

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT MAITAMA, ABUJA**

**BEFORE HIS LORDSHIP: HON. JUSTICE H. MU'AZU**

**ON 30<sup>th</sup> DAY OF NOVEMBER, 2021**

**SUIT NO: FCT/HC/CV/2030/2021**

**BETWEEN:**

**MUTTAKA BALA SULAIMAN & 17,907 ORS.....CLAIMANTS**

**AND**

- 1. ALL PROGRESSIVES CONGRESS**
- 2. H. E. MAI MALA BUNI**
- 3. SENATOR JOHN JAMES AKPANUDOEDEHE**
- 4. HON. OLAYIDE ADEWALE AKINREMI**
- 5. SENATOR ABBA ALI**

(The 2<sup>nd</sup> – 5<sup>th</sup> Defendants for themselves And on Behalf of the  
APC Caretaker/Extraordinary Convention Planning Committee)

- 6. DR. TONY MACFOY**
- 7. BARR. AUWALU ABDULLAHI**
- 8. USMAN MUSA KAITA**
- 9. ADEDAYO IYANIWURA**

(6<sup>th</sup> – 9<sup>th</sup> Defendants for themselves & members of the APC  
Ward congress committee for Kano State)

- 10. INDEPENDENT NATIONAL ELECTORAL COMMISSION**

**..DEFENDANTS**

## JUDGMENT

By an Originating Summons, the Plaintiffs numbering 17,908, approached this Honourable Court and sought for the following reliefs.

1. A Declaration that the Defendant's decision and or action or proposal not to recognize the Plaintiffs as the duly, validly, properly, authentically and democratically elected and ought to be recognized by the Defendants as the;

a. 27 elected Ward Executive Committee Members for each of the 484 Wards in Kano State.

b. 5 elected Ward delegates for or to each of the 44 Local Government Areas; and

c. 5 elected wards delegates per ward for or to the State party congress

of the 1<sup>st</sup> Defendant Party for all the Wards and Local Government Areas in Kano State at the Ward Congress election conducted by the 1<sup>st</sup> – 9<sup>th</sup> Defendants and

supervised by the 10<sup>th</sup> Defendant on the 31<sup>st</sup> July, 2021 is not valid, proper and not in line with the governing laws.

2. Declaration that the 1<sup>st</sup> Defendant's summary results sheets showing the Plaintiffs as:-

- a. 27 elected ward Executive Committee Members for each of the 484 Wards in Kano State;
- b. 5 elected ward delegates for or to each of the 44 Local Government Areas; and
- c. 5 elected ward delegates per ward for or to the State Party Congress of the 1<sup>st</sup> Defendant

are the valid, proper, authentic and democratic results of the various ward congress elections in Kano State to be adopted, recognized and relied upon by the Defendants headquarters in Abuja.

3. Directing the Defendants to adopt, recognize and rely on the summary result sheet for ward congress, elected delegates and State delegates submitted at the 1<sup>st</sup>

Defendant's office in FCT, Abuja consisting of the Plaintiffs' names as the only valid and authentic delegates qualified to participate in the forthcoming primary elections of the 1<sup>st</sup> Defendant.

4. Nullifying, voiding and or setting aside any other list of any other report/directives given by the Defendants on 9<sup>th</sup> August, 2021 or any other date, other than the valid, proper and authentic summary result sheets for ward congress, elected Delegates and States Delegates of Kano State consisting of the Plaintiffs names as the duly, valid and democratically elected Ward Executive Committee, Ward Delegates to the Local Government Areas and ward delegates to the State Party Congress of the 1<sup>st</sup> Defendant of Kano State.
5. An Order of perpetual injunction restraining the Defendants from receiving accepting and or acting or purporting to act on, rely on or approving any other list or purported list of ward Executives Committee Members emanating from any other Committee other than the duly constituted Ward Congress Committee

(WCC) of the 1<sup>st</sup> Defendant showing or consisting of the names of the Plaintiffs as the;-

- a. 27 elected ward executive committee members for each of the 484 wards in Kano State.
- b. 5 elected ward delegates for or to each of the 44 Local Government Areas and
- c. 5 elected ward delegates per ward for or to the State Party congress of the 1<sup>st</sup> Defendant.

Plaintiffs raised the following questions for determination to wit;

- 1. *Whether by the combined provisions of Article 11A (i-xiii) and 13(12) of the All Progressive Congress (APC) Constitution; the All Progressive Congress (APC) Guidelines for Ward Congress 2021 and Section 85(1) & (2); 87 (7, 8 and 9) of the Electoral Act, 2010 (as amended), the Defendants', act, decision and or action or proposal not to recognize the Plaintiffs as***

***the duly, validly, properly, authentically and democratically elected persons as the ;***

***a. 27 elected Wards Executive Committees Members for each of the 484 Wards in Kano State;***

***b. 5 elected Ward delegates for or to each of the 44 Local Government Area and***

***c. 5 elected Ward delegates per Ward area for or to the State Party Congress***

***of the 1<sup>st</sup> Defendant Party for all the Wards and Local Government Area in Kano State in the Ward Congress Election conducted by the 1<sup>st</sup> – 9<sup>th</sup> Defendants and supervised by the 10<sup>th</sup> Defendant on the 31<sup>st</sup> July, 2021 is valid, proper and in compliance with the governing laws?***

***2. Whether by the combined provisions of Article 11A (i-xiii) and 13(12) of the All Progressive Congress (APC) Constitution, the All Progressive Congress (APC)***

***guidelines for Wards Congresses 2021 and Section 85(1) and (2) 87 (7,8 and 9) of the Electoral Act 2010 (as amended) the summary of the result sheets, showing the Plaintiff as the;***

- a. 27 elected Ward Executive Committee Members for each of the 484 Wards in Kano State;***
- b. 5 Elected ward delegates for or to each of the 44 Local Government Areas and***
- c. 5 elected ward delegates per ward for or to the State Party Congress***

***are not the valid authentic and democratic results of the various Ward Congress elections in Kano State conducted on the 31<sup>st</sup> July, 2021 (covered by the report submitted to the 1<sup>st</sup> – 5<sup>th</sup> Defendants on the 6<sup>th</sup> August, 2021) to be adopted, recognized and relied upon by the Defendants in FCT, Abuja?***

***3. Whether by the combined provision of Article 11A (i-xiii) and 13(12) of the APC constituting the All Progressive Congress (APC) guidelines for Wards Congresses 2021 and Section 85(1) and (2) 87 (7,8 and 9) of the Electoral Act 2010 (as amended) other results or purported results or any other directives emanating from other than the duly and validly constituted Ward Congress Committee of the 1<sup>st</sup> Defendant can be given credence and acted upon by the Defendants?***

In support of the originating summons is an affidavit of 27 paragraphs duly deposed to by Muttaka Bala Sulaiman (the 1<sup>st</sup> Plaintiff in the case).

The case of the Plaintiffs as distilled from the affidavit of Muttaka Bala Sulaiman a card-carrying member of the 1<sup>st</sup> Defendant Party from Sharada Ward of Kano Municipal Local Government Council is that in line with the 1<sup>st</sup> Defendant's constitution and Guidelines for Ward Congress 2021, the 1<sup>st</sup> Defendant by a letter dated 29<sup>th</sup> July, 2021 issued at its head office in Abuja and signed under the hands of the party



caretaker Secretary Senator John James Akpanudoedehe, appointed and constituted 6<sup>th</sup> – 9<sup>th</sup> Defendants as the Ward Congress Committee. The letter of appointment is annexed as Exhibit 'B'.

Plaintiffs aver that 1<sup>st</sup> Defendant duly notified the 10<sup>th</sup> Defendant of the Party Congress taking place on the 31<sup>st</sup> July, 2021 vide Exhibit 'B1' and that 6<sup>th</sup> – 9<sup>th</sup> Defendants committees conducted the Ward Congress election in Kano State on the 31<sup>st</sup> July, 2021 in line with the APC guidelines for Ward Congresses 2021 and the constitutions of APC. The guidelines and APC Constitution were annexed as Exhibits 'C' and 'D' respectively.

That the 6<sup>th</sup> – 9<sup>th</sup> Defendants, in line with their mandate, constituted various Local Ward Congress Committees (LWCC) in the 484 Wards of the 44 Local Government areas of Kano state and considered and screened candidates who purchased and submitted forms for the congress. Photocopies of evidence of payments and the forms filled were annexed as Exhibits 'E1', 'E2' and 'E3' respectively.

