

**IN THE SUPREME COURT OF NIGERIA**  
**HOLDEN AT ABUJA**

**ON THURSDAY THE 30<sup>TH</sup> DAY OF APRIL, 2026**

**BEFORE THEIR LORDSHIPS**

<b><u>MOHAMMED LAWAL GARBA</u></b>	<b><u>JUSTICE, SUPREME COURT</u></b>
<b><u>CHIOMA EGONDU NWOSU-IHEME</u></b>	<b><u>JUSTICE, SUPREME COURT</u></b>
<b><u>HARUNA SIMON TSAMMANI</u></b>	<b><u>JUSTICE, SUPREME COURT</u></b>
<b><u>STEPHEN JONAH ADAH</u></b>	<b><u>JUSTICE, SUPREME COURT</u></b>
<b><u>ABUBAKAR SADIQ UMAR</u></b>	<b><u>JUSTICE, SUPREME COURT</u></b>

**APPEAL NO: SC/CV/164/2026**

**BETWEEN:**

**PEOPLES' DEMOCRATIC PARTY (PDP) == APPELLANT**

**AND**

- |   |                       |
|---|-----------------------|
| <b>1. ALHAJI SULE LAMIDO</b>  | <b>== RESPONDENTS</b> |
| <b>2. INDEPENDENT NATIONAL<br/>ELECTORAL COMMISSION (INEC)</b>                  |                       |
| <b>3. HON. AUSTINE NWACHUKWU</b><br>(PDP Chairman, Imo State)                   |                       |
| <b>4. HON. AMAH ABRAHAM NNANNA</b><br>(PDP Chairman, Abia State)                |                       |
| <b>5. TURNA ALABH GEORGE</b><br>(PDP Secretary, South-South Geo-Political Zone) |                       |

**JUDGMENT**

**[DELIVERED BY STEPHEN JONAH ADAH, JSC]**

This appeal constitutes a challenge to the judgment of the Court of Appeal, Abuja Judicial Division, delivered on 9<sup>th</sup> March, 2026, in **Appeal No. CA/ABJ/1695/2025**, Coram: M.

A. Danjuma, JCA; Uchechukwu Onyemenam, JCA, and M. Mustapha, JCA. In that decision, the court below affirmed the judgment of the Federal High Court, Abuja, which had assumed jurisdiction and proceeded to grant the claims of the 1<sup>st</sup> respondent.

Dissatisfied with the said judgment, the appellant, by a Notice of Appeal filed on 17<sup>th</sup> March 2026, has invoked the appellate jurisdiction of this court seeking to set aside the decision of the court below.

The material facts, shorn of embellishment, are that the National Executive Committee (NEC) of the appellant, at its 101<sup>st</sup> meeting held on 24<sup>th</sup> July 2025, upon the consideration, adoption, and approval of a memorandum presented by its National Organising Secretary, purportedly sanctioned the conduct of the appellant's National Convention slated for 15<sup>th</sup> and 16<sup>th</sup> November 2025, in Ibadan, Oyo State. Consequent upon this approval, the Appellant is said to have published, on 3<sup>rd</sup> August, 2025, the timetable and schedule of activities for the said National Convention.

It was further alleged that the said NEC meeting was monitored by the 2<sup>nd</sup> respondent, and that all requisite notices in respect of the Convention, particularly, the statutory 21-day

notice to the 2<sup>nd</sup> respondent pursuant to Section 82(1) of the Electoral Act, 2022, were duly issued on 25<sup>th</sup> August, 2025 and served on INEC on 29<sup>th</sup> August, 2025.

The 1<sup>st</sup> respondent, it is also alleged, visited the Appellant's National Secretariat at Wadata Plaza, Abuja, on 27<sup>th</sup> October, 2025 with a view to purchasing a nomination form, but was denied same notwithstanding his status as a duly registered and financially up-to-date member of the appellant, on the ground that the period for the sale of nomination forms for party offices had elapsed. Aggrieved by this development, the 1<sup>st</sup> respondent, by an Amended Originating Summons filed on 10<sup>th</sup> November, 2025, sought the following reliefs:

1. **A Declaration that the 1<sup>st</sup> Defendant, that is, the Peoples' Democratic Party is legally bound to adhere to its Constitution and Guidelines in the conduct of its affairs including in the conduct of elections into its National Offices, especially the Office of the National Chairman of the Party scheduled by fatty through if National Executive Committee for the 15<sup>th</sup> and 16<sup>th</sup> November, 2025 or any other date the Party may determine.**
2. **A Declaration that by the Constitution of the Peoples' Democratic Party (PDP) and the Party Guidelines, the PDP is under obligation to create opportunities for its members, including the Plaintiff, to serve by putting in place deliberate measures aimed at enabling**

any Party member (including the Plaintiff), who is eligible to contest for any of the Party offices, including the position of the National Chairman of the Party to realize his aspiration.

