> Respondent is that Applicant's written address attached to 'Applicant's Reply to the 3<sup>rd</sup> Respondent's Counter Affidavit' was filed in clear violation of the provisions of Paragraph 7 (7) of the Federal High Court (Pre-Election) Practice Directions (Amendment) 2026 in that the Line Spacing used therein is single line spacing contrary to the double line (2.0) spacing mandated by the Practice Direction. Thus, the Applicant failed to adhere to the requirement of the Practice Direction and the process having not been filed in compliance with the mandatory provisions of the Practice Direction, it is accordingly invalid, incompetent and ought to be struck out.

The Applicant contended otherwise insisting that the process was filed in compliance with the Practice Direction. That the process is double and not a single line spacing otherwise it could not have been accepted for filing by the Registry of this Court.

In deed Paragraph 7 (7) (a) of the Federal High Court (Pre-Election) Practice Directions (Amendment) 2026 provides that 'the written



address shall be concise, typed in double spacing with font size of twelve (12); numbered consecutively.'

The subject written address of the Applicant which I have examined was not typed in double spacing as required by the *Practice Direction*, but rather, it was typed in single spacing.

However, the *Practice Direction* failed to provide the consequence for failure to adhere to Paragraph 7 (7) of the *Practice Direction*.

Paragraph 4 (2) of the *Practice Direction* provides that 'the provisions of the Federal High Court (Civil Procedure) Rules, 2019 shall apply to any issue not provided for in this *Practice Direction*.'

Order 51 rule 1 of the Federal High Court (Civil Procedure) Rules, 2019 (Rules of Court) provides for the effect of non-compliance where such non-compliance is in respect of time, place, form or content or in any other respect. Such failure may be treated as an irregularity and if so treated, will not nullify the proceeding, or any amendment, judgment or order.

I have read the cases of *Oyedele & Ors v. Sotunminu & Co.*, (2022) LPELR-57454(CA) and *Ogunede v. Anajuba* (2016) LPELR-42118(CA) referred to by the 3<sup>rd</sup> Respondent's counsel.

In *Ogunede v. Anajuba (supra)*, the Court of Appeal held thus;

'The Apex Court have consistently pronounced on the need for strict adherence to the *Practice Direction*. In *Audu v. Wada* 2016

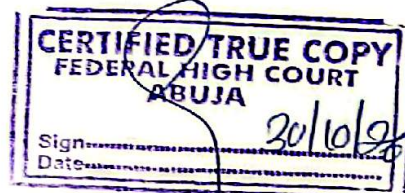




12 NWLR (Pt 1527), Page 394; CPC v INEC 2011; NWLR (Pt. 1279) 493; ANPP v GONI (2012) 3 NWLR (Pt. 1298) 147 and a litany of cases, it held unequivocally that a PRACTICE DIRECTION is a special provision and must be given the effect it clearly sets out to achieve. Practice Direction has been held to have the force of law and parties must as a matter of law adhere strictly to it. AUDU v WADA (supra). Rules of Court are akin to Practice Direction and must be obeyed. To do otherwise would open a floodgate of confusion in the Courts. Particularly when it pertains to the issue of JURISDICTION."

I am also aware of the decisions of superior courts to the effect that Practice Directions like rules of Court ought to be obeyed. See *Ogunede v. Anajuba* (2016) LPELR-42118(CA).

However, in this instance, though the 3<sup>rd</sup> Respondent challenged the competency of the Applicant's written address, the 3<sup>rd</sup> Respondent proceeded to take steps by filing a response to the said process. The law is that where a respondent takes steps in the proceedings even with the knowledge of an alleged irregularity, he must be taken as having waived his rights. The failure by the Applicant to comply with the provision of Paragraph 7 (7) of the Practice Direction, is an irregularity as provided in Order 51 rule 1 of the Rules of this Court. The 3<sup>rd</sup>



Respondent having filed a reply to the very process he is challenging he is deemed to have waived his right to complain.

Accordingly, I find no merit in the challenge to Applicant's written address in response to the 3<sup>rd</sup> Respondent's objection to the suit.

It is accordingly dismissed.

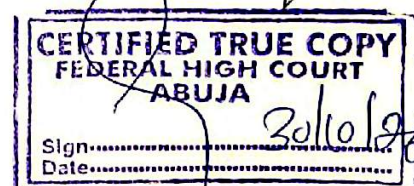
***Resolution of the Preliminary objections:***

The parties are *ad idem* that this suit is a pre-election matter.

By section 285 (9) of the Constitution, *'Notwithstanding anything to the contrary in this Constitution, every pre-election matter shall be filed not later than 14 days from the occurrence of the event, decision or action complained of in this suit.'*

While the Applicant is contending that 'event, decision or action complained of in this suit' occurred on the 1<sup>st</sup> of August, 2026 the date the name of the 3<sup>rd</sup> Respondent was published by the 1<sup>st</sup> Respondent, the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents are contending that it occurred on the 18<sup>th</sup> of May, 2026 (the date the primary election was conducted) or at best on the 12<sup>th</sup> or 14<sup>th</sup> of July, 2026 (the date the names of the winners of the primary was forwarded to the 1<sup>st</sup> Respondent).

In consideration of whether an action is statute barred or caught by the statute of limitation, what is of paramount consideration is the determination of (i) the cause of action, (ii) when the cause of action accrued and (iii) when the action became statute barred.