Plaintiffs averred that the Ward Congress Election was conducted by the 6<sup>th</sup> to 9<sup>th</sup> Defendants in accordance to the 1<sup>st</sup> Defendant's constitution and particularly in line with Articles 11 and 13(12) of the APC Constitution as well as the guidelines. The 6<sup>th</sup> – 9<sup>th</sup> defendant received the result sheets from the various LWCC collated and on the 6<sup>th</sup> of August, 2021 they submitted the results at the party secretariat in Abuja, FCT. The acknowledged copy of the report is annexed as Exhibit 'F'.

That the 1<sup>st</sup> plaintiff, and others while on a visit to the party national headquarters in Abuja learnt that 6<sup>th</sup> and 7<sup>th</sup> Defendants rather than submit the democratically elected LWCC results to the 1<sup>st</sup> to 5<sup>th</sup> Defendants, 6<sup>th</sup> and 7<sup>th</sup> Defendants, surprisingly, submitted a false report of a consensus mandate and that it will be the report to be relied on and no other.

In the false report the 6<sup>th</sup> and 7<sup>th</sup> defendants became members of the State congress committee and not the appropriate Ward Congress Committee (WCC) and relied on a purported STAKEHOLDERS' decision for consensus

Candidates not the Congress election. The said false report was annexed as Exhibit 'G'.

Plaintiffs aver further that there is no provision for Stakeholders in the 1<sup>st</sup> Defendant's Party Constitution or Guidelines for election and that there is nowhere the party members at the ward, local government or State level converged and agreed via ballot or voice vote to subjugate their right to vote at the congress election and agreed on any purported consensus candidate.

It is the averments of the Plaintiffs that the authentic report of the ward congress election result was delivered on the 6<sup>th</sup> August, 2021, and that the Plaintiffs heard that APC Caretaker Committees/Extraordinary Convention Planning Committee (CCECPC) may not consider and approve the authentic report. A letter asking for false report as consensus result is annexed as Exhibit 'I'.

The genuine results of the Ward Congresses Committee containing the names of the Plaintiffs contained in the copy

of the genuine results of the congress elections were attached as exhibits J1 – J484. (J series)

That the 10<sup>th</sup> Defendant which is statutorily required to supervise, monitor or attend and or receive are now deferring to the false report Exhibit ‘G’.

Finally, that the balance of convenience and the interest of justice weighed in favour of granting the reliefs in this suit, inclusive of an order of injunction.

In line with law, a written address was filed wherein the question earlier raised for determination were argued. Learned counsel argued the three issues together as thus’

***Pre-election:*** counsel contended that by virtue of Section 285(9) CFRN every Pre-election matter shall be filed not later than 14 days from the date of occurrence of the event decision or action complained of in the suit.

Counsel argued that any preparation or process embarked upon by a political party in preparation for an election can as well be regarded as pre-election or prior to the election as

opposed to post election which would obviously relate to any exercise or process done after the election. ***APC VS. UMAR & ORS (2019) LPELR 47296.***

On ***locus standi***, learned counsel argued that by affidavit evidence before the Court, it is clear that the Plaintiffs are aspirants/candidates/winners of all the available contested position at the Ward Level of the 1<sup>st</sup> Defendant and that by virtue of Section 87(9) of Electoral Act and Section 285(14) CFRN are entitled to be accorded right of standing before this Court. ***CPC VS. LADO (2012) ALL FWLR (Pt. 607) 598 (SC).***

**On violation of Electoral Act, party Constitution & Guidelines.**

Learned counsel argued that Section 89(7) of the Electoral Act made it clear that any political party that adopt the system of indirect primaries for the choice of its candidate shall clearly outline same in its constitution and Rules of procedure.

Secondly, that the provision of the Articles 11 of the APC Constitution clearly stated the organs of the 1<sup>st</sup> Defendant and that there is no room for any committee or body known as Stakeholders in the APC constitution. And therefore the so called Stakeholders contained in the press release by the press Secretary to the Governor of Kano State, Exhibit 'H1' as well as the false report of the Congress elections, Exhibit 'G' are void. As same does not comply with the letters and spirit of the APC Constitution and guidelines.

It is the contention of learned counsel that the only elections held was the one where they emerged and same took place at the various party ward offices and Secretariats of the party at the different Local Government Areas. And therefore any other result is null and void.

Counsel contended further that the congress wherein they emerged was those conducted by the body/committee set up and inaugurated by the 1<sup>st</sup> Defendant vide Exhibit 'B' and that a close scrutiny of Exhibit 'G' report of another purported Committee will reveal without doubt that their

modus operandi is distinguishable from that in Exhibit 'B' and thus ought not be given any cognizance.

***OGARA VS. ASADU (2014) ALL FWLR (Pt. 754) 54.***

Counsel submitted that where the law or an instrument prescribes a mode of doing an act, no other mode is allow.

***COOPERATIVE & COMMERCE BANK PLC. VS. A.G ANAMBRA STATE (1992) LPELR 875 (SC).***

Court was finally urged to grant the reliefs sought by the Plaintiffs.

Upon service, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants filed their counter affidavit in opposition to the originating summons.

The said counter affidavit of 11 paragraphs was duly deposed to by one Damilola Ogunsanya, a legal practitioner in the legal services department of the 1<sup>st</sup> Defendant.

It was averred that in preparation for the forthcoming party primary election and the 2023 general election, the 1<sup>st</sup> Defendant constituted the Ward Congresses Committee (WCC) vide Exhibit 'B' and that the Committee conducted the

Congress in Kano State on the schedule date with the assistance of 3 man Committee known as Local Ward Congress Committee (LWCC). A copy of the report is annexed as Exhibit 'APC2'. But a contrary report was submitted by the State Congress Committee to the party without list attached vide as Exhibit 'APC3'.

That the resolution of the party Stakeholder in Kano State to submit consensus candidate was reached long ago prior to the constitution of the Ward Congress as contained in the press release by the Chief Press Secretary to the Governor of Kano State on 26<sup>th</sup> July, 2021.

That on the 9<sup>th</sup> of August 2021, the Party at its Headquarters in Abuja resolved to adopt the report its Stakeholders in Kano state wanted.

That this suit seeks to interfere with the internal affairs of the party and this Honourable Court lacks jurisdiction to delve into this matter.

In compliance with law, a written address was filed wherein learned counsel raised a preliminary objection to the effect



that the 2<sup>nd</sup> Defendant being the current Executive Governor of Yobe State cannot be sued by virtue of Section 308(1) (a), (b) and (c); (2) and (3) of the Constitution of the Federal Republic of Nigeria 1999 (as amended).

On the substantive application, learned counsel argued that, a political party has a discretion as to how to conduct its internal affairs with regards to its primaries, congresses: and that the law and indeed, the constitution of the 1<sup>st</sup> Defendant allows the Defendant to choose of the at least two means of selecting its Officers or flag bearers for congresses or primaries.

Counsel states that no Court or Tribunal is allowed to question, delve or challenge internal affairs of the party or exercise of its discretion. ***IBRAHIM VS. ABDULLAH (2020) 17 NWLR (Pt. 1701) SC.***

Learned counsel submitted that a party is legally permitted to hold a consensus election subject to the fulfillment of the conditions stated therein.

Court was urged to dismiss this suit.

The 4<sup>th</sup> and 5<sup>th</sup> Defendants filed an affidavit of 12 paragraphs duly deposed to by Alhaji Abdullahi Abbas, the chairman of Kano State chapter of APC.

It is the deposition of the 4<sup>th</sup> and 5<sup>th</sup> Defendants that the Plaintiffs are not members of the 1<sup>st</sup> Defendant. That Exhibit 'F' attached to the Plaintiffs originating summons purporting to be a report by the 8<sup>th</sup> and 9<sup>th</sup> Defendants for the Chairman and Secretary of the Ward Congress Committee (WCC) is false and incorrect.

It is the averment of the 4<sup>th</sup> and 5<sup>th</sup> Defendants that in preparation of party primary election, 1<sup>st</sup> Defendant appointed seven-member Ward Congress Committee (WCC) to superintend the Ward Congresses to be held in Kano State vide Exhibit 'B' and Exhibit 'APC1' already in evidence.

That by a letter of appointment, Dr Tony Macfoy and Barrister Auwalu Abdullahi were appointed as the Chairman and Secretary respectively and the duo were not given the powers to delegate their powers to either the other members of the WCC or any other person.