3. A Declaration that the 1<sup>st</sup> Defendant is in breach of its Constitution and Guidelines by deliberately denying the Plaintiff Nomination Form for election into the office of the National Chairman of the Party scheduled by the Party through its National Executive Committee for the 15<sup>th</sup> and 16<sup>th</sup> November, 2025, or any other date the Party may determine.
4. An Order of Mandatory Injunction compelling the 1<sup>st</sup> Defendant to make available to the Plaintiff for purchase, Nomination Form for election into the office of the National Chairman of the Party scheduled by the Party through its National Executive Committee for the 15<sup>th</sup> and 16<sup>th</sup> November, 2025, or any other date the Party may determine.
5. An Order of court prohibiting the 2<sup>nd</sup> Defendant from supervising or in any manner whatsoever, aiding or recognizing the 1<sup>st</sup> Defendant's conduct of election into the office of the National Chairman of the 1<sup>st</sup> Defendant until the 15<sup>th</sup> Defendant makes available for purchase, to the Plaintiff and all other eligible Party members who desire to contest, Nomination Form for election into the office of the National Chairman of the Party scheduled by the Party through its National Executive Committee for the 15<sup>th</sup> and 16<sup>th</sup> November, 2025, or any other date the Party may determine.
6. Cost of action.

Upon service of the Amended Originating Summons, the Appellant reacted by filing a Notice of Preliminary Objection contesting the jurisdiction of the trial Court, alongside a Counter-Affidavit opposing the claims therein. Notwithstanding these processes, the trial Court assumed jurisdiction and proceeded to grant the declaratory and injunctive reliefs sought. One of the reliefs granted reads thus:

**An order is herein made compelling the 1<sup>st</sup> Defendant (before any convention is held) to make available to the Plaintiff for purchase, nomination form for election into the office of the National Chairman of the party scheduled by the party through its National Executive Committee for the 15<sup>th</sup> and 16<sup>th</sup> of November, 2025, or any other date the party may determine.**

The court also ordered that the convention should be put on hold until the form was given to the plaintiff.

This order was not carried out by appellant rather the appellant went to a court of coordinate jurisdiction and secured an order to override the subsisting order of the Federal High Court. After the forbidden Convention was held,

the appellant then lodged an appeal before the lower Court by a Notice of Appeal filed on 26<sup>th</sup> November, 2025.

The Court of Appeal affirmed the trial Court's decision and dismissed the appellant's appeal. Being dissatisfied with the decision the appellant further appealed to this court vide a notice of appeal containing two grounds of appeal filed on the 17<sup>th</sup> March, 2026.

The Appellant's Brief of Argument was filed on 2<sup>nd</sup> April, 2026.

It was settled by learned Senior Advocate of Nigeria, Paul Erokoro, SAN, with the appellant's legal team led by Chief Chris Uche, SAN. The 1<sup>st</sup> Respondent's brief was signed by Ewere A. Aliemeke, Esq., a member of the 1<sup>st</sup> respondent's team of counsel led by Jeph C. Njikonye, SAN.

The 2<sup>nd</sup> Respondent's Brief of Argument was signed by Adeyemi Olufemi, Esq., on behalf of the team of counsel led by Sulayman O. Ibrahim, SAN.

The 3<sup>rd</sup> to the 5<sup>th</sup> respondents filed a Joint Brief of Argument, which was settled by J. B. Daudu, SAN, who led the team of counsel representing the said respondents.

The appellant filed reply briefs in response to the briefs filed by the 1<sup>st</sup> and 2<sup>nd</sup> respondents. These reply briefs were filed on 16<sup>th</sup> April, 2026 and 20<sup>th</sup> April, 2026, respectively, while the

appellant filed a Reply Brief on 20<sup>th</sup> April, 2026 addressing the issues raised in the brief filed by the 3<sup>rd</sup> to 5<sup>th</sup> respondents' joint brief of argument.

Subsequently, a Notice of Preliminary Objection was filed on behalf of the 3<sup>rd</sup> to the 5<sup>th</sup> respondents, challenging the competence of the appeal on the ground that the appellant failed to obtain the requisite leave of Court, the grounds of appeal being, according to the objectors, grounds of mixed law and fact. The said Preliminary Objection was filed on 17<sup>th</sup> April, 2026.

The position of the law is settled beyond peradventure that a preliminary objection, once properly raised, constitutes a threshold issue touching on the competence of the proceedings. Being jurisdictional in nature, it strikes at the root of the Court's authority to entertain the matter. Consequently, it must, as a matter of procedural discipline and judicial prudence, be taken and determined at the earliest opportunity. In **Galadima v. Tambai & Ors (2000) LPELR-1302(SC)**, this court held that:

**"A preliminary objection to the hearing of an appeal is a special procedure whereby a respondent may contend the competence of the appeal which, if upheld, has the effect of striking out the appeal. Such is the**

**intendment of Order 2 Rule 9(1) of the Supreme Court Rules (as amended in 1999)."**

The jurisprudential underpinning of this rule lies in the doctrine that jurisdiction is the lifeblood of adjudication. Where a court lacks jurisdiction, any step taken in the proceedings, no matter how well conducted, is a nullity. It is therefore imperative that the Court first satisfies itself of its competence before embarking on the exercise of adjudicatory powers.

In ***Jim-Jaja v. C.O.P. Rivers State & Ors* (2012) LPELR-20621(SC)**, this Court emphasised that a preliminary objection, where it challenges the competence of the suit or appeal, must be resolved first, as its success renders further proceedings otiose. Similarly, in ***Mainasara v. First Bank of Nigeria PLC* (2021) LPELR-56612(SC)**, the Court reiterated that the hearing of substantive issues in the face of a pending objection to competence amounts to a misdirection in law. The Court, in ***Yaro v. Arewa Construction Ltd & Ors* (2007) 17 NWLR (Pt1063) 333**, further reinforced the principle that courts must avoid dissipating judicial time on matters that may ultimately be struck out for incompetence. This court therein held:

**..the whole essence of preliminary objection is to foreclose hearing the appeal and like questions of objection, it is always best to**

take it first as it could result in saving valuable time. See *Okafor v. Nwude* (1999) 7 S.C. (Pt. 1) 106."

