

**IN THE HIGH COURT OF JUSTICE OF THE  
FEDERAL CAPITAL TERRITORY ABUJA  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT JABI - ABUJA**

**BEFORE: HON. JUSTICE O.C. AGBAZA**

**COURT CLERKS: UKONU KALU & GODSPower EBAHOR**

**COURT NO: 11**

**SUIT NO: FCT/HC/CV/1411/2020**

**MOTION: M/6585/2020**

**BETWEEN:**

- 1. OSARO NWAKAJI**
- 2. DANIEL ESIOWERE**
- 3. AGBOVU THANKGOD**
- 4. LAMBERT OBARI ISAAC**
- 5. AKWINI DANDI**
- 6. OKERE IBEKWEM**
- 7. CHIKEWE JACOB**
- 8. NWIKO KPUGNUAEEBU**
- 9. DANDI ENYI**
- 10. BARIBEELA MAJESTY GBARABE**
- 11. NGOZI ENYI**
- 12. PRINCE NYEBUCHI OYEBULA**
- 13. KPAI BRADFORD KABARI**
- 14. OMUBO GEORGE TOLOFARI**
- 15. IBIWERE GEORGE GREEN.....CLAIMANTS/APPLICANTS**

**VS**

**PEOPLES DEMOCRATIC PARTY.....DEFENDANT/RESPONDENT**

**RULING/JUDGMENT**

By an Originating Summons filed on 12/3/2020, the Claimants are seeking for the determination of the following questions;

As contained hereunder;

- (1) WHETHER having regards to the Provisions of Articles 10 (1), (a), (b), (i), 11 (1) (2), 12 (1), (a), (13) (1), 13 (1), (b), 14 (1), (1), (2), (f), 15 (1), (2), (d), (e), (f), (g), 18 (1), (g), (2), (a) – (e), 49 (1), (2), (3), 67 (2), (1) of the PEOPLES' DEMOCRATIC PARTY Constitution 2017 (as amended) the Claimants having made requisite payments, the Claimants are not entitled to be issued with Nomination Forms to enable them to participate in the proposed Ward Congresses of the Defendant in the year 2020 or any other date in the Rivers State Chapter of the Defendant?
- (2) If the answer to the question No. 1 above is in favour of the Claimants: WHETHER the refusal of the Defendant to issue Nomination Forms to the Claimants and the eventual exclusion of the Claimants from participating in the Ward Congresses of the Defendant in the Rivers State Chapter 2020 by the Defendant is contrary to Articles 10 (1), (a), (b), (i), 11 (1) (2), 12 (1), (a), (13) (1), 13 (1), (b), 14 (1), (1), (2), (f), 15 (1), (2), (d), (e), (f), (g), 18 (1), (g), (2), (a) – (e), 49 (1), (2), (3), 67 (2), (1) of the PEOPLES DEMOCRATIC PARTY Constitution 2017 (as amended) and is valid and constitutional?
- (3) WHETHER having regard to the Provisions of Article 49 (1), (2), (3) of the PEOPLES DEMOCRATIC PARTY Constitution it is

proper to hold or it was proper to have held, Ward, Local Government and State Congresses of the Defendant in Rivers State Chapter to the exclusion of the Claimants?

IF THE ANSWERS TO THE ABOVE QUESTIONS ARE IN FAVOUR OF THE CLAIMANTS, THE CLAIMANTS SEEK THE FOLLOWING RELIEFS:

- (1) A Declaration that the Claimants are entitled to participate in the PEOPLES DEMOCRATIC PARTY Ward Congresses scheduled to hold in 2020 or any other date in the Rivers State Chapters of the Defendant having paid the requisite nomination fees for issuance Nomination Forms.
- (2) A Declaration that the refusal of the Defendant to issue Nomination Forms to the Claimants (Claimants having paid the required fees thereof) and the exclusion of the Claimants from participating in the Ward Congresses of the Defendant in Rivers State which held in the year 2020 is unconstitutional, null and void.
- (3) A Declaration that the purported Ward Congresses of the Defendant held or to be held by the PEOPLES' DEMOCRATIC PARTY in the year 2020 in its Rivers State Chapter to the exclusion of Claimants (who paid the requisite fees for Nomination Forms) is null, void and no effect whatsoever.