To determine these conditions, what the court would look at are the Plaintiffs' originating processes (writ of summons/statement of claim or the originating summons/the affidavit in support) alleging when the wrong which gave the Plaintiff a cause of action was committed and by comparing that date with the date on which the writ/originating summons was filed. If the time contained in the writ/originating summons as the time the cause of action arose is beyond the period allowed by the limitation law, then the action is definitely statute-barred. See *A-G., Adamawa State v. A.G., Federation* (2014) 14 NWLR (Pt. 1428) Pg. 515.

Generally, to determine if an action is statute barred, it is the originating process that the court should look at to find out the date the wrong that caused the suit occurred and the date the suit was filed. But where the objection that the suit is statute barred is considered and determined after the conclusion of evidence by both sides, all the processes and evidence before the court must be considered, especially where the objection is determined as part of or along with the final judgment on the merit of the dispute in the case. See *Kashi v. Gwagwa* (2022) 9 NWLR (Pt. 1834) Pg. 139 (SC). This approach according to the Supreme Court in *Kashi v. Gwagwa*, pursues substantial justice of the matter and reduces the incidence of unscrupulous litigants, who knowing very well that their claim is already statute-barred,

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misrepresent the fact to exploit the principle that only the originating process should be considered in determining the issue of when the cause of action accrued and abuse the process of court by sending it on a futile trial of a stale cause that it lacks jurisdiction to try. See also *Abdullahi v. Loko & Ors* (2022) LPELR-57578 (SC); (2023) 6 NWLR (Pt. 1881) Pg. 445 (SC).

In this instance, from the questions posited for determination, the reliefs sought and the facts deposed in support of this suit by the Applicant, it is obvious that the grouse or complaint of the Applicant is the publication by the 1<sup>st</sup> Respondent of the 3<sup>rd</sup> Defendant's name in place of the Applicant's name who allegedly won the subject primary election of the 2<sup>nd</sup> Respondent. The Applicant grouse is not that he was not declared the winner of the subject primary election.

So, the 'date of the occurrence of the event, decision or action complained of in the suit' by the Applicant is the date the 3<sup>rd</sup> Respondent's name was published by the 1<sup>st</sup> Respondent. And this date is the 1<sup>st</sup> of August, 2026 when the Applicant saw and became aware that the Respondents, according to the Applicant, 'has done their own thing outside the true events of the primary that happened on the 18<sup>th</sup> of May, 2026 that he won.' It cannot be the date the name of the 3<sup>rd</sup> Respondent was submitted to the 1<sup>st</sup> Respondent by the 2<sup>nd</sup> Respondent, a date the Applicant was not privy to or made aware of by the 2<sup>nd</sup> Respondent. The

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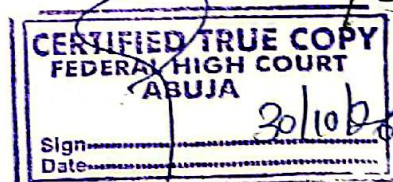
entire questions on the face of the originating summons, facts supporting same, reliefs claimed thereunder and the arguments border on the publication of the 1<sup>st</sup> of August, 2026. An Applicant who is not aware that a wrong has been done to him is not expected to initiate an action to ventilate a none existent cause of action.

For the purpose of litigation, a cause of action entails the fact or combination of facts which gives rise to a right to sue and it consists of two elements (a) the wrongful act of the defendant which gives the plaintiff his cause of complaint; and (b) the resultant/consequent damage. See *Iwueke v. Odikanwa* (2020) 16 NWLR (Pt. 1749) Pg. 105. The wrongful act in this instance is the publication of the name of the 3<sup>rd</sup> Defendant in place of the name of the Applicant. The resultant/consequent damage is the denial of the Applicant's right as the candidate of the 2<sup>nd</sup> Respondent.

See *Musa v. Umar* (2020) 11 NWLR (Pt.1735) 213; *Saki v. A.P.C.* (2020) 1 NWLR (Pt.1706) 515; *A.P.C. v. Lere* (2020) 1 NWLR (Pt. 1705) 254; *Bello v. Yusuf* (2019) 15 NWLR (Pt. 1695) 250.

It is thus reasonable to hold that the cause of action occurred when the aggrieved party became aware of his replacement with another and that the cause of action occurred when the aspirant first declared winner of party primary election became aware that he had been replaced as winner of the primary or the party's candidate for the election. This is

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because such awareness occurred actually or constructively, only when another name was substituted by the party to the Independent National Electoral Commission or the list was published by the Commission.

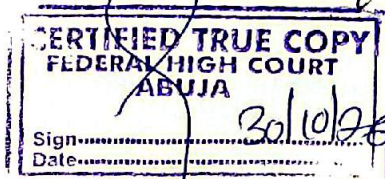
The parties are agreed that the publication by the 1<sup>st</sup> Respondent was done on the 1<sup>st</sup> of August, 2026.

It must be noted that as the 22<sup>nd</sup> of July, 2026 when the 1<sup>st</sup> Respondent, on the application of the Applicant through his lawyers (D-Azipu Akai Chambers) vide a letter dated 20/7/2026, was issued the 'certified true copy (CTC) of the report of the APC Imo Senatorial Primary Election held on the 18<sup>th</sup> of May, 2026...', (exhibits 8, 8A and 10) the name of the Applicant still appeared in the 1<sup>st</sup> Respondent's record as the winner for Imo West senatorial district seat.

There is no doubt, that what constitutes the event complained of in a pre-election suit and when it accrues would differ from case to case. In spite of such differences, section 285 (9) of the Constitution applies generally to all cases. Whatever it is and when it occurs are the relevant considerations in the application of section 285 (9) of the Constitution.