The rationale is both practical and doctrinal. Practically, it preserves judicial time and resources by preventing a Court from engaging in a full-scale determination of issues that may be rendered academic. Doctrinally, it upholds the hierarchical order of legal inquiry, placing jurisdictional questions above substantive adjudication.

Accordingly, where a preliminary objection is upheld, the proceedings terminate *in limine*. Conversely, where it fails, the Court proceeds to consider the merits. This sequential approach ensures procedural propriety, safeguards the integrity of judicial proceedings, and aligns with the constitutional imperative that courts act only within the bounds of their jurisdiction.

I shall therefore start with the preliminary objection.

### **Preliminary Objection:**

The objection is premised on the issue of failure to obtain the requisite leave of court. This objection is common in theme with the preliminary objection raised by the 1st Respondent.

The crux of the objection is that the grounds of the Notice of Appeal are grounds of fact or at best mixed law and fact that requires leave of the lower court before this Court can be vested with jurisdiction, failure to first seek and obtain it renders the Notice of Appeal incompetent.

This was argued at pages 5-16 of the brief of the 1<sup>st</sup> respondent and pages 10-13 of the brief of the 3<sup>rd</sup> to 5<sup>th</sup> respondents.

For the 1<sup>st</sup> respondent by way of preliminary objection, challenges the validity/competence of the appellant's appeal and the jurisdiction of this Court to entertain the Appellant's Appeal on the grounds set out therein, thusly:

- i. **The Supreme Court lacks jurisdiction to entertain an appeal on grounds of facts or mixed law and facts at all or without prior leave of the lower Court or the Supreme Court sought and obtained by the appellant.**
- ii. **The two grounds of Appeal in the Appellant's Notice of Appeal dated 16th March, 2026 but filed on 17<sup>th</sup> March, 2026 are all grounds of facts or at best grounds of mixed law and facts.**
- iii. **By the nature of the appellant's appeal, the appellant must first seek the leave of either the Court below or the Supreme Court before filing the Notice of Appeal by virtue of Section 233(2) and (3) of the CFRN 1999, as amended.**

- iv. The Record of Appeal clearly shows that the Appellant did not obtain the required leave before filing her Notice of Appeal.
- v. The failure to obtain leave goes to the root of the appeal and robs the Supreme Court of jurisdiction to hear and determine the appellant's appeal.
- vi. The Appellant's appeal and the relief therein sought are *ex facie* self-defeating, dooming the appeal to be struck out or dismissed *in limine*.
- vii. The appellant's appeal failed to challenge the reasons for the decision of the lower Court rendering same incompetent.

The respondents' counsel contended that the Notice of Appeal is incompetent for failure to obtain prior leave, where required, rendering the appeal fundamentally defective and liable to be struck out *ab initio*. The Counsel relied on the case of **Destra Investment Ltd v. FRN (2017) 2 NWLR (Pt. 1550) 485**. Counsel further submits that the mere designation of grounds as "errors of law" is not determinative; rather, the Court must scrutinize the substance of the grounds and their particulars to ascertain whether they raise issues of law or mixed law and fact, in line with **Enterprise Bank Ltd v. Aroso (2014)3 NWLR (Pt.1394) 256**.

Applying this principle, it is argued that the grounds of appeal herein are, in substance, grounds of fact or at best mixed law

and fact, particularly, as they require evaluation of affidavit evidence and the conduct of parties, thereby necessitating prior leave, which was not obtained. Consequently, the grounds are incompetent, and the sole issue distilled therefrom is equally incompetent. Counsel further submits that where competent and incompetent grounds or issues are argued together, the entire issue is vitiated, and the Court is not obliged to sift valid arguments from invalid ones, as restated in **Nze v. Onyeachugwo (2022)5NWLR (Pt.1822) 187.**

On the whole, learned counsel urged the court to strike out the Notice of Appeal and the issue formulated therefrom for want of competence, while proceeding to argue the appeal on the merits only in the alternative.

The appellant responded to the preliminary objection in the Appellant's Reply Brief where the learned counsel contended that ground one of the Notice of Appeal was a ground of pure law. That it is the duty of counsel who objects to the competence of a ground of appeal to establish it, as he who alleges must prove. He submitted therefore that the Appellant's Grounds 1 and 2 do not require this Court to re-assess evidence, resolve conflicts in testimony, or make fresh

findings of fact. It simply calls for a determination of whether the Court of Appeal correctly applied the law to the undisputed facts, particularly in relation to jurisdiction and statutory interpretation. It is an undisputed fact that the 1st Respondent did not exhaust the internal dispute resolution provisions in the 1st Respondent's constitution before commencing the suit. The ground therefore alleged that the Court of Appeal had wrongly applied the law to the undisputed facts, an issue of pure law. He contended that the consistent position of this court as seen in **Ojemen v. Momodu II (1983) 1 SCNLR 188**, is that such complaints fall squarely within the realm of law. Accordingly, he submitted that the appellant's Grounds 1 and 2 are grounds of law, and no leave was required for their determination. He further submitted that the two cases cited by the 3<sup>rd</sup> - 5<sup>th</sup> respondents do not apply to the instant grounds of appeal, as they were pre-election matters decided by this court. He urged the court to dismiss the preliminary objection.