- (4) A Perpetual Order of Injunction restraining the Defendant from conducting any Wards, Local Government Areas or State Congresses or further congresses in its River State Chapter based on the Ward Congresses Election purportedly conducted in the 2020 or any other date.
- (5) A Perpetual Order of Injunction restraining the Defendant from recognizing or accepting any Results of any purported Ward Congresses whatsoever arising from the purported Ward Congresses held in the year 2020 which excluded the Claimants or any other date.

AND for such Order(s) as the Honourable Court may deem fit to make in the circumstance.

In support of the originating Summons is a 30 Paragraphs affidavit deposed to by Osaro Nwakaji – 1<sup>st</sup> Claimant, with Exhibits “A1” – “A15”, “B” “C1 – C9” and “D” attached. Exhibits “A1” – “A15” are copies of PDP Membership Registration Slips. Exhibit “B” – is a copy of the Guidelines and Special Announcement. Exhibit “C1” – “C9” – are copies of receipts; Exhibit “D” – is a copy of the Peoples’ Democratic Party Constitution 2017 (As Amended). Also filed is an affidavit of Urgency deposed to by the 1<sup>st</sup> Claimant of 14 Paragraphs. Also filed is a Written Address. Relies on the supporting affidavits and adopts the Written Address, and urge the court to uphold their prayers and determine the questions in their favour.

Further, that in response to the Defendant's counter-affidavit of 2/6/2020, the Claimants filed a further and better affidavit of 12 Paragraphs, dated 4/6/2020 and sworn to by the 1<sup>st</sup> Claimant. Also attached are Exhibits "A1" – "A15". Also filed is a Reply on point of law, dated 4/6/2020, adopts same, in urging the court to uphold their arguments. Also in further response, to the Defendants further/better counter-affidavit (No2), filed a further/better affidavit in opposition and sworn to by the 1<sup>st</sup> Claimant of 6 Paragraph, and relies on it. On the list of Membership attached to the Defendants further/better counter affidavit (No2), urged the court to note that the Defendant failed to substantiate the issues raised on the alleged lack of consent by the 8<sup>th</sup> Claimant, hence urged the court to invoke the Provisions of Section 167 (D) of the Evidence Act, 2011 against to Defendants.

The Defendant's Counsel, Learned Silk submits that the Defendant filed three (3) processes against the Originating Summons:-

- (1) Defendant's counter-affidavit of 33 Paragraph sworn to by Emmanuel Moses Enoidem, with one Exhibit DM1 –a Certified True Copy of an affidavit of facts dated 2/6/2020.
- (2) Defendant's further/better counter-affidavit (No.2) of 6 Paragraphs sworn to by one Tony Moses dated 5/6/2020, with attached Exhibits "DM2"–"DM12".

- (3) Defendant's further/better counter-affidavit filed on 5/6/2020 of 7 paragraphs sworn to by Tony Moses, with Exhibit "DM3A", "DM6A" and "DM12A" attached. Relies and adopts all the processes in urging the court to dismiss the Originating Summons, being unmeritorious.

Adumbrating, submits and urge the court to discountenance the Membership Cards attached by the Claimants of being of no moment, because the Exhibits "A1 – "A15" bears nopassport attached, and contrary to Articles 8, Para 6 of the PDP Constitution. Further urged the court that on a close perusal of the Membership Card, will find that the number stated do not correspondence with the numbers on the Register; showing that there is no proof of the Membership as claimedby the Claimants.

On the 8<sup>th</sup> Claimant, contends that the failure of the Claimant to bring an application to strike out the name of the 8<sup>th</sup> Claimant or amend, makes the entire process incompetent, just as the Defendant has no legal duty to prove the 8<sup>th</sup> Claimants membership based on the assertion of no consent, as facts admitted need no further proof. In all urge the court to dismiss the originating Summons with cost.

Sequel to this application – Originating Summons ofthe Claimants, the Defendants filed two (2) – Preliminary Objection, styled Motions on Notice, all challenging thejurisdiction of this court to determine this Suit. It is therefore necessary in line with the law and judicial precedents, to determine this issue of jurisdiction first before proceeding to determine the

Originating Summons. See *Inakoji Vs Adeleke* (2007) 4 NWLR (PT. 1025) Pg 423 @ 622 – 623.