It is my finding therefore, that Applicant's cause of action, relying on the Supreme Court decisions accrued on the 1<sup>st</sup> of August, 2026 when the name of the 3<sup>rd</sup> Respondent was published in place of the Applicant's name as the 2<sup>nd</sup> Respondent's candidate for the Imo West Senatorial Seat.

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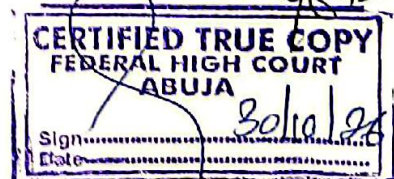
This suit was filed on the 13<sup>th</sup> of August, 2026.

Calculating from the date of the accrual of the cause of action (1/8/2026) to the date when this suit was filed (13/8/2026), it becomes clear that the suit was filed within the 14 days' period allowed by section 285 (9) of the Constitution for the filing of pre-election matters. This suit is therefore not statute barred as argued by the Respondents.

This Court therefore has jurisdiction to entertain same. And I so hold.

On the 3<sup>rd</sup> Respondent's arguments on ground 2, my view is that reliefs 6, 7, 8 and 9 are anchored on the fact that the Applicant won the primary election for the Imo West Senatorial seat. They are necessary reliefs to be granted if the Court finds that the Applicant won the subject primary election. The reliefs are not asking the court to determine who the candidate of the 2<sup>nd</sup> Respondent is but rather bringing into effect the result of the subject primary election.

In *Atuma v. APC (2023) 16 NWLR (Pt. 1910) Pg. 371*, a case relied upon by the Applicant, the Supreme Court held that 'where a political party has made its choice of which candidate to nominate by a valid primary election, it cannot arbitrarily change that candidate or cancel the primary election for no just reason in order to please some people or to massage some people's ego. Such a political party does not have a discretion on whether to submit the name of a successful aspirant to INEC, it is compulsory that the name of the winner is submitted. It



cannot submit the name of another person to INEC or conduct another primary election for no cogent reason.'

If any person is aggrieved by the outcome of the primary election, the 2<sup>nd</sup> Respondent's Guidelines made adequate provisions for an appeal process, which leaves the ultimate decision with the National Working Committee of the 2<sup>nd</sup> Respondent. In this instance, it is not in evidence that the primary election allegedly won by the Applicant was subject of any appeal to the 2<sup>nd</sup> Respondent's Primary Election Appeal Committee. Therefore, it cannot be said, on the facts of this case, that the Applicant is asking this Court to choose a candidate for the 2<sup>nd</sup> Respondent. Rather, the Applicant is asking the Court to put into effect the outcome of the subject primary election held on the 18<sup>th</sup> of May, 2026. To this extent, the Applicant's suit is justiciable contrary to the position of the 3<sup>rd</sup> Respondent's arguments.

I resolve this ground against the 3<sup>rd</sup> Respondent.

On the 3<sup>rd</sup> Respondent's ground three of her objection, my view is that the ground or issue is not one to be determine at this preliminary stage. I shall therefore refrain from deciding same at this stage.

Now to the merits of the case.

The Applicant adopted the five questions posited for determination as his issues for determination. Counsel argued questions 1 to 4 together while question 5 was argued separately.

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The 1<sup>st</sup> Respondent distilled a sole issue for determination thus;

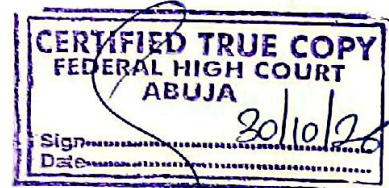
*'Whether, having regard to the affidavit evidence and the official records of the 1<sup>st</sup> Respondent before this Honourable Court, the Applicant has established any legal basis for the Court to grant the declaratory and consequential reliefs sought against the 1<sup>st</sup> Respondent?'*

For the 2<sup>nd</sup> Respondent, it adopted the Applicant's questions and responded to the arguments of the Applicant in the manner the Applicant argued the questions-questions 1-4 together and then question 5 separately.

The 3<sup>rd</sup> Respondent on his part, distilled two issues for determination as follows'

1. *Whether the Applicant has established that he won the primary election and was the aspirant entitled to have his name forwarded to the 1<sup>st</sup> Respondent as the candidate of the 2<sup>nd</sup> Respondent?*
2. *Whether the Applicant has established that the 3<sup>rd</sup> Respondent is proscribed from contesting the election by virtue of section 183 CRFN (sic) (CFRN?) 1999.'*

I have painstakingly read the totality of the arguments canvassed by the parties in their respective written addresses. These arguments are incorporated into this judgment.



In my candid opinion, the 3<sup>rd</sup> Respondent's issue No. 1 is a succinct summary of the Applicant's questions 1 to 4.

I shall therefore resolve Applicant's questions 1 to 4 under the 3<sup>rd</sup> Respondent's issue No. 1 while resolving Applicant's question No. 5 separately.

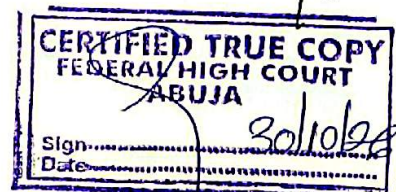
*Whether the Applicant has established that he won the primary election and was the aspirant entitled to have his name forwarded to the 1<sup>st</sup> Respondent as the candidate of the 2<sup>nd</sup> Respondent?*

The whole of Applicant's case is premised on the ground that he won the 2<sup>nd</sup> Respondent's primary election for the Imo West Senatorial Seat, Imo State held on the 18<sup>th</sup> of May, 2026 and thus his name ought to have been sent to and published by the 1<sup>st</sup> Respondent as the 2<sup>nd</sup> Respondent's candidate for the said seat. The Respondents contended otherwise, insisting that it was the 3<sup>rd</sup> Respondent that won the primary.