I have carefully looked at the two grounds of appeal in the instant case and the arguments of the objectors and the appellant.

It is trite law that the character of a ground of appeal is not determined by its label, but by its substance. A ground

qualifies as one of law where it impugns the correctness of the lower court's application or interpretation of legal principles, as opposed to disputing primary facts or the evaluation of evidence. Thus, where the complaint is directed at the legal effect ascribed to established or undisputed facts, such a ground is, in essence, one of law.

In the instant case, Grounds 1 and 2 question the propriety of the Court of Appeal's legal conclusion affirming the jurisdiction of the trial Court. The gravamen of the complaint is not that the facts were wrongly found, nor that evidence was improperly evaluated, but that the lower court, having correctly identified the nature of the dispute, misdirected itself in law by treating same as an exception to the settled principle that courts lack jurisdiction over the internal affairs of political parties. This is a classic challenge to the legal inference drawn from admitted or uncontroverted facts.

The law is firmly established that where the complaint in a ground of appeal attacks the conclusion of law reached by a court on the basis of undisputed facts, such a ground is one of law simpliciter. In such circumstances, no leave is required to appeal, as the appellant is entitled to proceed as of right. This principle was emphatically restated by this Court in

**Adagun v. Satumari (2023)14 NWLR (Pt.1904)243**, where it was held that a ground founded on accepted or admitted facts, but challenging the legal conclusion drawn therefrom, constitutes a ground of law.

Accordingly, Grounds 1 and 2 in the present appeal, being direct attack on the legal reasoning and conclusion of the Court of Appeal on Jurisdiction, falls squarely within the category of grounds of law, and are therefore competent without the necessity of prior leave. It follows therefore that this appeal is competent before the court and the court has jurisdiction to entertain it. The preliminary objection therefore, fails and its hereby dismissed. I will now look at the main appeal.

### **Main Appeal:**

The appellant in the brief raised a sole issue for the determination of this appeal. The issue is couched as follows:

**Was the lower Court not in error when it held that the 1<sup>st</sup> respondent's claim which centered on the appellant's failure to sell a nomination form to the 1<sup>st</sup> respondent to enable him contest for the office of National Chairman, is one that is**

**justiciable and within the jurisdiction of the trial Court, (Grounds 1 and 2).**

The other parties distilled similar issue in their respective briefs of argument so I will adopt the sole issue generated by the appellant for the consideration of this appeal.

**Issue for Determination:**

The learned counsel for the appellant canvassed that jurisdiction is the gateway through which a litigant can access the courtroom and have his matter determined. It is the livewire and the heart of litigation. That where there is no jurisdiction, the Court cannot sit, where it does sit, the proceedings are a nullity. He contended that it has long been established by a long line of cases that it is the claim of the plaintiff that determines jurisdiction. The decisions on this are legion. He cited **A.G Federation of Nigeria v. A.G Anambra State (2019) All FWLR (Pt. 1003) I at 25-26, Para H-C; Osha v. Ogundeji (2025)16 NWLR (Pt. 2011) 391 at 424-425; (Pt 2011) at 391 at 424-423 (CA); Tukur v. Govt. of Gongola (1989) 6 NWLR (Pt. 117) 517 at 541-2, Para H-A; 569, Para E; Manasseh v. Goshwe (2024) 6 NWLR (Pt. 1934) 203 at 243, Para E-G; Ahmed v. Ahmed (2013) 15 NWLR (Pt. 1377) 274 at 336-348; Madukolu v. Nkemdilim & Ors (1962) 2 SCNLR 34.** He contended that that contrary to the lower

Court's reasoning, the 1<sup>st</sup> respondent's claim before the trial Court was outside the jurisdiction of the Federal High Court, being a court of enumerated jurisdiction. This is because, the 1<sup>st</sup> respondent's claim were primarily and essentially against the appellant, a political party.

That the 1<sup>st</sup> respondent had in four of the reliefs, sought various declarations against the appellant, his own political party. That the only relief that touched the 2<sup>nd</sup> respondent was the consequential mandatory order of injunction, which is dependent on the successful grant of the other four reliefs.

That the lower court was in palpable error in dismissing the appellant's appeal. He urged the court to allow the appeal, vacate the judgments of the two lower courts and strike out and/ or dismiss the 1<sup>st</sup> respondent's claim in its entirety. I must say that the conclusion of the learned Senior Counsel for the appellant has exceeded his reliefs in his notice of appeal which are only to allow the appeal and to set aside the lower court's judgment delivered on the 9th day of March, 2026. An appellant cannot in any form enlarge his reliefs as subscribed to in his notice of appeal without leave of court.

The respondents in their respective briefs contended that the court below was right in affirming the decision of the trial court.

That the claim of the 1<sup>st</sup> respondent complained of the

appellant's infractions and violations of its Constitution and Guidelines in a manner that directly affected the 1<sup>st</sup> respondent's right to vie for the position of the National Chairman of the appellant, being eligible and financially up-to-date member of the Appellant. The 1<sup>st</sup> respondent's suit at the trial court is that the appellant fixed its National Convention for election of Party Officers on the 15<sup>th</sup> – 16<sup>th</sup> of November, 2025 at Ibadan, Oyo State and that by the tenor of Article 6.6(V)(2)(3) of the Appellant's Guidelines, "Every registered member who has satisfied the requirement for nomination and election under the Party's Constitution, the Constitution of the Federal Republic of Nigeria, or any other law, rules or regulations in force shall be eligible to contest for any of the offices of the Party." The 1<sup>st</sup> respondent's uncontroverted affidavit evidence is to the effect that he is a fully registered member of the appellant in Kiyako Ward, Birnin Kudu Local Government Area of Jigawa State and of good financial standing, and thus eligible to contest for the office of the National Chairman of the Party in line with Article 9.0(h) of the Appellant's Guidelines, i.e., Exhibit 3 found in Vol. 2, Record pages 959-994. That the appellant acted in contravention of its constitution, the Constitution of the Federal Republic of Nigeria, the Electoral Act and their own Guidelines. They

urged the court to dismiss the appeal contending that the lower courts were right in their decisions.