Jurisdiction overtime has been described as the live wire of any of judicial proceedings and once raised, the court must determine it once and for all, the failure to do so, would amount to waste of judicial time of court, if it is found that indeed, it has no jurisdiction to hear, see case of *Daewood Nig Ltd Vs Project Masters (Nig) Ltd* (2010) LPELR – 4010 Per Thomas JCA stated thus;

“It is no more in dispute that an issue on jurisdiction of this court must first of all, be determined, because, jurisdiction of all court or even the parties is the live wire on which the matter is hinged, more so the issue is premised on the Notice of Preliminary Objection .....”. *Inakoji Vs Adeleke* (2007) 4 NWLR (PT. 1025) 423 SC; *NTUKS Vs NPA* (2007) 13 NWLR (PT.1051) 392 SC referred.

To determine this issue, resort must be made to the Writ of Summons and Statement of Claim, as in this instant suit, it is the questions set out for determination and the reliefs sought. See *Osigwe Vs PSPLS Management Consortium Ltd* (2009) 3 NWLR (PT. 1128) Pg 387 @ 399E. The Defendant filed two (2) Notice of Preliminary Objection, styled Motion on Notice challenging the Jurisdiction of this court to hear this Originating Summons. The Learned Silk Chief F.O. Orbih (SAN), submits that the first Motion is dated 4/5/2020 and filed same day, and brought pursuant to Order 5 Rule 1 & 2 of the FCT High Court (Civil Procedure) Rules 2018 (hereinafter Called

the Rules) and under the inherent jurisdiction of the court, praying for the reliefs set out in the face of the Motion paper and with the grounds relied upon. In support of the application is a 15 Paragraphs affidavit deposed to by Kingsley Chuku with Exhibits marked as "D1" – "D3" attached. Also filed is a Written Address, which counsel adopts and also relying, in urging the court to uphold the objection. Also filed is a further/better affidavit dated 22/5/2020 of 32 paragraphs and also an Address, titled "Defendants Written Address in response to the Claimants 'Address in opposition, adopts same, in urging the court to allow the objection.

By way of adumbration, Learned Silk submits that on a close perusal of the reliefs 1 – 5 of the originating Summons, would leave no one in doubt that the Ward Congress took place in Rivers State, being the matter the court is invited over a matter that occurred in Rivers State.

On the second Motion, Learned Silk submits that, it is dated 1/6/2020 and filed 2/6/2020, under the relevant Rules cited, prays for the reliefs contained in the face of the Motion, with the three (3) grounds upon which the reliefs is predicated. In support of the application is a 10 Paragraph affidavit deposed to by Emmanuel Moses Enoidem; and a Written Address adopts same in urging the court to uphold the objection. Also filed a Reply on point oflaw dated 5/6/2020 filed same date and adopts said Reply and urge the court to strike out the Suit.

Responding, Learned Silk P.H. Ogbale (SAN) for the Claimants, submits in response to the 1<sup>st</sup> Motion on Notice, the Claimant, filed a 10 Paragraphs



counter-affidavit deposed to by Osaro Nwakoji – 1<sup>st</sup> Claimant dated 19/5/2020, with Exhibits attached. Also filed is a Written Address filed on 19/5/2020, adopts and relies on the said counter-affidavit in urging the court to resolve the issue in favour of the Claimant and discountenance the Preliminary Objection of the Defendants.

In response to the 2<sup>nd</sup> Preliminary Objection, Learned Silk submits that the Claimant filed a Written Address dated 4/6/2020 and filed same day, adopts same, in urging the court to discountenance the 2<sup>nd</sup> Preliminary Objection and hold that it has jurisdiction to entertain this case.

By way of adumbration, submits that by the Preliminary Objection, the court is called upon to decide upon the Defendants Constitution and contends that the prayers of the Claimant as formulated is one that can be commenced by Originating Summons and urge the court to so hold.