It will thus be necessary to establish who indeed won the versed primary election.

The parties are agreed that the subject primary election was conducted on the 18<sup>th</sup> of May, 2026 and that the 1<sup>st</sup> Respondent statutorily monitored/observed the election and submitted her report.

The Applicant contended that the result of the primary was not announced on the date of the election pursuant to the directive of the

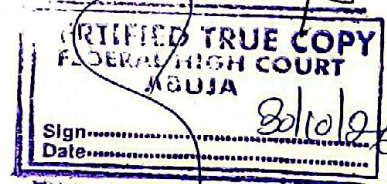




2<sup>nd</sup> Respondent's National Working Committee (NWC) (through the NWC's National Organizing Secretary's) dated 17<sup>th</sup> of May, 2026 (exhibit 7). The Respondents contended otherwise insisting that the result of the primary election was announced on the same date and that exhibit 7 did not preclude the announcing of the result.

I have examined exhibit 7. It is dated 17<sup>th</sup> of May 2026 and signed by H. E. Sulaiman Muhammad Argungu, OFR, National Organizing Secretary of the 2<sup>nd</sup> Respondent. It was addressed to *all Chairmen, National Assembly Primary Election Committees* and titled '*Subject: Central Result Collation and Announcement Centres*'. It informed the addressees of the existence of established procedure for the collation and announcement of results arising from the National Assembly Primary Elections. These procedures are (i) Ward Collation, (ii) Local Government Area (LGA) Collation Centres, and (iv) submission of results and reports to the National Headquarters. It then concluded; '*accordingly, no committee is permitted to conduct medias briefings within their respective states of assignment.*' Further, '*any official briefing, where necessary, shall be conducted exclusively in Abuja after the submission of all results.*'

Clearly therefore, exhibit 7 impliedly prohibited the announcement of the result by any other authority except the National Headquarters of the 2<sup>nd</sup> Respondent.

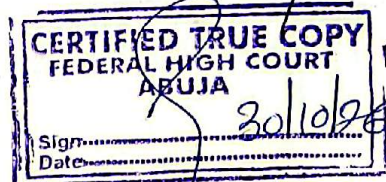


It is therefore borne out by the evidence before this Court that 2<sup>nd</sup> Respondent prohibited the announcement of the primary election result except by the National Headquarters of the 2<sup>nd</sup> Respondent.

The Applicant deposed in paragraph 3 (xvi) and (xvii) that after the primary he emerged victorious and relied on exhibits 8 and 9 to prove that the 2<sup>nd</sup> Respondent cleared the Applicant to contest the primary and the outcome of the primary. Exhibit 8 dated 4<sup>th</sup> June 2026 showed that the Applicant and the 3<sup>rd</sup> Respondent were cleared to contest for the Imo West senatorial district seat.

I have examined exhibits 10, 11, 12, 13, 14 and 15 attached to the Applicant's affidavit in support and compared them with 1<sup>st</sup> Respondent's INEC 1, INEC 2, INEC 3, INEC 4, the 2<sup>nd</sup> Respondent's exhibits WK 17 (a, b and c), the 2<sup>nd</sup> Respondent's exhibits UGO 3, UGO 9 amongst other exhibits.

Curiously, exhibits 10, INEC 1, WK 17 (c) and UGO 3 respectively headed '*Forwarding All Progressive Congress (APC) Imo State Senatorial Primary Election of 16<sup>th</sup> May, 2026*' signed by the same person-Dr Nneka O. Eluogu, Head of Department, Election and Party Monitoring (EPM) For Hon. Resident Electoral Commissioner INEC, Imo State-has the Applicant and the 3<sup>rd</sup> Respondent respectively as the winner of Imo West Senatorial Zone. In Applicant's exhibits 10, the Applicant was shown to have won the subject primary election with 150, 780 votes. In

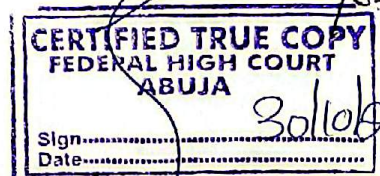




exhibits INEC 1, WK 17 (c) and UGO 3 respectively, the 3<sup>rd</sup> Respondent was recorded as the winner with 230, 464 votes. It must be noted that these results are in respect of the same election conducted on the same date and certified by the 1<sup>st</sup> Respondent! Exhibit 10 was certified by the 1<sup>st</sup> Respondent (Gyang D. Dung) on the 22<sup>nd</sup> of July, 2026 while exhibits INEC 1, WK 17 (c) and UGO 3 were respectively certified also by the 1<sup>st</sup> Respondent (by A. N. Makwe) on the 22<sup>nd</sup> August, 2026, 14<sup>th</sup> of August, 2026 and 3<sup>rd</sup> September, 2026 respectively.

The 1<sup>st</sup> to 3<sup>rd</sup> Respondents deposed that Applicant's exhibits were forged. But a close examination of same will reveal the Applicant's exhibits were initialed by the 'DD (PPM)' which initial were absent in the Respondents' exhibits INEC 1, WK 17 (c) and UGO 3.