4<sup>th</sup> and 5<sup>th</sup> Defendants avers that out of the members of the WCC, both Adebayo Iyaniwura and Abdullahi Yaro did not travel with the WCC assigned to Kano State as led by the 6<sup>th</sup> Defendant, Dr. Tony Macfoy nor did they show up in Kano state on the day of the election.

That part of the responsibility of the 1<sup>st</sup> Defendant's WCC was to appoint members of the Local Ward Congress Committee (LWCC) who will then preside over the Ward Congress since Kano State has 484 Wards in the 44 Local Government Areas. And prior to the holding of the Ward Congresses in Kano State, members of the 1<sup>st</sup> Defendant were informed through their Wards, Radio broadcasts, notification letter, social medial platforms about the date, place and time of the Ward Congresses.

That the party adopted consensus based on Article 20(1)(a) of the 1<sup>st</sup> Defendant constitution vide Exhibit 'MND3 - MND46'. And that there was no single appeal against the outcome of the Ward Congresses in Kano State as in Exhibit 'MND3-MND46' clearly stated that there was no petition. See Exhibit 'MND47'.

4<sup>th</sup> and 5<sup>th</sup> Defendants aver that the Plaintiffs were not contestants at the Ward Congresses as they did not fill and submit any expression of interest form nor a nomination form.

That Exhibit 'G' was signed and authenticate by majority of the members of the WCC and that the Court of law will not nullify the report of the action of the 1<sup>st</sup> Defendant that was carried out in compliance with the provision of its constitution and guidelines.

Defendants avers further that the result submitted by 6<sup>th</sup> and 7<sup>th</sup> Defendants, as its Chairman and Secretary, respectively, is dated 1<sup>st</sup> August, 2021, is an expression of what exactly transpired during the Ward Congress held in Kano State.

In compliance with law and procedure, a written address was filed where 4<sup>th</sup> and 5<sup>th</sup> Defendants distilled two issues for determination to wit;

***1. Whether the Plaintiffs originating summons before this Honourable Court is competent;***

**2. Whether the conduct of the Ward Congress in Kano State on 31<sup>st</sup> July, 2021, as depicted in Exhibit 'G' and accepted upon by the 1<sup>st</sup> Defendant was done in compliance with the provisions of the 1<sup>st</sup> Defendant's Constitution and its guidelines for Wards Congresses 2021.**

On issue one, ***whether the Plaintiffs originating summons before this Honourable Court is competent.***

It is the submission of learned counsel that by virtue of Section 115(1)(3) and (4) of the Evidence Act, 2011 every affidavit used in a Court shall contain only statement of fact and circumstances to which the witness deposes, either of his own personal knowledge or from information which he believed to be true. And that from the content of paragraph 2 of the affidavit in support of the Plaintiffs originating summons, the place and time of receiving the information from 17,907 other sets of Plaintiffs was not supplied.

***DOMA VS. INEC (2012) 13 NWLR (Pt. 1317) SC P. 297 at 328 - 329*** was cited in support of the preposition.

Counsel submits further that, the newly elected executives of the 484 Wards of Kano State are not made parties to this case, the suit is bound to fail as necessary parties are not before the Court. ***AMUDA VS. AJOBO (1995) 7 NWLR (Pt. 406) at 120.***

On issue two,

***whether the conduct of the Ward Congress in Kano State on 31<sup>st</sup> July, 2021, as depicted in Exhibit 'G' and accepted upon by the 1<sup>st</sup> Defendant was done in compliance with the provisions of the 1<sup>st</sup> Defendant's Constitution and its guideline for Wards Congress 2021.***

Learned counsel submitted that, a party who is seeking for a declaratory relief must succeed on the strength of his case and not on the weakness or admission of the Defendants. ***NGIGE VS. INEC (2015) 1 NWLR (Pt. 1440) SC.***

Learned counsel argued that, for Plaintiffs to establish their case, which is clearly an intra-party issue, they must establish the following: -

1. The authorization from the 1<sup>st</sup> Defendant appointing the 8<sup>th</sup> and 9<sup>th</sup> Defendants as the Chairman and Secretary of the Ward Congress in Kano State.
2. Alternative to proof 1, the letter of delegation from the 6<sup>th</sup> and 7<sup>th</sup> Defendants delegating their powers to the 8<sup>th</sup> and 9<sup>th</sup> Defendants to make the purported report they did.
3. The letter from the 1<sup>st</sup> Defendant's NWC and NEC empowering the 6<sup>th</sup> and 7<sup>th</sup> Defendants to delegate his powers to the 8<sup>th</sup> and 9<sup>th</sup> Defendants.
4. The assumed illegality of consensus with recourse to the provisions of the 1<sup>st</sup> Defendant's constitution and the guidelines for Ward Congresses, 2021.

That having failed to establish the above, Court was urged to dismiss the Plaintiff's case.

On their part, 6<sup>th</sup> – 9<sup>th</sup> Defendants filed their counter affidavit of 14 paragraphs duly deposed to by Usman Musa Kaita, the 8<sup>th</sup> Defendant in this case.

It is the deposition of the 6<sup>th</sup> – 9<sup>th</sup> Defendants that in line with APC constitution and guidelines, the 1<sup>st</sup> Defendant constituted and inaugurated their committee as Ward Congress Committee in Abuja vide letter dated 29<sup>th</sup> July, 2021. And that the party vide a letter dated 11<sup>th</sup> July, 2021, notified the 10<sup>th</sup> Defendant (INEC) and enjoined it to monitor and supervise the Ward Congresses vide Exhibit ‘WCC2’.

That upon their arrival in Kano, they were received by the State Caretaker Committee and the party Stakeholders who informed them of their job was enormous and can't be completed within the time frame. That the duo further informed them that the prior resolution to have a consensus arrangement wherein the Stakeholders would pick candidates and delegates of their choice without need to conduct any congress.

It is the deposition of the 6<sup>th</sup> – 9<sup>th</sup> Defendants that some of the Committee members proceeded to conduct the congress in the 484 Wards of Kano on the scheduled date as mandated with the assistance of 3-man Committee known as Local Ward Congress Committee drawn from different Ward



and Local Governments vide Exhibits 'F and 'J1 – J484'. And a copy of the covering letter is attached as Exhibit 'WCC4'.

That the Committee later learnt that a contrary report was submitted by State Congress Committee acting on the resolution of the State Caretaker Committee & Party Stakeholders who had resolved that candidate would be selected on consensus basis.

That it later came to their knowledge that the resolution to have consensus arrangement was reached prior to the setting up of the Committee as contained in the press release by the Chief Press Secretary to the Governor of Kano State on the 26<sup>th</sup> July, 2021. And the party in its headquarters in Abuja resolved to endorse the report wanted by the party Stakeholder in Kano State.

In line with law, a written address was filed wherein, the issues for determination by the Plaintiff was adopted.

In arguing the issues learned counsel submitted that there is no cause of action shown or relief sought against the committee as there is no relief, sought against them.

Counsel argued further that, no Court or tribunal is allowed to question, delve or challenge internal affairs of the party or exercise of its discretion. ***IBRAHIM VS. ABDULLAHI (2020) 17 NWLR (Pt. 1701) SC.***

Learned counsel argued further that in the conduct of the Ward Congress to elect Ward delegates to the Local Government Area/Area Council and State Party Congress, the party is permitted by the guidelines for Wards, LGA & State Congresses 2021 to hold a consensus election.

Court was urged to refuse all the reliefs sought and dismiss same.

The 10<sup>th</sup> Defendant in this suit, though duly served with the plaintiffs' Originating summons, did not file a counter affidavit nor enter appearance.

Upon service, the Plaintiffs filed a further and better affidavit to the 1<sup>st</sup> – 3<sup>rd</sup> Defendants' counter-affidavit.

It is the further affidavit of the Plaintiffs that neither the state congress committee nor Party Stakeholders is known

to the constitution or Guidelines of the 1<sup>st</sup> Defendant. That no member of the APC no matter how big can act or do anything outside the laid down party Guidelines, constitution or the electoral Act. Plaintiffs urged the court the relief sought in this suit.

In the reply on point of law to the 1<sup>st</sup> – 3<sup>rd</sup> Defendants' written address, learned Plaintiffs counsel submits that while the position is trite that serving Governors cannot be sued by the provision of section 308 (1) of the 1999 constitution (as amended), section 308 (2) provide exception to the rule.

Counsel submits that the 2<sup>nd</sup> Defendant is not sued in his person capacity rather as the chairman of the 1<sup>st</sup> Defendant's caretaker committee which makes him a "nominal party".