On careful perusal of the two Motions (Preliminary Objection) filed by the Defendants, clearly reveals that both are challenging the jurisdiction of the court to hear and determine this Suit on the different grounds upon which the applications are brought. However, one thing is common to both, that is challenging the jurisdiction of the court to determine this Suit. It is therefore, incumbent on the court as a matter of clarity, to deal with the first Motion as it were before proceedings to deal with the 2<sup>nd</sup> Preliminary Objection. This the court will do in the circumstance.

In the Written Address of the Defendants, settled by C.P. Aninwoya Esq, three (3) issues were formulated for determination namely;

- (1) Whether the Suit does not constitute an abuse of Court Process?
- (2) Whether this Honourable Court has the territorial jurisdiction to entertain this matter?
- (3) Whether this Honourable Court has jurisdiction to entertain this Suit having regard to the fact that the subject matter is internal affairs of the Defendants political party and the Claimants have failed to exhaust Internal Dispute Resolution mechanism of the Defendant?

Taking issues 1 and 2 together, it is the contention of learned counsel, that a close perusal of the reliefs 4 and 5 of the Originating Summons, admitted by the Claimant, clearly shows that the Ward Congress the Claimants are seeking reliefs against, are events that occurred in Rivers State. Further by deposition in the affidavit in support, they have stated the conduct of the Claimants, is one of forum shopping by commencing this case in FCT High Court where the events leading to the case did not occur and further by their conduct of shopping for an appropriate court in FCT to do their cases, by filing and re-filing. All of these submits that the court have highly condemned these conducts and not only termed it as forum shopping but also an abuse of court process.

On the issue of territorial jurisdiction, submits that the court have deprecated the conduct where parties fail to institute action according to the dictates of the law. As in this instant case, the Claimant bringing this

Suit in the FCT High Court, over a matter whose cause of action occurred in Rivers State. In all of these, commend the court to several judicial authorities; Prince Eyindade Ojo & Ors Vs Olayiwola Olaware & Ors (2008) 6 -7 SC (PT. 11) 54; Mailantakri Vs Tongo & Ors (2017) LPELR – 42467 (SC); Dalhatu Vs Turaki (2003) 7 SC 1 @ 13 – 14; Sylva Vs I.N.EC (2015) 16 NWLR (PT.1486) 576 @ 623 Para G; Donald Vs Saleh (2015) 2 NWLR (PT.1444) 529 @ 576 Para G; Audu Vs APC & Ors (2019) LPELR – 48134 (SC).

On issue III, it is the contention of the Defendant that it is a notorious fact taken over time by the courts that it should not dabble itself to the internal affairs of a political party of which the Defendants' are. In doing so, urged the court to note from the processes of the Claimants, relied upon for this action, including the Exhibits and the Defendants Constitution attached to the Claimants affidavit in support of their Originating Summons, will find that these are matters that relate to the internal affairs of the party, which the Claimants have not exhausted before embarking on this action. Further submits that it is the Constitution of the party that every member is bound to, that guides the operation of the party which the members subscribed to. That on the failure of the Claimants to exhaust the Provisions of the said Constitution cannot proceed to take this action, which in any event is outside the scope and jurisdiction of the court to hear. To buttress their submission, commend the court to the following judicial authorities; Ufomba Vs INEC & Ors (2017) LPELR – 42079 (SC) (PP.46 – 48) Para D – B. Dalhatu Vs Turaki (Supra); PDP Vs Sylva (2012) 3 NWLR

(PT. 1316) Pg 85 @ 30 – 33 Para A – G; AG IVs PDP & Ors (2016) LPELR – 42578 (SC) Abdulkadir Vs Mamman (2002) 14 NWLR (PT. 836) Pg 1; Erue & Ors Vs Okotie Ebolt & Ors (2017) LPELR – 42655 (CA). Finally, urge the court to resolve the issues raised in favour of Defendants/Applicants and dismiss or strike out this Suit with cost.

In the Reply Address of the Defendant in response to the Claimants' Address of 22/5/2020, there was no issues formulated but the Defendant merely urged the court to carefully peruse the facts contained therein and will find and uphold their submission and grant the relief sought against the Claimants submission.