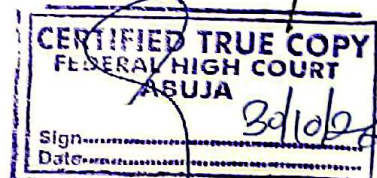
I have further examined exhibits R5 attached to the Applicant's reply affidavit to the 3<sup>rd</sup> Respondent's counter affidavit, certified by the 1<sup>st</sup> Respondent on the 22 July, 2026, and it clearly showed that the Applicant, in the records of the 1<sup>st</sup> Respondent as at that date remained the winner of the subject primary election. In the 3<sup>rd</sup> Respondent's exhibit UGO 1, meant to be signed by both the Resident Electoral Commissioner for Imo State and the HOD (Elections & Party Monitoring) Imo State but same was not signed by the HOD (Elections & Party Monitoring) Imo State. However, in exhibit R7, both the Resident Electoral Commissioner for Imo State (Chukwuemeka C. Ibeziako, Esq.,



FCarb., and the HOD (Elections & Party Monitoring) Imo State (Dr. Nneka Ogochukwu Eluogu) signed the document, thus casting credibility issue on exhibit UGO 1/ R7. Since same was signed by one person when they were meant to signed by two persons, presents the documents as not signed at all. That being the case, no probative value can be ascribed to the document. See *Dikko v. NSITF Mgt. Board (2025) 14 NWLR (pt. 2004) Pg. 129*.

Again, I have examined exhibit UGO 9 series/WK series. Exhibits UGO 9 series disclosed by the 3<sup>rd</sup> Respondent in paragraph 19 of his counter affidavit are the same with exhibits WK-2, WK-5 WK 5 (i)-WK 5 (xiii); WK-6-WK6(i)-WK-6(xii); WK-7-WK 7(i)-WK(xi); WK-11-WK-11(i)-WK-8(xi); WK-9, WK-9(i)-WK-9(ix); WK-10-WK(i)-WK-10(xi); WK-11-WK11(i)-WK11(ix); WK-12-WK12 (xi); WK(xi); WK-13-WK13(i) -WK-WK-13 (xiii); WK-14-WK14(xi); WK15-WK15(i)-WK-15(x) and WK-16-WK-16(i)-WK16(x);, WK-18 and WK-19 disclosed in paragraphs 7, 10, 13 and 30 of the 2<sup>nd</sup> Respondent's counter affidavit.

I agree with the Applicant that a cursory look at the signatures and writings on exhibit WK-WK5-5i-WK(xiii); WK-6-WK-6(i)-WK-6(xii); WK-7-7(i)-WK7 (XI)-WK-10(xi); WK-11-WK-11(i)-WK-11(ix); WK-12-WK12(xi); WK-13-WK-13(i)-WK-WK-13(xiii); WK-14-WK-14(i)-14(xi); WK15-WK-15(i)-WK-15(x) and WK-16-WK-16(i)-WK-16 (x) purporting to have been completed from 12 different local Government Areas of Imo



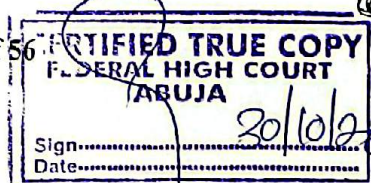


state and Wards in the Local Government Areas show that they were made or written by one and the same person and signed by the same person.

A critical examination of the figure recorded on the submitted sheet for the 3<sup>rd</sup> Respondent on exhibit WK-4 (Senate Primary Election, 2026 Declaration of Result Form) dated 18<sup>th</sup> May, 2026 disclosed by the 3<sup>rd</sup> Respondent is 230, 464 votes while the Applicant is 1, 098. However, upon addition of the scores attributed by the 2<sup>nd</sup> Respondent from exhibits WK-5 (Ideato WK-5), WK-6 (Ideato South, WK-7 (Isu LGA), WK-8 (Njeaba, WK-9 (Nkwere LGA), WK-10 (Nwangele LGA), WK-11 (Oguta LGA), WK-15 (Oru LGA), WK-16 (Oru West LGA) to the Applicant and the 3<sup>rd</sup> Respondent, the 3<sup>rd</sup> Respondent scored 230, 164 while the Applicant's score is 1, 126. The submitted figure reflects an overstatement of 300 votes. In exhibit WK-5, specifically item 2 thereof (Okwa-Owere Ward) the figures 2,815 and 21 were respectively attributed to the Applicant and the 3<sup>rd</sup> Respondent but no Ward Result Sheet showing the result from the Ward was presented/identified in the documents attached. Same discrepancies occurred in Ideato North, Ideato South, Ogboiko Ward II amongst other Ward result.

See also paragraphs 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 wherein the Applicant deposed to some discrepancies in the figures recorded as the result of the election announcing the 3<sup>rd</sup> Respondent as

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the winner. These depositions were not controverted by the 2<sup>nd</sup> Respondent. The depositions are deemed admitted by the 2<sup>nd</sup> Respondent. And it supports the fact that the results were fabricated. I do not believe the authenticity of these documents.