***ABACHA V. FAWEHINMI (2000) NWLR 226, 351-352 paras H-A & AGBARE V. MIMRAH (2008) LPELR-43211***

Also, upon service, the Plaintiffs filed a further and better affidavit against the 4<sup>th</sup> and 5<sup>th</sup> Defendants counter-affidavit.

It is the further affidavit of the Plaintiffs that the State Party Executives and State Officers were the ones behind the false report Exhibit 'G'. And that the Claimants are all APC Members. Claimants Membership Card and expression of interest form were annexed as Exhibit 'K'.

In its written address on point of law, counsel submitted that facts admitted need no further proof. Both parties agreed that Exhibit 'B' are composition of the 7-man Committee, therefore need no proof. See section 123 of the Evidence Act, 2011.

On the violation of Section 115(4) of the Evidence Act as raised by the 4<sup>th</sup> and 5<sup>th</sup> Defendants, counsel stated that the requirement of Section 115(4) of the Evidence Act was duly complied with by the Plaintiffs.

On Exhibit 'F' that it was not properly signed, the argument is wrong as it is in conflict with the provision of APC Constitution.

Court was therefore urged to grant all the reliefs sought by the Plaintiffs.

Plaintiff equally filed a further and better affidavit to the 6<sup>th</sup> – 9<sup>th</sup> Defendants counter affidavit.

It is the further and better affidavit of the Plaintiffs that there is no position known or recognized by the 1<sup>st</sup> Defendant's party constitution or guidelines for party Stakeholder as they are not a part of the party organs.

That the party must not act arbitrarily as they must comply with their guidelines.

A written address on point of law was filed wherein the Plaintiffs stated that a careful consideration of the pleadings shows that the Committee was constituted to conduct election in Kano State. And that there is no dispute on this aspect and failure to exhibit the list of elected congress Executive contrary to Exhibit 'J' series shows that there is no list.

Learned counsel submits finally that the Defendants are necessary parties. Therefore, Court was urged to enter Judgment in favour of the Plaintiff.

## **COURT**

I have gone through the affidavit evidence of the Plaintiffs as clearly annexed to the originating summons cum exhibits attached thereto on one hand, I have also gone through the counter affidavit filed by the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants and the exhibit attached thereto, equally I have gone through the affidavit of the 4<sup>th</sup> and 5<sup>th</sup> Defendants and that of the 6<sup>th</sup> – 9<sup>th</sup> Defendants with their various exhibits attached thereto and the written addresses. I have perused the further and better affidavit filed by the Plaintiffs and the exhibits attached thereto. I have also considered all the argument canvassed by counsel for the parties. I shall succinctly attempt to address all the issues raised with a view to having a just determination of this suit.

Before I proceed to the merit of this case, the present matter being by originating summon, I shall first determine the jurisdictional competence of this Court same having been challenged. This is only in obedience to laid down procedure and law. I rely on the authority of ***A.G OF DELTA STATE VS. ASIN & ORS (2010) LPELR 0973 (CA)***.

The efficacy of jurisdiction cannot be over emphasized. Jurisdiction is the key to any court without which access is usually impossible. Therefore, once the issue of jurisdiction is raised, it is most critical for same to be determined before embarking on the determination of the substantive matter.

The preliminary objection of the 4<sup>th</sup> and 5<sup>th</sup> Defendants was anchored on 7 grounds as follows;

- 1. This Honourable Court lacks the requisite Territorial Jurisdiction to try the Plaintiff suit which is centered in the conduct and outcome of 1<sup>st</sup> Defendant's ward congresses organized and held in Kano State, outside the jurisdiction of this Honourable Court.***
- 2. Further to ground 1 above, the Plaintiffs' suit is incompetent and a classical specie of "Forum shopping"***
- 3. The subject matter of the Plaintiffs suit is an intra - party issue or internal affair which this Honourable Court cannot adjudicate upon.***

- 4. The Plaintiff suit does not disclose a valid cause of action against the 4<sup>th</sup> & 5<sup>th</sup> Defendants.***
- 5. the Plaintiffs have no locus standi to maintain this action against the 4<sup>th</sup> & 5<sup>th</sup> Defendants.***
- 6. That the Plaintiffs suit commenced vide an originating summons and the entire proceeding of this Honourable Court premised thereon, is null and void abinitio same is academic hypothetical and an abuse of court process.***
- 7. The Plaintiffs originating summon is not the proper mode of commencing an action in respect of the complaints in the Plaintiffs suit.***

A written address was filed wherein the above issues were formulated for determination.

On issue one,

***Whether this Honourable Court lacks the requisite Territorial Jurisdiction to try the Plaintiff suit which is centered in the conduct and outcome of 1<sup>st</sup> Defendant's***



***ward congresses organized and held in Kano State, outside the jurisdiction of this Honourable Court.***

Learned counsel submits that the court lacks the territorial jurisdiction to try the Plaintiffs suit which is centered in the conduct and outcome of 1<sup>st</sup> Defendant's ward congresses organized and held in Kano State, outside the jurisdiction of this Honourable Court and the action amounts to forum shopping. Counsel cited and relied on the case of ***CHIEF JOHN OYEGUN VS CHIEF FRANCIS A.A NZERIBE (2010) ALL FWLR (Pt. 516) SC.***

Counsel submit that from the questions raised and the relief sought on the face of the Plaintiff's Originating summons, it is not in doubt the subject matter of the Plaintiff suit is the outcome of the 1<sup>st</sup> Defendant's ward congresses held in Kano State which were superintended by the 1<sup>st</sup> Defendant's committee under the headship of the 6<sup>th</sup> Defendant.

***RIVERS STATE GOVERNMENT & ANOR VS SPECIALIST KONSHIT (SWELISH GROUP) (2005) 7 NWLR (Pt. 9230) 145. DALHATU VS TURAKI (2003) 15 NWLR (Pt. 843) 310.***

On Issue two,

***Whether the subject matter of the Plaintiffs suit is an intra - party issue or internal affairs which this Honourable Court cannot adjudicate upon.***

Learned counsel submitted that no court of law can adjudicate on the issue of the leadership of a political party which is a voluntary association just like a club. That the dispute arising from leadership tussle or election of executive members of a political party do not come within the subject matter of the jurisdiction of the courts under the provision of section 87 (9) of the Electoral Act, 2010.

On Issue three,

***The Plaintiff suit does not disclose a valid cause of action against the 4<sup>th</sup> and 5<sup>th</sup> Defendants.***

Learned counsel submits that Plaintiffs suits does not discloses a cause of action against its opponent and that the consequence thereof is inevitable dismissal. ***IORJI VS UGOCHUKWU (2009) 14 NWLR (Pt. 1161) 207.***

On Issue four,

***Whether the Plaintiffs have no locus standi to maintain this action against the 4<sup>th</sup> and 5<sup>th</sup> Defendants.***

Counsel submits that it is trite that a party can only have the ***locus standi*** to institute a suit if he is able to sufficiently show his legal interest in the subject matter of the suit and establish that his legal right has been infringed upon or is in danger of being infringed.

***ATTORNEY GENERAL OF LAGOS STATE VS EKO HOTELS LTD (2006) 9 SCNJ 104.***

Counsel submits that from the affidavit before the court, the Plaintiffs have not established their ***locus standi*** to institute this action and therefore same should be dismissed.

On Issue six,

***Whether the Plaintiffs originating summons is not the proper mode of commencing an action in respect of the complaints in the Plaintiffs suit.***

Counsel submits that a civil action can only be commenced by Originating summons where there are no disputes in support of same. That a perusal of the present action will reveal that there are contested issues to be thrashed and therefore the action is incompetent before this court. ***CONOIL PLC. V. I.T.F GOVERNING COUNCIL (2015) 9 NWLR (Pt. 1464) 399 at 427 - 428.***

Court was urged to dismiss this action.

Upon service, the Plaintiffs filed their reply wherein issues formulated by the Defendants/objectors were adopted.

On Issue one,

***Whether this Honourable Court lacks the requisite Territorial Jurisdiction to try the Plaintiff suit which is centered in the conduct and outcome of 1<sup>st</sup> Defendant's ward congresses organized and held in Kano State, outside the jurisdiction of this Honourable Court.***

Learned counsel submit that the cases cited by the learned counsel. The cases cited by the Objectors are relating to

disputes as to the conduct of the election in the state as opposed to the right of the Defendant to choose the results. That the determinant for venue is the cause of action and where, as in the instant case, the cause of action relates to APC decision to choose one result over another and that the venue is APC National Headquarters in Abuja, therefore the case of ***DALHATU VS TURAKI, MAILANTARKI VS TONGO & PALI*** does not apply.