In the instant case the crux of the argument of the parties is on the justiciability and competence of the cause of action and the jurisdiction of the trial court.

This court in a plethora of cases such as **Onuoha v. Okafor (1983) 14 NSCC 494; APC v. Moses (2021) 14 NWLR (Pt. 1796) 278 at 321; Manasseh v. Goshwe (2024) 6 NWLR (Pt. 1934) 203 at 249; Jegede v. INEC (2021) 14 NWLR (Pt. 1797) at 562; Anyawu v. Emmanuel (2025) 14 NWLR (Pt. 2006) 531; Oye v. Odidan (2025) 19 NWLR (Pt. 2020) 263 at 288; Oni v. Oyebanji (2023) 13 NWLR (Pt. 1902) 507; Agi v. PDP (2017) 17 NWLR (Pt. 1595) 336 at 450. Para E-F; Suleiman v. APC (2023) 5 NWLR (Pt. 1877) 211@ page 253; Jegede v. INEC (2021) 14 NWLR (Pt. 1797) 409, at 562-3; Ufomba v. INEC (2017) 13 NWLR (Pt. 1582) 175**, has maintained that the internal or domestic affairs of a political party are not to be meddled with by the courts. These decisions are perfectly in place and they remain the law but where as in the instant case a political party violates its own constitution and rubbish the Electoral Act and the Constitution the court must intervene to prevent anarchy and ensure the survival of democracy in Nigeria. See sections 223 and 228 of the Constitution and more particularly section 82(3) of the Electoral Act which provides:

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

The appellant and other political parties in Nigeria are not above the law. They are registered under the authority of the Constitution of the Federal Republic of Nigeria to promote democracy and the rule of law in Nigeria.

Lawlessness in the political arena also manifests in the brazen conduct of party affairs in defiance of internal rules and statutory prescriptions. Political parties, though voluntary associations, are subject to the discipline of the law when their actions affect civil rights and obligations of their members and others. Internal democracy is not a slogan; it is a legal imperative. The courts will not hesitate to intervene where party actions breach statutory or constitutional provisions.

A democracy cannot survive where those who seek to govern operate outside the law. The erosion of legal norms breeds instability, weakens institutions, and ultimately destroys public confidence in governance. The rule of law demands fidelity, not convenience; obedience, not opportunism.

In this wise, the survival of Nigeria's constitutional order depends on the unwavering commitment of its political class to legality. Politicians and political parties must be reminded, firmly and repeatedly, that power is held in trust, and that trust is conditioned upon strict adherence to the law. Any deviation is not merely a political misstep; it is a constitutional transgression that must attract the full weight of judicial sanction.

The 1<sup>st</sup> respondent's claim here goes beyond the internal affairs of the party. His right was violated and he called out on the 2<sup>nd</sup> respondent INEC which under the constitution and the Electoral Act has the duty of oversight and control of political parties. The relief sought against the said 2<sup>nd</sup> respondent was injunctive relative to the oversight duties of the 2<sup>nd</sup> respondent under the constitution and the Electoral Act. Where the acts complained of concern the performance of statutory or oversight obligations of a party to the suit such as the Independent National Electoral Commission (INEC), a claim for injunctive relief enforcing or restraining such acts transcends the realm of internal party affairs and becomes justiciable; accordingly, a plaintiff cannot be precluded from approaching the court to enforce compliance with statutory duties, as such matters implicate legal rights beyond mere

intra-party disagreements. That is what has crept into the claim of the 1<sup>st</sup> respondent in the instant case. There is therefore jurisdiction of the trial court in the circumstance. This was the position of the lower court. The lower court's judgment in that respect is right. The sole issue generated in this appeal is resolved against the appellant. The appeal is lacking in merit and will be dismissed.

In this appeal of the parties there is the serious and fatal finding of the lower court at pages 1965-1966 of the record.

The lower court held as follows:

**“On the Disobedience of Court Order; It is not disputed that after the trial court granted orders restraining the holding of the National Convention pending compliance with its directives, the Appellant proceeded to conduct the Convention. The rule of law presupposes obedience to court orders. An order of court, whether rightly or wrongly made, subsists and must be obeyed until set aside. See: State v. Solomon (2021) 13 NWLR (Pt. 1793) 301 (SC); 8. P.E. v. BFI Group Corp. (2025) 2 NWLR (Pt. 1976) 371; Fidelity Bank Plc v. SAGECOM Concepts Ltd. (2025) 9 NWLR (Pt. 1994) 435 (SC); Olowe v. Aluko (2025) 13 NWLR (Pt. 2003) 517 (SC). Self-help is not permissible under the rule of law as court orders must be obeyed. The disobedience of a subsisting court order amounts to a direct affront on the authority of the Court and cannot be condoned. The appellant proceeded with its National**

Convention on 15<sup>th</sup> and 16<sup>th</sup> November, 2025 in defiance of a valid subsisting order of the Federal High Court restraining the Convention. Where a party chooses obedience to an order of a court of coordinate jurisdiction over a subsisting order of the Federal High Court, the proper course is to resolve the conflict by judicial processes (appeal, stay application), not by unilateral action. Civil litigants cannot decide for themselves which court order to obey. See: *Bukoye v. Adeyemo* (2017) 1 NWLR (Pt. 1546) 173.