Exhibits 8, 9, 10, 11, 12, 13, 14 and 15 attached to the affidavit of the Applicant were merely denied by the Respondents describing these as false documents not emanating from the Respondents. It is not enough to describe documents duly certified by the 1<sup>st</sup> Respondent as false documents without showing how they were obtained by the Applicant, since the documents were certified by the 1<sup>st</sup> Respondent. The same Gyang D. Dung who certified the documents turned around to describe the documents he certified as false documents. That depositions by Gyang D. Dung are an afterthought meant for the purposes of this case. The 1<sup>st</sup> Respondent who monitored the 2<sup>nd</sup> Respondent's subject primary election admitted that she monitored the primary election and submitted her report-Plaintiff's exhibit 10/1<sup>st</sup> Respondent's exhibit INEC 1. Plaintiff's exhibit 10, duly certified by the 1<sup>st</sup> Respondent on the 22<sup>nd</sup> of July, 2026, clearly showed that the Applicant won the primary. A subsequent certification of the same document by the 1<sup>st</sup> Respondent on the 22<sup>nd</sup> of August, 2026 now showed that the 3<sup>rd</sup> Respondent won the same primary election. How can this be. Clearly exhibit INEC 1 which





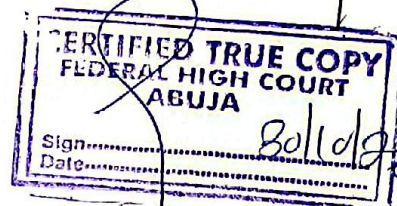
do not have the imprimatur of the 'DD. (PPM)' present in exhibit 10, depicts it as a false document.

The parties all agreed that the mode employed in the subject primary election was direct primary. However, in exhibits WK 17 (c), INEC 1 and UGO 3 (document marked *APC Orlu Zone*) the 1<sup>st</sup> Respondent recorded that the mode of the subject primary election in 'Constituency Collation Centre, Orlu was by *'consensus'*. It was also recorded in these exhibits that *Alexander Mbata* was cleared to contested for the senatorial seat under *Imo West* rather than *Imo East* which the evidence before the Court showed *Alexander Mbata* to have contested and won.

It is borne out of the evidence before this Court that it was only the Applicant and the 3<sup>rd</sup> Respondent that were cleared and in deed contested under Imo West. These are telltale signs showing that the Respondents' documents were made up for the purpose of this case after the Applicant had duly obtained the certified copies of the report showing that the Applicant won the subject primary election.

This document (exhibits 10/INEC 1/UGO 3) is the document pertinent to this case. Paragraph 2 of the exhibit clearly stated that '*all necessary documents are hereby attached.*' One of the documents attached is the 1<sup>st</sup> Respondent's '*report of the All Progressive Congress Senatorial Primary Election held on the 16<sup>th</sup> of May, 2026*' and it stated that the

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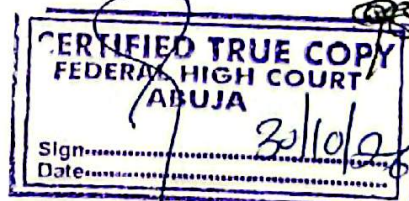
Applicant won the subject election for Imo West Senatorial District with 150, 780 votes as against the 3<sup>rd</sup> Respondent's 102, 158 votes.

The Applicant's exhibit 14 is the 2<sup>nd</sup> Respondent's *Senatorial Primary Election, 2026 Declaration of Result Form* which also showed that the Applicant won the subject primary election with 150, 780 votes against the 3<sup>rd</sup> Respondent's 102, 158 votes.

The 2<sup>nd</sup> and 3<sup>rd</sup> Respondents denied the Applicant's exhibit 14 contending that it did not emanate from the 2<sup>nd</sup> Respondent as the document is a false and a fabricated document. It is not enough to state that a document duly certified by the 1<sup>st</sup> Respondent is a false document. It has not been contended that the officer who certified the Applicant's documents is not an officer of the 1<sup>st</sup> Respondent. Indeed, he deposed to 1<sup>st</sup> Respondent's counter affidavit. He merely deposed that the stamp and signature on exhibits 8, 8A, 9, 10, 11, 12, 13, 14 and 15 were not his stamp and signature and that he did not date them. But he failed to show his own stamp to enable the Court to compare both stamps. The depositions are an afterthought calculated to mislead the Court.

A critical examination of the stamp on the documents he exhibited in his affidavit clearly showed the same characteristics and features as the contested stamps.

I believe, and it is supported by the evidence before the Court, that the Applicant won the subject primary election but was denied being





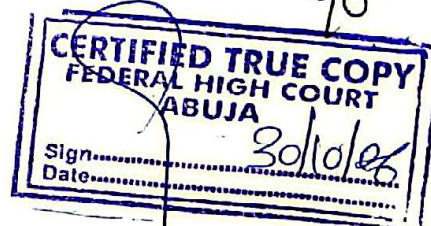
issued the requisite INEC Forms to enable the Applicant fill his particulars and his name forwarded to the 1<sup>st</sup> Respondent.

This is so because someone who was declared a winner of a primary election must be availed the INEC Forms which must be filled by the candidate, sworn to before a commissioner for oath in Court and returned to the political party. The party must then submit same to the 1<sup>st</sup> Respondent within the deadline for submission. It is only after these that publication of the candidate's name will arise.

In this instance, the Applicant who won the election was not issued the necessary forms and by his exhibit R4, dated 9<sup>th</sup> of July, 2026, received by the 1<sup>st</sup> Respondent on the same date, the Applicant, being aware of the imperative nature of the nomination forms, sought to be issued the said forms but the 2<sup>nd</sup> Respondent failed to respond to the said exhibit R4 which failure was a calculated attempt to deny the Applicant his hard won victory.

The 3<sup>rd</sup> Respondent's Exhibit UGO 8-the 1<sup>st</sup> Respondent's notice-in the last paragraph enjoined all political parties to upload all candidates' details before midnight on the 14<sup>th</sup> of July, 2026. And because the Applicant was not so issued with the form, he requested the 2<sup>nd</sup> Respondent vide exhibit R4 to be so issued with the requisite forms.