Counsel submits further that cases are decided on their peculiar facts, and a case is only an authority for what it decides. ***NIGERIA AGIP OIL COMPANY LTD VS NKWEKE (2016) 7 NWLR (Pt. 1512) 588.***

On issue two,

***Whether the subject matter of the Plaintiffs' suit is an intra - party issue or internal affair which this Honourable Court cannot adjudicate upon.***

Learned counsel submit that the construction to be given to Section 87(9) of the Electoral Act cannot and will not be in isolation of Section 285(14) of the Constitution in

determining a pre-election matter and that the suit having complained about undemocratic decision of the APC National Headquarters because it failed to follow the party Constitution and guidelines thereby takes the case outside the internal affairs of the party. ***GANA VS. S.D.P (2019) LPELR 47153.***

Counsel submits further that, both parties agrees that Exhibit 'B' is the list of the 7-man committee which both parties agreed to and arguing otherwise will amount to speaking from both sides of their mouth.

On issue three,

***Whether the Plaintiffs' suit does not disclose a valid cause of action against the 4<sup>th</sup> and 5<sup>th</sup> Defendants.***

Learned counsel submits that any party whose interest will be directly affected if the reliefs claimed in this action were granted is a proper party to a suit.

Once the allegations in the pleadings show a real controversy that is capable of leading to the grant of a relief,

the pleading cannot be rightly said to disclose no reasonable cause of action. ***MOBIL PRODUCING (NIG) UNLIMITED VS. LASSEPA (2002) 18 NWLR (Pt. 789)1.***

On issue four,

***Whether the Plaintiffs have no locus standi to maintain this action against the 4<sup>th</sup> and 5<sup>th</sup> Defendants.***

Learned counsel submit that the objectors narrated the law on *locus standi* without tying it to the fact. In the affidavit of the plaintiffs it's claimed that they contested and won the Ward Congress Election. Exhibit 'J' series contains their names whereas Exhibit 'F' contains the report forwarding their names to the 5<sup>th</sup> Defendant as well the 10<sup>th</sup> Defendant. And that the membership cards of the Claimants were also annexed to establish their locus standi. ***ODIMEGWU & ORS VS. IBEZIM & ORS (2019) LPELR 46939 SC.***

On issue five,

***Whether the Plaintiffs suit commenced vide an originating summons and the entire proceeding of this***

***Honourable Court premised thereon, is null and void abinitio same is academic hypothetical and an abuse of court process.***

Counsel submits that court can only order for pleadings in a suit commenced by originating summons where the proceeding is hostile and consist of material conflict in the affidavits and the counter affidavits and such conflict must be materials conflict. ***PAM VS. MOHAMMED (2008) 16 NWLR (Pt. 1112) 1 SC.***

Court was finally urged to dismiss the application in the interest of justice.

Upon service, the 4<sup>th</sup> and 5<sup>th</sup> Defendants/Objectors filed a reply on point of law.

On issues 1 and 2 learned counsel submits that the reply by the Plaintiffs that their case relates to the right of the Defendants to choose result is misconceived as the case bothers on Ward Congresses in Kano State counsel cited ***IBRAHIM VS. APC (No. 1) 2019 16 NWLR (Pt. 1699) 44.***



Counsel submits that all the aspect of the primary election took place Kano State no aspect of the election took place in the FCT, Abuja.

On issue three, counsel submits that a party is like a club, a voluntary association; members join of their own free will. The party's decision is final over its own affairs. ***ONUOHA VS. OKAFOR (1983) 14 NSCC 494.***

On Issue four, counsel submits that since the Plaintiff concedes that the subject matter of their suit is the issue of the choice of report, then the joinder of the 4<sup>th</sup> and 5<sup>th</sup> Defendants is of no moment and it will be safe for this Honourable Court to strike out their names.

On Issue five, counsel submitted that Exhibit "K" series is unsigned nomination forms and not membership card or ward Register showing that the Plaintiff were actual members of the 1<sup>st</sup> Defendant. Counsel urged the court to hold that the plaintiffs have failed to proof their membership of the 1<sup>st</sup> Defendant Party. Further, he contended that, it is

settled law that Exhibit “k” being unsigned nomination forms is invalid, incompetent, and worthless.

On Issue six, learned counsel submit that the proceeding before the court is hostile and therefore originating process is not the proper way of commencing the action.

I have read with interest the arguments of counsel for the 4th and 5<sup>th</sup> Defendants/Applicants and the Response of learned counsel for the Plaintiffs.

I shall therefore, adopt the issues formulated by the objectors to unravel the contention before the court.

On Issue one, ***that is:***

***whether this Honourable Court lacks the requisite territorial jurisdiction to try the Plaintiff's suit which is centered in the conduct and outcome of 1<sup>st</sup> Defendants ward congresses organized and held in Kano state.***

I must observe that the Claims of Plaintiff in as contained in the writ of summons and the statement of claim determines the jurisdiction of court and not the statement of defence.

The enabling statute has to be considered in the light of the reliefs sought.

Once the Claims fall within the jurisdiction of Court as donated by the enabling statute as determined by the facts, the Court is vested with jurisdiction. On the other hand, once the reverse is the case, the Court cannot assume jurisdiction as it is not vested with it ***ODEYEMI VS. OPAYORI (1976) 9 - 11 SC. 31; EMEKA VS. OKADIGBO (2012) 18 NWLR (1331) 55 at 89.***

It is instructive to state here that, it is not the rules of Court that vest jurisdiction in the Court but rather the statute creating that court. It therefore presupposes the fact that, it is Section 255(1) of Constitution of the Federal Republic of Nigeria 1999 (as amended) that recourse shall be made to when the jurisdiction of the FCT High Court is called to question.

On this issue of territorial Jurisdiction of the court, the question to ask is what are the reliefs sought by the plaintiffs. If the plaintiffs are questioning the conduct or outcome of the congresses held in Kano State, then the

authority and precedent in **AUDU v APC** (Supra) (relied upon by the objectors) will be the guiding precedent and the court must decline Jurisdiction.

However, where the court finds that the question is on the choice of results or report which occurred at the headquarters of the APC (1st Defendant in the FCT, then this court will have Jurisdiction in line with the authority of **IBRAHIM V APC** (Supra) (relied upon by the Plaintiffs/Respondents)

I wish to reproduce the prayers of the plaintiffs here, to wit:

1. A Declaration that the Defendants decision and or action or proposal not to recognize the Plaintiffs as the duly, validly, properly, authentically and democratically elected and ought to be recognized by the Defendants as the;
  - a. 27 elected Ward Executive Committee Members for each of the 484 Wards in Kano State.
  - b. 5 elected Ward delegates for or each of the 44 Local Government Areas; and

- c. 5 elected wards delegates per ward for or to the State party congress of the 1<sup>st</sup> Defendant Party for all the Wards and Local Government Areas in Kano State at the Ward Congress election conducted by the 1<sup>st</sup> – 9<sup>th</sup> Defendants and supervised by the 10<sup>th</sup> Defendant on the 31<sup>st</sup> July, 2021 is not valid, proper and not in line with the governing laws.
2. Declaration that the 1<sup>st</sup> Defendant summary result sheets showing the Plaintiffs as: -
  - a. 27 elected ward Executive Committee Members for each of the 484 Ward Executive Committee Members for each of the 484 wards in Kano State.
  - b. 5 elected ward delegates for or to each of the 44 Local Government Areas and
  - c. 5 elected ward delegates per ward for or to the State Party Congress of the 1<sup>st</sup> Defendant are the valid, proper, authentic and democratic results of the various ward congress elections in Kano State

to be adopted, recognized and relied upon by the Defendants headquarters in Abuja.

3. Directing the Defendants to adopt, recognize and rely on the summary result sheet for ward congress, elected delegates and State delegates submitted at the 1<sup>st</sup> Defendant's office in FCT, Abuja consisting of the Plaintiffs' names as the only valid and authentic delegates qualified to participate in the forthcoming primary elections of the 1<sup>st</sup> Defendant.
4. Nullifying, voiding and or setting aside any other list of any other report/direction given by the Defendants on 9<sup>th</sup> August, 2021 or any other date, other than the valid, proper and authentic summary result sheets for ward congress, elected Delegates and States Delegates of Kano State consisting of the Plaintiffs names as the duly, valid and democratically elected Ward Executive Committee, Ward Delegates to the Local Government Areas and ward delegates to the State Party Congress of the 1<sup>st</sup> Defendant of Kano State.