In the Written Address of the Claimant, in opposition to the preliminary Objection of Defendant dated 4/5/2020 settled by C. C. Agidi, only two (2) issues were formulated for determination; namely:-

- (1) Whether this action constitutes abuse of process of court?
- (2) Whether this Honourable Court lacks the requisition jurisdiction to entertain and determine this action?

Submitting, the Claimants contends and arguing the two (2) issues together that this Suit is not an abuse of court process drawing the court's notice to the procedure made to the withdrawal and re-filing of the processes in court, is in line with the Rules of Court and urge the court to peruse their Originating Summons, the questions for determination, in particular question 1 and 2, Exhibits "C1 – C9" will reveal that the court has jurisdiction to hear and determine the matter, the subject matter of this Suit

clearly stated. That this Suit has been properly constituted before this court to cloth this court with jurisdiction. To buttress their submission, commend the court to the following judicial authorities Davandy Finance Securities Ltd & Ors Vs Aki & Ors (2015) LPELR – 24495 (CA); Section 257 (1) of Constitution of Federal Republic of Nigeria 1999, Lawan Vs Zenon Petroleum & Gas Ltd (2014) 2306 (CA) Nigerian Cement Company Plc & Ors Vs Obidike (2015) LPELR (CA) ; Amaechi Vs INEC (No.1), 2007 18 NWLR (PT.1065) 42, 48; PDP Vs Oranezi (2018) 7 NWLR (PT. 1618) 245, 260 Para G; Uzodinma Vs Izunaso (No2) (2011) 17 NWLR (PT. 1275) 30; Ukachukwu Vs PDP (2014) 17 NWLR (PT. 1435) 135. In urging this court to discountenance the objection and hold that this court has jurisdiction.

Having carefully giving an insightful consideration to the affidavit evidence, the written submission, oral adumbration in reply of both Learned Silk and judicial authorities cited, in their arguments for and against the grant of the relief sought in this instance Preliminary Objection, sequel to the Originating Summons, the court finds that there is only one issue that calls for determination;

“Whether or not this Suit as presently constituted, in the face of the grounds of the objection is incompetent, therefore robbing this court with the jurisdiction to hear and determine it”.

This main issue, as formulated by this court, encapsulated all the issues relied on by the parties as issues for determination;

I shall, however, deal with them in that order. First on the issue, whether the Suit does not constitute an abuse of court process?

Abuse of court process, has over time being defined as;

“Misuse of court process and it includes acts which otherwise interfere with the course of justice. Clearly acts includes, where without reasonable grounds, a party institutes frivolous, vexatious and oppressive actions and also by instituting multiplicity of actions or is on a frolic act of forum shopping ie favorable court to entertain a matter” Per Oseji JCA – In NDIC Vs UBA Plc& Ors (2015) LPELR – 24316 (CA). Dingyadi Vs INEC (2001) 44 NSCQR – 301 @ 3450 referred.

It is the contention of the Defendant/Applicant as revealed in their affidavit in support, that the conduct of the Claimant/Respondent in filing and re-filing of this Suit in the FCT High Court, constitutes act of forum shopping for a convenient court to hear and determine their case, which amounts to an abuse of court process. These facts are contained in Para 4, 5, 6, 7, 8 and 12 (iv) of the supporting affidavit. And Paras 28 of the Defendants further/better affidavit of 22/5/2020.

On the other hand, the Claimant/Respondent contends that this Suit is not an abuse of court process amounting to forum shopping as alleged. That on close perusal of the process the court will find that all that was done by the Claimant, is discontinuance and re-filing was in line with the Rules of court and not intended as forum shopping alleged. These facts are

contained in their counter-affidavit; of 15/5/2020 in particular, Paras 6 (d) (e) (f) (g) (h) (I (i) (iv), 8 (d).

I have carefully perused the process complained of, as constituting an abuse of court process that is the Suit No. CV/1334/2020 against the Defendant/Applicant, praying for the same question for determination and the same reliefs as in this suit. Granted that an Applicant may on its own re-file a Suit discontinued by them; and granted that no reason is usually notelicted for the said withdrawal, the court's overtime condemned such conduct which is seen as tantamount to forum shopping. In this instant, it cannot be wrong for a court to hold that the conduct ofthe Claimants could be tantamount to forum Shopping, moreso is a Political matter.