In any case, both the 1<sup>st</sup> Respondent who is statutorily empowered by section 153 (2) and Paragraph F15 C Part 1, Third Schedule to the



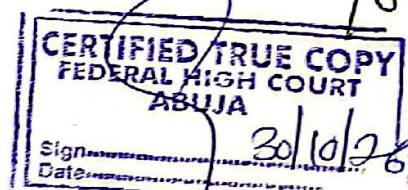
Constitution of the Federal Republic of Nigeria, 1999 (as amended) and section 84 (1) of the *Electoral Act, 2026* to monitor party primaries, the 2<sup>nd</sup> Respondent whose primary election result is in dispute and the Chairman and Secretary of the 2<sup>nd</sup> Respondent Primary Election Committee that conducted the subject primary election, all reported that the Applicant won the primary election only to turn around to depose that it was the 3<sup>rd</sup> Respondent that won the primary.

This is an afterthought which cannot be allowed to stand.

The Applicant has thus discharged the burden placed on him by section 133 (1) of the *Evidence Act, 2011* to prove that he won the subject primary election. See *Iroagbara v. Ufomadu (2009) LPELR-1538 (SC)*. It is therefore my finding, based on the evidence before the Court, that the Applicant won the Imo West Senatorial District primary election of the 2<sup>nd</sup> Respondent. The submission and or forwarding of the name of the 3<sup>rd</sup> Respondent instead of the name of the Applicant by the 2<sup>nd</sup> Respondent to the 1<sup>st</sup> Respondent and the consequent publication of the 3<sup>rd</sup> Respondent's name by the 1<sup>st</sup> Respondent is not in conformity with the provisions of sections 29, 32 and 84 of the *Electoral Act, 2026* contrary to the contention of the Respondents.

I have read the case of *Sani v. APC (2023) 17 NWLR (Pt. 1912) Pg. 109* referred to and relied upon by the Applicant. The facts of that case support the case of the Applicant. In *Sani v. APC (supra)*, the APC

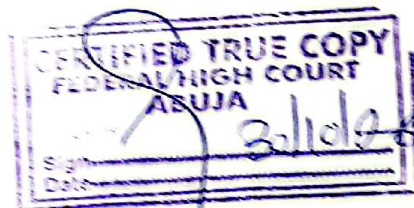
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distanced itself from the primary election that produced the Appellant contending that the primary election conducted by her duly appointed election committee produced the 3<sup>rd</sup> Respondent who emerged winner and his name forwarded to the 2<sup>nd</sup> Respondent. The Court of Appeal set aside the judgment of the trial Federal High Court that declared the Appellant winner of the primary election which judgment was affirmed by the Supreme Court. The Supreme Court held that nomination takes place when the name of the winner of the primary election is submitted to the Independent National Election Commission. Until this is done, a party cannot rightfully claim to be a candidate of the party in the designated platform going by the provision of section 29 (1) of the Electoral Act, 2022 (section 29 (1) of the Electoral Act, 2026).

I agree with the Applicant when he submitted relying on the case of *Magaji v. Lado* (2023) 14 NWLR (Pt. 1905) Pg. 435 that after a primary election has been held by a political party for the nomination of its candidate to contest an election, all that is left for the party to forward the name of the successful aspirant to INEC. The political party does not have a discretion as to whether to cancel the primary election or schedule a rerun or do any other thing as long as the primary election was validly held in accordance with the extant laws as well as the Constitution and Guidelines of the party.



In this instance, the 2<sup>nd</sup> Respondent duly conducted its primary election for Imo West Senatorial Seat. The primary election was won by the Applicant but in a curious manner, Applicant's name was not forwarded to the 1<sup>st</sup> Respondent for publication. This is breach of section 29 of the *Electoral Act, 2026* that enjoins every political party, not later than 120 days before the date appointed for a general election under the Act, submit to the 1<sup>st</sup> Respondent, in the prescribed Forms, the list of the candidates the party proposes to sponsor at the elections, who shall have emerged from valid primaries conducted by the political party.

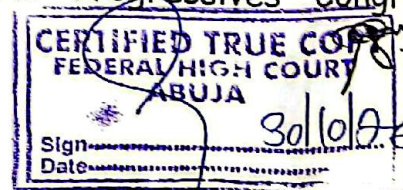
In refusing or neglecting to forward the name of the Applicant to the 1<sup>st</sup> Respondent and the consequent publication of the 3<sup>rd</sup> Respondent's name is a breach section 29 of the *Electoral Act, 2026*.

It is the light of the above that I resolve the sole issue in favour of the Applicant and against the Respondents.

I answer questions 1 and 2 in the negative. Question 3, 4 and 5 are answered in the positive.

Consequently, I make the following orders;

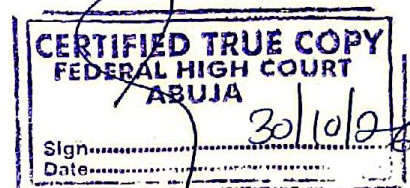
1. A declaration is made that by virtue of the provisions of sections 65 (1) (b) and 285 (14) (a) & (b) of the 1999 Constitution of the Federal Republic of Nigeria, (As Amended) read with sections 29, 32, 33, 84, and 88 (2) of the *Electoral Act, 2026* and as well as the Rules/Regulations/Guidelines of the All Progressives Congress





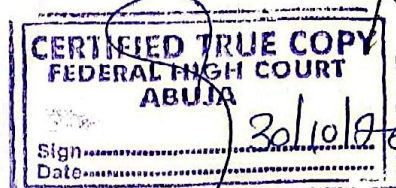
regulating the conduct of its National Primary Election, it is unlawful for the 2<sup>nd</sup> Respondent to forward/submit to the 1<sup>st</sup> Respondent and for the 1<sup>st</sup> Respondent to publish, as done by it on the 1/8/2026, the name of 3<sup>rd</sup> Respondent as the candidate the 2<sup>nd</sup> Respondent proposes to sponsor for the 2027 General Election in respect of the Imo West Senatorial District when it was not the 3<sup>rd</sup> Respondent that emerged as the winner of the Primary Election of the 2<sup>nd</sup> Respondent conducted on the 18<sup>th</sup> May, 2026 but the Applicant that emerged as the winner of the Primary.