5. An Order of perpetual injunction restraining the Defendants from receiving accepting and or acting or purporting to act on, rely on or approving any other list or purported list of ward Executives Committees Members emanating from any other Committees other than the duly constituted Ward Congress Committee (WCC) of the 1<sup>st</sup> Defendant showing or consisting of the names of the Plaintiffs as the; -
  - a. 27 elected ward executive committee members for each of the 484 wards in Kano State.
  - b. 5 elected ward delegates for or to each of the 44 Local Government Areas and
  - c. 5 elected ward delegates per ward for or to the State Party congress of the 1<sup>st</sup> Defendant

From the above reliefs and affidavit of the Plaintiffs, it was contended that they had contested and won the election conducted in Kano State and result duly issued and sent to APC (1<sup>st</sup> Defendant) in their headquarters in Abuja. And that it was the attempt to substitute the result that gave birth to

this case. In other words, the case has to do with the decision of the 1<sup>st</sup> Defendant (APC) attempting to refuse their result. The Objectors rightly put it in paragraph 4.07 of their written address thus; *“this suit in essence allegedly questions the right of the 1<sup>st</sup> Defendant to choose the results of what the plaintiffs alleged is an illegal congress.....”*

This fact were corroborated by the 6<sup>th</sup> - 9<sup>th</sup> Defendants in their counter affidavit wherein they admitted the results in (Exhibit ‘F’) been the outcome of the election conducted.

I hold the firm view that the prayers of the plaintiffs and issues raised in the Originating summons can be addressed without interrogating the conduct or outcome of the congresses held in Kano state. In ***IBRAHIM V APC (supra)*** (which is on all fours with the instant suit regarding territorial jurisdiction) the Supreme Court held thus:

“there is no dispute that the corporate officers of the 1<sup>st</sup> and 3<sup>rd</sup> Respondents are within the Federal Capital Territory, the alleged substitution corroboration by the



Respondents Exhibit C and the Appellant's Exhibit J2, being the course of action and the active actors of the 1<sup>st</sup> and 3<sup>rd</sup> respondent, took place within the FCT”.

The Appellant was therefore, very much in order and within the purview of order 9 rule 4 of the High Court of the FCT (Civil Procedure) Rules, 2004 (now order 3 Rule 4 of 2018 Rules) when he commenced the action within the territorial jurisdiction of the FCT High Court.”

I hold the view that order 3 Rule 4 of the Rules of this court 2018 permit the plaintiff here to commence this action in the FCT High Court, that is, where the Defendants resides or carries on business or where the cause of action arose.

It must be said that cause of action arose when the plaintiffs became aware of the attempt or action of the defendant to disregard Exhibit “B” (the report of the congress) and accompanying Exhibits J1 - J484 (results of ward congresses). This fact distinguishes the suit from ***DALHATU v TURAKI (supra) and MAILANTARKI v TONGO (supra)***

where in both cases the cause of action arose entirely outside the FCT.

How about the case of *AUDU v APC (supra)*? I hold the view that where the complaint of the plaintiff cannot be determined without recourse to the conduct or outcome of the Election held outside the FCT, FCT High Court will lack jurisdiction to entertain this suit. However, in this suit, it is not an issue of who won the congress election. There was a congress election and a consensus. Both outcomes were reported in Exhibit F and G respectively. That being the case, this court would not consider events that took place in Kano State, but as the plaintiffs have prayed, to hold that the only valid result is the one submitted as Exhibit F. I agree with the Plaintiff respondents the case of *AUDU v. APC* is not a precedent to this suit. I so hold.

Indeed, a case is decided on their particular facts and a case is only an authority for what it decides. Judgment of Court shall be read in the light of its peculiar facts upon which they were decided. *DANGOTE VS. C.S.C PLATEAU STATE (2001) 4 S.C (Pt. 11) 43.*

It is clear that the issue of forum convenience is misconceived as the nature of the reliefs sought in the case of ***AUDU VS. APC, DALHATU VS. TURAKI***, does not involve decision of APC in Abuja attempting to substitute result or report, rather the case applicable here is the case of ***IBRAHIM VS. APC (No. 1) (2019) 16 NWLR (Pt. 1699) 44 at 46 - 462.***

Accordingly, I must find and resolve issues one and two in favour of the plaintiffs/Respondents. The court has the territorial jurisdiction to hear this suit and where the finds that a court has territorial Jurisdiction any arguments on forum shopping or convenience becomes untenable. I so hold

On issue three,

***Whether the subject matter of the Plaintiffs' Suit is an intra-party issue or a classical internal affair, which this Court cannot adjudicate upon.***

The law is settled that a member of an association is bound by the Constitution, Rules and Regulations of the association and cannot decide to pick and choose which aspect of the law to comply with and which only to ignore. ***FAWEHIMNIN VS. NBA No. 2 (1989)2 NWLR (Pt. 105) 558.***

It is instructive to note that Sections 6(6)(b) and 36(1) of the Constitution of the Federal Republic of Nigeria 1999 as amended, guarantees access to court to any aggrieved person such a right could not have been curtailed by either APC Constitution or any statute no matter how well couched.

From the evidence before the court, there is no two parallel congresses but one which gave birth to Exhibit 'F' and the consensus which gave birth to Exhibit 'G'

It is also not in dispute that the Plaintiffs are challenging the act of the Defendants that purported to constitute violations of the Constitution of APC.

The Supreme Court faced with similar situation in the case of ***PERETU VS. GARIGA (2013) 5 NWLR (Pt. 1348) 413*** held as thus;

***“An ouster clause, if there is one in the constitution of the PDP and all the parties in the case are members of PDP, may exclude the jurisdiction of the Court from questioning any action of the party based on its constitution. See Taylors’s case (Supra). However, the Courts are not precluded from determining any question as to whether the act of the party is in consonance with its own constitution. The Court can entertain a question as to whether the party, in taking any action, complied with or violated its own constitution”***

It is also the contention of the objectors that by section 87 (9) of the electoral Act, a party can only complain of a primary elections and not congress election.

However, a Community Reading of Section 87 (9) of the Electoral Act and Section 285 (14) of the constitution FRN 1999 Amended) which was enunciated in the case of APC v UMAR (2019) 8 NWLR (PT1675)564 at 575-576 Paragraph S would mean that any processes or exercises embarked upon by a political party such as congresses, nomination exercises etc are all pre-election matters and exercises and

therefore caught up by or is within the purview of S.285(14) of the constitution (4<sup>th</sup> Alteration Act, 2017). That being said, it is clear that the suit being a complaint about a decision of the APC National Headquarters which purportedly offends its constitution and guidelines takes the suit outside the internal affairs of the party.

I must agree with the Plaintiffs/Respondents that from the above, it is obvious that since the matter has to do with the violation of APC Constitution and guidelines, the Court has jurisdiction to adjudicate on same.

I therefore resolve issue 3 in favour of the Plaintiffs. I so hold.

On issue four, to wit:

***Whether the Plaintiff Suit disclose a valid cause of action against the 4<sup>th</sup> and 5<sup>th</sup> Defendants.***

It is the law that any party whose interest will be directly affected if a relief claimed in the action were granted is a proper party to a Suit. Once the allegation in the pleadings

shows a real controversy that was capable of leading to the grant of relief, the pleading cannot be rightly said to disclose no reasonable cause of action.

Indeed, the weakness of the Plaintiffs case is not a relevant consideration when the question is whether or not the statement of claim disclosed a reasonable cause of action. See MOBIL PRODUCING (Nig) UNLTD v. LASSEPA (2002) 18 NWLR pt (798) 1.

In the instant case, the Plaintiffs vide its deposition and exhibits, particularly Exhibit 'B' shows clearly that 4<sup>th</sup> and 5<sup>th</sup> Defendants, as members of the CECPCC, the Central Executive committee of the 1st Defendant, were part of the committee who took the decision the Plaintiffs are challenging.

From the above, therefore, it is my ruling that the case discloses cause of action against the Defendants. I so hold.