The appellant's argument that it chose to obey another order of a court of coordinate jurisdiction does not avail it. Where conflicting orders exist, the proper course is to approach the appellate court for clarification or stay, not to embark on self-help. The sanctity of judicial orders cannot be subjected to selective obedience. The conduct of the Convention in defiance of a subsisting order of the Federal High Court constitutes a flagrant act of contempt and an abuse of judicial process. Courts cannot fold their arms while their authority is ridiculed. It is settled that acts done in disobedience of a subsisting court order are liable to be nullified. A person who is in contempt of a subsisting court order is not entitled to be granted the court's discretion to enable him continue with the breach. This Court most strongly condemn the appellant's contemptuous conduct. A litigant who acts in defiance of a court order stands in defiance of the rule of law itself."

The appellant was not aggrieved by this so no ground of appeal was raised over it by the appellant in the notice of appeal before this court. The implication is that the appellant agrees with this part of the decision. The appellant and all the parties are bound by it. See - **Tomtec Nig. Ltd v. Federal Housing Authority (2009) LPELR – 3256 (SC); Ofunne & Ors. v. Okoye & Ors. (1966) LPELR – 25364 (SC)**. It is sad that the scenario captured by the lower court happened. One may ask why is this issue raised *suo motu* in this appeal it is because I saw this issue captured extensively in the record of appeal before this court, while considering the instant appeal, and it is an issue of jurisdiction and abuse of court process. Furthermore, it is settled that it is not in all circumstances that a court raising an issue *suo motu* should call on parties to address it on the said issue or issues raised *suo motu* before resolving the issue. This issue was eloquently addressed by this Court in several cases which were referred to in the case of **IGP v. Achi (2024) LPELR – 61781 (SC)**, where his lordship, Okoro, JSC, held thus:

**"My lords, the general principle of law that states that an appellate Court, as well as other hierarchy of Courts, should not raise an issue, *suo motu*, and resolve same without affording the parties or their counsel the opportunity of addressing the Court on the issue so raised,**

like most legal principles, admits of exceptions. These exceptions have received the imprimatur of this Court in a behemoth of decided cases, namely *Gbagbarigha v. Toruemi* [2013] 6 NWLR (Pt. 1350) 289; *Aderibigbe v. Abidoye* [2009] 10 NWLR (Pt. 1150) 592; *Omokuwajo v. F.R.N.* [2013] 9 NWLR (Pt. 1359) 300; *Edevie v. Orohwedor?* (2022) LPELR- 58939 (SC), [2023] 8 NWLR (Pt. 1886) 219. See also *Angadi v. PDP* (2018) 15 NWLR (Pt. 1641) 1; *Comptoir Commercial and Ind S.PR. Ltd. v. O.G.S.W.C.* (2002) FWLR (Pt. 105) 839, [2002] 9 NWLR (Pt. 773) 629; *M.D. Kolawole and Ors v. A.-G., Oyo and 3 Ors.* [2006] 3 NWLF3 (Pt. 966) 50.

In the case of *Gbagbarigha v. Toruemi* (supra), this Court, per Rhodes-Mviour, JSC, held at page 310, paragraphs C- G, as follows:

The well laid down position of the law is that when an issue is raised *suo motu* the parties should be heard before a decision is reached on the issue. This is what procedural fairness entails. See *Kuti v. Balogun* (1978) 1 SC p. 53; *Ogiamien v, Ogiamien* (1967) NMLR 246, (1967) SCNLR 31 1; *Adeniji v. Adeniji* (1972) 4 SC 10; *Iri v. Erhurhobara* (1991) 2 NWLR (Pt. 173) 252, But there is an exception to this procedure. There would be no need to call on counsel to address the Court on an issue raised *suo motu* by the Judge-

1. When the issue relates to the Court's own jurisdiction;
2. When both parties are not aware or ignored a statute which may have a bearing on the case; or
3. When on the face of the record serious questions of the fairness of the

proceedings is evident. See *Comptoir Commercial and Ind S.PR. Ltd. v. O.G.S.W.C.* (2002) FWLR (Pt 105) 839, (2002) 9 NWLR (Pt. 773) 629; *M. D. Kolawole and Ors v. A,-G., Oyo and 3 Ors* (2006) 3 NWLFI (Pt 966) 50. Similarly, and more recently, in the case of *Edevie v. Orohivedor* (supra), this Court held at page 275, paras D-F, thus:

In any case, it is settled law, that it is not in all circumstances that raising an issue by a Court *suo motu* and the Court deciding the same without calling on parties to address it is fatal to a judgment based on the said issue or issues raised *suo motu*. See *Angadi v. PDP* (2018) LPELR 44375 (SC), (2018) 15 NWLR (Pt. 1641) 1, where this Court held that there would be no need to call on counsel to address the Court on an issue raised *suo motu* by the Judge in circumstances:

- (a) when the issue relates to the Court's own jurisdiction;
- (b) When both parties are not aware or ignored a statute which may have bearing on the case; or
- (c) When on the face of the record serious questions of the fairness of the proceedings is evident. "

What happened as documented in the record of appeal is an abuse of the process of court and a threat to the due administration of justice in Nigeria. If we fold our hands my lords, and let it go, we may wake up one day and discover the irredeemable collapse of administration of justice in Nigeria.