It is in the light ofthis and in line with the NDIC Vs UBN & Ors (Supra) that I hold that the conduct of the Claimants in this instant is forum shopping, amounting to an abuse of court process.

On the 2<sup>nd</sup> issue, whether this Honourable Court has the Territorial Jurisdiction to entertain this matter.

It is the contention of the objectors (Defendants) that the subject matter ofthis Suit on the face of the reliefs of the Claimants as contained, clearly reveals that the events leading to cause of action, complained of by the Claimants are the Ward, Local Government and State Congresses of the Defendants River State Chapter) of particular reference is relief 4 and 5 of the originating Summons, wherein they are seeking a declaration that they are entitled to participate and vie for leadership position. Relying on

Plethor of judicial authorities, that the place where the event occurred, and suit is commenced outside that jurisdiction of the event, amount to forum shopping, which robs that court from entertaining that suit. *Mailantarki Vs Tongo & Ors (Supra)* referred.

On the other hand, the Claimant relying on the Exhibit C1" – "C9" in Para 7 (iii) of the counter-affidavit in opposition; and question 1 and 2 of their Originating Summons, and contends that issues leading to this action, occurred in FCT, Headquarters of the Defendant and not Rivers State as claimed by the Defendant, hence this court is clothed with jurisdiction to hear and determine this Suit. In support of this assertion Paras 6 (1) (v) (viii), 7 (iii); (iv) (v) (vi) (vii); 8 (g) of the counter-affidavit referred.

This court is invited by the parties to determine whether or not it has jurisdiction to hear and determine as it is presently constituted. This invariably calls on the court to have recourse to the questions for determination and reliefs sought as set out.

Firstly, the jurisdiction of the FCT High Court are set out in Section 257 of the Constitution of Federal Republic of Nigeria 1999 (As Amended), which reads;

Section 257 (1) – Subject to the Provision of Section 257 any other Provisions of this Constitution and in addition to such other jurisdiction as may be conferred upon it by law, the High Court of the Federal Capital Territory, Abuja shall have unlimited jurisdiction to hear and determine any Civil proceedings in which the existence or



extent of a legal right, power, duty, liability, privilege, interest, obligation or claim is in issue or to hear and determine any criminal proceedings involving or relating any penalty, forfeiture, punishment or other liability in respect of an offence committed by any person”

“Section 257 (2) – The reference to Civil or Criminal proceedings in this Section includes a reference to the proceedings which originate in the High Court of the Federal Capital Territory, Abuja and those which are brought before the High Court of the High Court of the Federal Capital Territory, Abuja to be dealt with by the court in the exercise of its Appellate or Supervisory jurisdiction....”

These Provisions are very clear and unambiguous a court is bound to confine itself with what powers are conferred upon it by statute. On a careful perusal of the processes in this Suit that is, the originating Summons and reliefs, already set out in this Ruling. Clearly, in my firm view are matters that occurred in the River State; Ward Congresses of particular reference is question 4 and 5 of the Originating Summons. This is in tandem with the law that it is the Writ of Summons and claims, as in this case the questions for determination and reliefs sought by the Claimant that will determine cause of action and jurisdiction. See the *Ocholi Enejo James (SAN) Vs INEC & Ors (2015) LPELR – 24494 (SC)*.

By a clear reading of Section 257 (1) (2) of Constitution of the Federal Republic of Nigeria 1999 (As Amended) and the copious paragraphs of both parties in their affidavit in support and counter-affidavit which is a rebuttal

of the Defendants position on this issue of jurisdiction, and the judicial authorities cited, the question that comes to mind, is whether this court has jurisdiction to hear and determine this Suit.

Having carefully considered the questions set for determination and the reliefs sought and juxtaposed it with the provisions of the Section 257 (1) (2) of Constitution of the Federal Republic of Nigeria 1999 (As Amended), which is clear and having found that the matter leading to this suit is one that occurred in Rivers State, a place outside the jurisdiction of this court, it is clearly not one contemplated within the jurisdiction of the FCT High Court to hear and determine. This point has been restated in strong terms by the Apex Court in the case of *Mailantarki Vs Toingo & Ors* (2017) LPELR – 42467 (SC), where the court, took a swipe at the attitude of this court assuming jurisdiction on matters where the cause of action arose from a different jurisdiction. This position of the Supreme Court was also stated in the earlier case of *Dalhatu Vs Turaki & Ors* (2003) 7 SC 1 at 13 – 14. By the recent court directives issued by the Chief Judge of FCT, FCT Courts are now directed to transfer such cases where the cause of action arose from another jurisdiction. This is in line with the position stated by the Apex Court in the avalanche of cases stated earlier.