On issue five, to wit:

***Whether the Plaintiffs lacks the locus standi to maintain this action against the 4<sup>th</sup> and 5<sup>th</sup> Defendants.***

In ***M.V. BREUGHEL & ORS V. MONDIVEST LTD (2018) LPELR -44728***, Court of Appeal held that ***"Locus standi is not dependent on the claim succeeding at the end of trial but largely on the facts averred in the statement of claim which must disclose an interest which deserves to be protected by the Court determining the claim on the merits.*** It is the law that in determining locus standi, the chances that the action may not succeed are completely irrelevant. ***WILLIAMS VS. DAWODU (1988) 4 NWLR (Pt. 87) 189.***

A perusal of the case before the Court will show that the Plaintiffs alleged that they contested and won the Ward Congress Election evidenced by Exhibit 'J series'. The Exhibit 'F' contained the report forwarding their names to the 1<sup>st</sup> – 5<sup>th</sup> Defendants as well as 10<sup>th</sup> Defendant as written by 6<sup>th</sup> - 9<sup>th</sup> Defendants.



It is instructive to state that the 1<sup>st</sup> – 5<sup>th</sup> Defendants have not written to state that the winners are not their members, or did not win the election.

Indeed, affidavit in support of the originating summons is the barometer with which to see the locus standi of the Plaintiffs. ***OKON VS. EKPENYONG & ORS (2014) LPELR 23496.***

From the above, I have no difficulty in resolving issue 5 in favour of the Plaintiffs. I so hold.

On issue six, to wit:

***whether Originating summons is the proper mode of commencing an action in respect of the complaints in the Plaintiffs originating summons.***

It is trite law that for court can only Order for pleading in a suit commenced by originating summons where the proceeding is hostile and consist of material conflicts in the affidavit and the counter affidavits. ***HERITAGE BANK PLC. VS. AINA (2018) LPELR 46778 (CA).***

The question of the Plaintiffs been members of the 1<sup>st</sup> Defendant, composition of the organs of the 1<sup>st</sup> Defendant and which form of election was conducted, were all answered vide affidavit in the originating summons. There are no material conflicts central to the determination of this suit. Like I have said earlier in this judgment, this suit is not a complaint about the conduct or outcome of the congresses but the action of the Defendants in rejecting a purportedly valid result in the 1st Defendants headquarters in Abuja. In my view affidavit evidence should be sufficient.

It was held in ***HUSSAIN ISA ZAKIRAI V. SALISU DAN AZUMI MUHAMMAD &ORS (2017) LPELR-42349 (SC)***,

***“The very nature of an Originating summons is to make things simpler for hearing.....it is a procedure where the evidence in the main is by way of documents and there is no serious dispute as to their existence in the pleadings of the parties to the suit”***

I find that Originating summons is a proper mode of commencing this action. I so hold.

It is my Ruling that this action was properly brought and competently filed before this Court.

Consequent upon the foregoing findings, the preliminary objection of the 4<sup>th</sup> and 5<sup>th</sup> Defendants fails and same is hereby dismissed.

Before I delve into the substantive matter, I shall consider the Objection raised by the 1<sup>st</sup> – 3<sup>rd</sup> Defendants in their written address.

The 1<sup>st</sup> – 3<sup>rd</sup> Defendants have by a preliminary objection embedded in their written address challenged the joining of the 2<sup>nd</sup> Defendant in this suit being the current Governor of Yobe state. The 2<sup>nd</sup> Defendant is also the chairman of the 1<sup>st</sup> Defendant's Caretaker/extraordinary convention planning committee.

The ground of the objection is that 2<sup>nd</sup> Defendant being serving Governor cannot be sued by virtue of the provisions of section 308(1) (a) (b) and (c); (2) and (3) of the 1999 CFRN (as amended). Thus, they argued, the issuance and

service of the Originating summons in this suit on the Defendant is unconstitutional and unlawful.

The Plaintiffs have argued, in response, that the provision of section 308(2) provide for an exception to the immunity clause, which is relevant in this case.

Section 308(2) provides thus:

***“The provision of subsection (1) of this section shall not apply to civil proceedings against a person to whom this section applies in his official capacity or to civil or criminal proceedings in which such a person is only a nominal party”***

Who then is a nominal party in suit? Nominal party in the online legal information institute “is defined as ***“a plaintiff or defendant who has no real interest in the result of the suit, or no actual interest or control over the subject matter of the litigation, but is solely joined because a technical rule of practice requires their presence in the record.”***”

Also in ***AGBAREH V. MIMRAH (2008) LPELR-43211***, It was held thus;

***“it describes itself as “a nominal party” (i.e a party in name only not in reality as defined in the oxford Advanced Learner’s Dictionary or existing in name only as defined in the Black’s Law Dictionary).”***

As argued by the Plaintiffs, the 2<sup>nd</sup> Defendant heads the Caretaker committee of the 1<sup>st</sup> Defendant, who are the hands and minds of the committee, which is not a juristic personality, thus having to sue members including the 2<sup>nd</sup> Defendants in a nominal capacity.

From reading the reliefs of the plaintiffs in this suit and the argument canvassed by parties, I hold the firm view that the capacity the 2<sup>nd</sup> Defendant is sued falls within the purview of the exception under section 308(2) of the Constitution (as amended). Accordingly, I find that the 2<sup>nd</sup> Defendant in this suit is a nominal party. I so hold.

The objection of the 1<sup>st</sup> – 3<sup>rd</sup> Defendants also fails.

Having held that the Court has jurisdiction to entertain this case; I shall delve into the substantive suit of the Plaintiffs to determine whether they have made out a case to warrant being granted the reliefs sought.

The law is well settled that originating summons may be employed to commence an action where the issue involved is one of the construction of a written law, instrument, deed or will or other document or some question of law is involved or where there is unlikely to be any substantial dispute on issues of fact between the parties.

***KAYAMO VS. HOUSE OF ASSEMBLY (2002) 12 SC. (Pt. 1) 190.***

Let me also note from the onset that where conflicts in the affidavit do not touch on the material substance of the matter before the Court, decision may be based on the evidence in those affidavits without resort to oral evidence to resolve such immaterial facts.

It is however trite that an originating summons is procedure where the evidence in the main is by way of documents and

there is no serious dispute as to the facts therein. It is not a proper procedure where contention issues or facts are to be resolved.

The Plaintiffs by a 27 paragraph affidavit approached this Honourable Court for the various reliefs as captured in the preceding part of this Judgment.

Indeed, a trial court has the onerous duty of considering all documents placed before it in the interest of justice. It has a duty to closely examine documentary evidence placed before it in the course of its evaluation and comments or act on it, documents tendered before a trial court are meant for scrutiny or examination and evaluation.

***MOHAMMED VS. ABDULKADIR (2008) 4 NWLR (Pt. 1076)  
11 at Page 156 – 157.***

As stated earlier in the preceding part of this Judgment, the actions of the Plaintiffs calls for the interpretation of the provisions of Article 11A (i-xiii) and 13(12) of the 1<sup>st</sup> Defendant (APC) Constitution and the guidelines for Ward

Congresses 2021 and Section 85(1) & (2); 87 (7, 8 and 9) of the Electoral Act 2010 (as amended).

Plaintiffs are contending that the Defendants act, decision and or action or proposal not to recognize the Plaintiffs as the duly validly, properly authentically and democratically elected;

- a. 27 elected Ward Executive Committee Members for each of the 484 Wards in Kano State.
- b. 5 elected Ward delegates for each of the 44 Local Government in the State and
- c. 5 elected Ward delegates for each Local Government in the party congress.

Plaintiffs annexed various documents as follows: -

1. Exhibit 'A' is the 1<sup>st</sup> Plaintiff's Membership Registration Form.
2. Exhibit 'B' is the Letter of Appointment of Ward Congress Committee.



3. Exhibit 'B1' is the notice for the conduct of congress
4. Exhibit 'C' is the guidelines for the Wards Congresses 2021
5. Exhibit 'D' Constitution of APC
6. Exhibit 'E1' Receipt of Payment
7. Exhibit 'E2' is equally Transaction Receipt
8. Exhibit 'E3' is also Transaction Receipt
9. Exhibit 'F' is the Report of Kano State APC Ward Congress Committee held on 31<sup>st</sup> May, 2021
10. Exhibit 'G' is the Report of Kano State APC Ward Congress Committee held on 31<sup>st</sup> July, 2021
11. Exhibit 'H1' is a press statement from Governor Ganduje.
12. Exhibit 'H2' is a certificate of compliance.
13. Exhibit 'J series' numbering 1 – 484.
14. Exhibit "K"

Whereas on their part, 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> Defendants annexed the following documents: -

1. Letter of appointment: Ward Congress Committee as Exhibit 'APC1'
2. Report of Kano State APC Ward Congress Committee held on the 31<sup>st</sup> July, 2021 as Exhibit 'APC2'
3. Ward Congress Election Committee, Kano State as Exhibit 'APC3'

Equally both 4<sup>th</sup> and 5<sup>th</sup> Defendants and 6<sup>th</sup> – 9<sup>th</sup> Defendants also annexed the above documents.