To start with the appellant is a registered political party in Nigeria. A political party in Nigeria is not a club or a tea party. It is an association defined in Section 229, allowed by Sections 221 and 222 of the 1999 Constitution of the Federal Republic of Nigeria (as amended) for the raising and election of leaders including the President, Vice-President, Governor, Deputy Governor or membership of a legislative House or of a Local Government Council. The appellant from the records before the court was sued by the 1<sup>st</sup> respondent one of its members before the Federal High Court, a court established under section 249 and listed in section 6(1) and (5)(c) of the 1999 Constitution of Nigeria (as amended), as one of the superior courts of record in Nigeria and one of the courts vested with the judicial powers of the Federation. This court was approached by the 1<sup>st</sup> respondent to make a claim of right against the appellant his Political party. The court heard his grievances and made orders inclusive of the one directing the appellant to suspend is scheduled Convention and serve the 1<sup>st</sup> respondent with a Form to enable the 1<sup>st</sup> respondent participate in the party election going to take place during the Convention. The appellant not only contemptuously ignored the order of the Federal High Court. The appellant did not go on appeal as is her right under the Constitution but went to

another High Court of coordination jurisdiction to obtain an order of that court, to override the existing order of the Federal High Court and carried on with the Party Convention. It was after holding that convention that the appellant now started pursuing the appeal to the lower court and now to this court. It is a fact that the appellant was challenging the jurisdiction of the Federal High Court so the issue of contempt can be kept in abeyance on the authority of the cases of: **Group Danone & Anor. v. Voltic (Nig.) Ltd. (2008) 7 NWLR (Pt. 1087) 637; Onwochei Odogwu v. Otemeoku Odogwu (1992) 2 NWLR (Pt. 225) 539(@ 554; INEC & Anor v. Oguebego & Ors. (2017) LPELR - 42609 (SC) @ 14-17 A-B.**

The recurring spectacle of calculated defiance of law and judicial authority by political actors in Nigeria must be condemned in the strongest possible terms. The rule of law is not an ornamental ideal to be invoked in rhetoric and discarded in practice; it is the foundational architecture upon which the legitimacy of governance rests. Once political parties and their actors begin to treat lawful processes as optional, the very essence of constitutional democracy is imperiled.

It is a grave aberration for politicians, who are the primary beneficiaries and custodians of the democratic order, to descend into conduct that undermines legality. The Constitution of the Constitution of the Federal Republic of Nigeria 1999 is supreme, and its provisions bind all persons and authorities without exception. Political expediency cannot override constitutional command. Any attempt to manipulate, circumvent, or outright disregard legal norms for partisan advantage constitutes a direct assault on the sovereignty of the law.

Particularly, reprehensible is the growing tendency of political parties to flout subsisting court orders, engage in forum shopping, or deploy procedural subterfuge to frustrate the course of justice. Such conduct is not merely irregular, it is subversive. The authority of the courts, once diminished, cannot be selectively restored. It is settled law that court orders, whether rightly or wrongly made, must be obeyed until set aside by due process. To act otherwise is to invite anarchy.

Generally, orders of a competent court must be obeyed as long as they subsist, if the authority and administration of the court are not to be brought into disrepute, scorn or disrespect.

They remain binding on parties thereto until set aside by a court of competent jurisdiction or declared null and void as the case may be. Thus, once a party knows of an order of the court, whether it be valid or not and whether regular or irregular or even perverse, he is obliged to obey it. **Komolafe v. Omole (1993) 1 NWLR (Pt.268) 213; Aladegbemi v. Fasanmade (1988) 3 NWLR (Pt.81) 129; Rossek v. African Continental Bank Ltd. (1993) 8 NWLR (Pt.312) 382; Adebayo v. Johnson (1969) 1 All NLR 176.**

Seriously, where a party refuses to obey a subsisting order of court, the court will not give him a hearing until such a time he purges himself of his contempt **F.A.T.B. v. Ezegbu (1992) 9 NWLR (Pt. 264) 132; Odogwu v. Odogwu (1992) 2 NWLR (Pt.225) 539**, The exceptions to the general rule that a party in contempt may not be heard are as follows:

- ★ (1) where the party is seeking for leave to appeal against the order of which he is in contempt;
- (2) where the opposition to the order is on the ground of lack of jurisdiction;
- (3) where the contemnor is seeking to be heard in defiance of the order;
- (4) where it can be shown that there were certain procedural irregularities in the

**making of the orders which irregularities  
make the order unsustainable.**

The instant case is outside these exceptions. The appellant did not take the order contemptuously disobeyed immediately to the court of appeal but went to a court of co-ordinate jurisdiction to secure an order overriding the order of the Federal High Court. It was after the Convention that the appellant now came to the appeal court. The question is what again did the appellant want the Court of Appeal to do? To review the order, he disobeyed and egregiously went to the court of coordinate jurisdiction to secure an order countering the original existing order of the court? What this is, is nothing but an abuse of process ridiculing the due administration of justice in Nigeria. Contempt of court is not as horrifying as an abuse of the process of court. In clear terms what is grievous here is the act of abuse and interfering with the due process of administration of justice. This type of abuse of court process is unpardonable.