The mere presence of the Defendant's headquarters location in Abuja does not ipso facto give the court that Territorial Jurisdiction to determine the Suit. It still remains where the cause of action arose. It is therefore, the view of this court, that this is a case of forum shopping, which the Apex Court has condemned in strong terms. This court by the reason of doctrine

of stare decisis is bound to follow the judicial decision of the Apex Court, to do otherwise, would amount to judicial rascality.

Accordingly, I resolve this issue in favour of the Defendant Objector.

On the issue, whether this Honourable Court has the jurisdiction to entertain this suit having regards to the facts that the subject matter is an internal affair of the Defendant Political party and the Claimants having failed to exhaust Internal Dispute Resolution Mechanism of the Defendants?

It is the contention of the Defendant/Applicant, that the subject matter of this Suit is touching on the Internal affairs of the Political Party, in this instance the Defendant, and pursuant to the Provisions of the Defendants Constitution, which all members of the parties are bound to comply with, this court lacks the jurisdiction to entertain this matter. Relying on Provisions of this Constitution, that is Article 60 (1) and relevant judicial authorities including facts deposed to in the supporting affidavit, particularly, Paras 10, 11, 12 and 13 in urging the court to decline jurisdiction.

The Claimant on the other hand, relying on Paras 6 (1) (iii) (vii) (ix); 7 (i) (vi) (viii) (ix) (x) (xi) (xii) (xiii); 8 (b) (c) (h) (i) of their counter-affidavit and relevant judicial authorities cited, contend that the Defendant cannot rely on the said Article 60 (1) of their Constitution when they indeed failed to avail the Claimants the opportunity to do so, hence urge the court to refuse this relief.

To determine this relief, the court must look at the claim before the court, that is the question for determination and reliefs sought. A clear perusal of the claims of the Claimants as stated and all the other processes, in my view, are matters relating to the internal affairs of a Political party and by Pletorial of judicial authorities, PDP Vs Sylva (2012) 3 NWLER (PT.1316) Pg 85. Lau Vs PDP & Ors (2017) LPELR – 42800 (SC), where the Supreme Court stated;

“...That there is a settled line of authorities to the effect that the domestic or internal affairs of a Political Party are not justiciable, that court will not dabble into the membership of a party or who it chooses to sponsor for an election”.

What, in my view, the Claimant is asking of this court, is to dabble into the decision of a Political on the conduct of its internal affairs as it relates to steps preparatory to the selection of its candidates for elective post. This in my view is clearly an internal matter for the party.

It is on this basis, I resolve this issue in favour of the Defendant.

From all of these, I hold this Preliminary Objection of the Defendant challenging the jurisdiction of the court, on the grounds relied on, succeeds, accordingly this court lacks the jurisdiction to hear and determine this Suit.

Having so found in respect of the 1<sup>st</sup> Preliminary Objection of the Defendant filed 4/5/2020, it becomes of no moment to proceed to deal with the 2<sup>nd</sup> Preliminary Objection of the Defendant, also challenging the jurisdiction of the court to hear and determine this Suit.

Consequently, to proceed to determine the Originating Summons of the Claimant, the Court having upheld the Objection of the Defendant, declining jurisdiction, would be of mere academic exercise, which this court does not have the luxury to delve into in the face of its heavy docket. Accordingly, this Suit is hereby struck out.

Parties to bear their cost.

**HON. JUSTICE O. C. AGBAZA**

Presiding Judge

29/6/2020

APPEARANCES

P.H. OGBOLE (SAN) WITH C.C. AGIDI FOR CLAIMANTS

CHIEF F.O. ORBIH (SAN) WITH C.P. ANINWOYE ESQ FOR THE DEFENDANT