2. A declaration is made that pursuant to the provisions of sections 65 (1) (b) and 285 (14) (a) & (b) of the 1999 Constitution of the Federal Republic of Nigeria (As Amended) read with sections 29, 32, 33, 84, and 88 (2) of the Electoral Act, 2026 and as well as the Rules/Regulations/Guidelines of the All Progressives Congress regulating the conduct of its National Primary Election, it is unconstitutional and unlawful for the 1<sup>st</sup> Respondent to receive/accept from the 2<sup>nd</sup> Respondent and publish, as done by the 1<sup>st</sup> Respondent on the 1/8/2026, and recognize the 3<sup>rd</sup> Respondent as the candidate the 2<sup>nd</sup> Respondent proposes to sponsor for the 2027 General Election in respect of the Imo West Senatorial District, when it was not the 3<sup>rd</sup> Respondent that emerged as the winner of the



Primary Election of the 2<sup>nd</sup> Respondent conducted on the 18/5/2026 and monitored by the 1<sup>st</sup> Respondent but the Applicant.

3. A declaration is made that the Applicant, being the winner of the 2<sup>nd</sup> Respondent's primary held on the 18/5/2026 duly conducted by the 2<sup>nd</sup> Respondent and monitored/observed/recorded by the 1<sup>st</sup> Respondent for the nomination of its candidate for the 2027 General Election in respect of the Imo West Senatorial District, is the person lawfully entitled to have his name forwarded by the 2<sup>nd</sup> Respondent to the 1<sup>st</sup> Respondent and consequently recognized and published by the 1<sup>st</sup> Respondent as the duly nominated candidate of the 2<sup>nd</sup> Respondent for the 2027 General Election for the Imo West Senatorial District.
4. A declaration is made that the 1<sup>st</sup> Respondent is bound by the reports of its officers/agents who monitored/observed/recorded the primaries duly conducted by the 2<sup>nd</sup> Respondent on the 18/5/2026 for the nomination of her candidate for the 2027 General Election in respect of the Imo West Senatorial District which reports indicated that it is the Applicant who emerged as the winner of the Primary Election of the 2<sup>nd</sup> Respondent for the Imo West Senatorial District.
5. A declaration is made that having regard to the provision of section 183 of the Constitution of the Federal Republic of Nigeria 1999 (As Amended) the publication of the 3<sup>rd</sup> Respondent by the 1<sup>st</sup> Respondent





on the 1/8/2026 as the winner of the 2<sup>nd</sup> Respondent's Primary conducted on the 18/5/2026 as the 2<sup>nd</sup> Respondent's nominated candidate for the Imo West Senatorial District in the General Election meant to hold in 2027 is wrongful.

6. A declaration is made that the Applicant is the lawfully nominated candidate of the 2<sup>nd</sup> Respondent to contest in the General Election to be held in the year 2027 to the Senate of the Federal Republic of Nigeria from the Imo West Senatorial District having scored the highest votes at the 2<sup>nd</sup> Respondent's Primary Election held on Monday, 18<sup>th</sup> May, 2026.
7. An order is made setting aside and making null, void and of no effect, whatsoever, that aspect of the publication made by the 1<sup>st</sup> Respondent on the 1/8/2026 which declared/stated the 3<sup>rd</sup> Respondent as the person that won the highest votes in the primary election of the 2<sup>nd</sup> Respondent held on Monday 18<sup>th</sup> May, 2026 to contest as the preferred candidate of the 2<sup>nd</sup> Respondent to contest in the general election to the Senate of the Federal Republic of Nigeria for the Imo West Senatorial Zone billed to take place in the year 2027.
8. An order is made directing the 1<sup>st</sup> Respondent to recognize and publish the Applicant as the duly nominated candidate of the 2<sup>nd</sup> Respondent to contest the General Election due in 2027 to the Senate



of the Federal Republic of Nigeria from the Imo West Senatorial District.

9. An order is made prohibiting the 3<sup>rd</sup> Respondent whether by himself or through the 2<sup>nd</sup> Respondent or anyone, howsoever named, from parading himself as the nominated candidate of the 2<sup>nd</sup> Respondent to contest in the General Election to the Senate of the Federal Republic of Nigeria from the Imo West Senatorial Zone.
10. I make no order as to cost.



Hon. Justice Obiora Atuegwu Egwuatu

Judge

October 29, 2026

APPEARANCES: Parties: Absent

1. O. J. Aboje with Dr. Lilian Ojima, A. O. Amagwula and E. D. Bela for the Plaintiff
2. M. A. Umar holding the brief of Dr. Alhassan A. Umar, SAN for the 1<sup>st</sup> Respondent
3. Robert Emukpoeruo, SAN, with O. G. Egbojaiye for the 2<sup>nd</sup> Respondent
4. Dr. Onyechi Ikpeazu, SAN, J. O. Asoluka, SAN, with Dr. Obinna Onyia, Julius Mba, Nwamaka Ofoegbu, David Ityonyiman, Ebere Ngwu and E. H. Princewill for the 3<sup>rd</sup> Respondent