Abuse of court process is a grave procedural vice which strikes at the very root of the administration of justice and cannot be tolerated by any court of law. It connotes the improper use of judicial machinery by a party in litigation, aimed not at the bona fide ventilation of a legitimate

grievance, but at harassing, irritating, or oppressing the adversary, or at frustrating the due process of the court.

The courts have consistently deprecated, in the strongest possible terms, any conduct that amounts to abuse of process. Where a party engages in multiplicity of actions on the same subject matter against the same parties, or institutes parallel proceedings in different courts with a view to securing a favourable forum, or employs judicial processes for ulterior or collateral purposes, such conduct constitutes a flagrant abuse of court process and an affront to the dignity and authority of the court.

It is settled law that once an abuse of court process is established, the court is not only entitled but duty-bound to invoke its inherent jurisdiction to prevent the misuse of its process. This includes the power to dismiss or strike out the offending action, as the justice of the case may demand. The rationale is simple: the court will not lend its machinery to a litigant who seeks to pervert it. See the case of **Main Street Ban Registrars Ltd v. Temitope O. Oshinugo & Ors. (2024) LPELR – 62980 (SC)** and the cases of – **Dingyadi v. INEC (No. 1) (2010) 18 NWLR (Pt. 1224) 1 SC**; **Oyegun v. Nzeribe (2010) 7 NWLR (Pt. 1194) 577 (SC)**; **Narigha v. PDP (2013)**

All FWLR (Pt. 696) 414 (SC); Ikechukwu v. Nwoye (2015) 3 NWLR (Pt. 1446) 367 (SC); Brittainia-U Nig. Ltd v. Seplat Pet. Dev. Co. Ltd. (2016) 4 NWLR (Pt. 1503) 541; Alafia v. Gbode Ventures Ltd. (supra); Ezenwo v. Festus (No. 1) (2002) NWLR (Pt. 1750) 324 (SC), referred to in the judgment of my lord M.L. Garba, JSC.

Accordingly, any litigant who engages in abuse of court process does so at his peril. The court must, in clear and unmistakable terms, condemn such conduct and take decisive steps to preserve the integrity of the judicial system. Abuse of court process is not a mere irregularity; it is a fundamental defect that robs the proceedings of legitimacy and renders them liable to summary termination.

The appellant abused the process of the court to conduct the party Convention. The Party Convention of the appellant conducted on 15<sup>th</sup> and 16<sup>th</sup> November, 2025, in defiance of the subsisting order of the Federal High Court in its Judgment delivered on the 14<sup>th</sup> day of November, 2025, in **Suit No: FHC/ABJ/CS/2299/2025**, is null, void and of no effect and consequence. It is accordingly nullified.

Having resolved the only issue raised against the appellant, the appeal is lacking in merit.

The appeal is accordingly dismissed.

Parties are to bear their respective costs.

Appeal Dismissed.

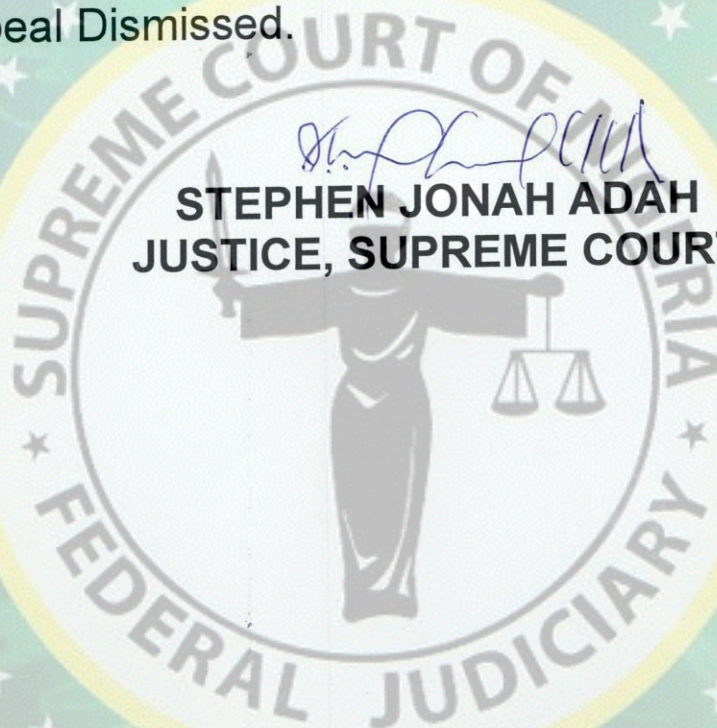
**Cross-Appeal:**

The Cross-Appeal is in the circumstance of the decision in the main appeal, dismissed.

Cross-Appeal Dismissed.



**STEPHEN JONAH ADAH  
JUSTICE, SUPREME COURT**



Ubi jus ibi remedium

## **APPEARANCES:**

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O.A. Adeyemi, Esq., **with** Kingsley, Esq., Magbuin, Esq., **for the 2<sup>nd</sup> Respondent.**

J.B. Daudu, SAN, Adebayo Adedeji, SAN, **with them are** – Gbenga Makanjuola, Esq., E.C. Onyekwere, Esq., Shuaibu Muhammed, Esq., Aishetu Isa Esq., C.E. Onwere, Esq., for the 3<sup>rd</sup> to 5<sup>th</sup> Respondent.