It is pertinent to note at this point that all the Defendants have similarly challenged the jurisdictional competence of this Honourable Court to entertain a matter that questions, delves or challenges the internal affairs of a party or exercise of its discretion.

I have earlier considered and found no merit to this issue in the preliminary objection of the 4<sup>th</sup> and 5<sup>th</sup> Defendants in the

preceding part of this judgment. Accordingly, I shall not indulge in the same issue again.

All the Defendants argued in their respective written addresses that the choice of a candidate for political office is the internal affairs of a political party and the Court do not interfere in such exercise except within the narrow confines of Section 87(9) of the Electoral Act, 2010 (as amended).

I have considered the totality of arguments in respect of the competency of this action before me; indeed, it is not in dispute that the Plaintiffs are members of 1<sup>st</sup> Defendant (APC) on the basis of which they indicated their interest to contest for positions in the Ward Congress. These they have done by buying nomination forms, filled same and submitted. These facts can be seen from Exhibits 'E1', 'E2' and 'E3' respectively.

The law is settled that a member of an Association is bound by the Constitution, Rules and Regulation regulating the association and cannot decide to pick and choose which aspect of the law to comply with and which one to ignore.

***FAWEHINMI VS.NBA NO.2 (1989) 2 NWLR (Pt. 105) 558.***

Indeed, Section 87(9) of the Electoral Act, 2010 (as amended) give an aspirant who complains that any of the provision of the Electoral Act or the guidelines of a Political Party have not been complied with in the selection or nomination of a candidate for election, may seek redress in the Federal High Court, the High Court of a State or of FCT.

It is the contention of the Plaintiffs vide their affidavit evidence that they participated and won elections in their various Ward and they were duly issued with summary result which same was forwarded to the 1<sup>st</sup> Defendant vide Exhibit 'F' before the purported result of Exhibit 'G' which was claimed to be a result of consensus.

It is instructive to note that Section 6(6) (b) and Section 36(1) of the Constitution of the Federal Republic of Nigeria 1999 as amended, guarantee access to Court to any aggrieved person such a right could not have been curtailed by either APC Constitution, Electoral Act or any statute, no matter how well couched.

Indeed, the fact that Plaintiffs are members of the 1<sup>st</sup> Defendant (APC) and are thus bound by its constitution is not in dispute.

It is also not in dispute that the Plaintiffs are challenging the act of the Defendants that purported to constitute violation of the Constitution of the APC.

Having regards to these basic and in disputed facts, was it therefore lawful for the Plaintiffs to institute the present suit without resort to or regard for the dispute resolution mechanism provided under the APC Constitution, particularly where the grievance relates to alleged violation of the Constitution itself?

In *PERETU VS. GARIGA (2013)5 NWLR (Pt. 1348) 415* the Supreme Court per Ngwuta (JSC) held thus;

***“An ouster clause, if there is one in the Constitution of the PDP and all the parties in the case are members of the PDP, may exclude the jurisdiction of the Court from questioning any action of the party based on its Constitution. See TAYLOR’S CASE(Supra); However, the***

***Court are not precluded from determining any question as to whether the act of the party is in consonance with its own constitution. The court can entertain a question as to whether the party, in taking any action, complied with or violated its own constitution”.***

From the above therefore, it is my Judgment that regardless of the conditions precedent provided by the APC Constitution, the jurisdictions of this Court or indeed any Court for that matter is not ousted to entertain the Plaintiffs claim, so long as the claim involves questions of violation of the Constitution by the Defendants. I so hold.

I shall therefore proceed to delve into the affidavit evidence of the parties to ascertain whether indeed there is violation of the 1<sup>st</sup> Defendant’s Constitution and guidelines for the conduct of Ward Congresses as argued by the Plaintiffs.

It is instructive to state here that, Article 11 of the APC Constitution (Exhibit ‘D’) boldly enumerates the organs of the 1<sup>st</sup> Defendant (APC) as follows: -

“The party shall have the following fourteen principal organs;

1. National Convention
2. Board of Trustees
3. National Executive Committee
4. National Working Committee
5. Zonal Committee
6. State Congress
7. State Executive Committee
8. State Working Committee
9. Senatorial District Committee
10. Local Government Area/Area Council Congress
11. The Local Government Area/Area Council Executive Committee
12. The Ward Congresses

### 13. The Ward Executive Committees.

It is apparent from the above provision of the Article 11 that there is no mention of any committee or body known or designated as “Stakeholder” in the 1<sup>st</sup> Defendant constitution or State congress committee. It is worthy to note that the APC Constitution recognize and give enormous roles and responsibilities on the Ward Congress committee which include: -

- a. Elect Members of the Ward Executive Committee
- b. Elect Ward delegates to the Local Government Area/Area Council and State Party Congress.
- c. Receive report from the Officers of the Ward.
- d. Undertake other business in the interest of the party within the Ward.

In compliance with the provision of the 1<sup>st</sup> Defendant constitution, it issued Exhibit ‘C’ (Guidelines for Ward Congress 2021).



From the Guidelines, two modes of elections at the Ward Congresses were clearly stipulated as thus;

a. Consensus: All Party positions prescribed or implied by the Party's Constitution and which are captured in the lists above for the congresses shall be filled by democratically conducted elections at the respective congresses subject where possible, by consensus, provided that where a candidate has emerged by consensus for an elective position a vote of **YES** or **NO** by ballot or voice shall be called to ensure that it was not an imposition which could breed discontent and crisis.

b. Election: Utmost transparency is what is expected in all elections. Therefore, in all respects, votes must be counted and results announced and recorded on the spot.

The question that comes to mind here is whether Exhibit 'G' (Report of Consensus) met the criteria as provided in "A" above and the APC constitution?

Exhibit "G" is the purported report of the Ward congresses held on the 31<sup>st</sup> of July 2021. The report was signed by Dr

Tony A. Macfoy, Barrister Auwalu Abdullahi, Rt Hon Shehu Goronyo, Cham Faliya Sharon, Alh. Ibrahim Shehu, Mustapha Audu Saulawa and Barrister Yakubu Kirfi. As against the 7 member ward congress committee in Exhibit “B” of the Plaintiffs affidavit and Exhibit “APC 1” of the 1<sup>st</sup> – 3<sup>rd</sup> Defendants counter affidavit. The last three names are alien to the list in Exhibit “B”. Also the names of the 8<sup>th</sup> and 9<sup>th</sup> Defendants who were among the members of the committee were conspicuously missing.

The report (Exhibit G) said members were inaugurated on the 29<sup>th</sup> of July 2021 at the National headquarters of the 1<sup>st</sup> Defendant. Whereas, Exhibit “APC1” of the 1<sup>st</sup> – 3<sup>rd</sup> Defendants have a different composition of members appointed on the same date. I believe the 1<sup>st</sup> – 3<sup>rd</sup> Defendants position on the composition of members of the ward congress committee. Which leads me to a firm conclusion that exhibit “G” was signed by a committee other than the one assigned to conduct the ward congresses election in Kano state.

There is no evidence of any consensus vote of ‘Yes’ or ‘No’ by ballot or voice vote accompanying Exhibit “G”. Even though it reported that election/consensus were conducted as stipulated in the guidelines.

I have also looked at Exhibit “H1” which is a Press Statement dated 26<sup>th</sup> July 2021 expressing Governor Ganduje’s appreciation to Stakeholders for their decision to conduct the 31<sup>st</sup> July congresses under consensus arrangement. This supports the averments of the 6<sup>th</sup> – 9<sup>th</sup> Defendants in paragraphs 4 and 5 of their counter affidavit, to wit:

Paragraph 4

***“On arriving Kano State, we were welcomed by the State Caretaker Committee as well as the party Stakeholder.***

***The duo informed us that our job is enormous which cannot be completed within the time frame given by the 1<sup>st</sup> Defendant since Kano State has 484 Wards”***

## Paragraph 5

***“On this note; the State Caretaker Committee as well as the party Stakeholder further informed us of their prior resolution to have a consensus arrangement wherein the Stakeholder would pick candidate and delegate of their choice without need to conduct any Congress. This arrangement did not go down with some of the Committee Members while others were at home with it”***

From the foregoing, it is clear to me that Exhibit “G” was not signed by the committee assigned with responsibility of conducting the ward congresses in Kano state and was not accompanied by summary of results as required by the Guidelines. This renders the report not only unreliable but also null and void. It is also obvious that it falls short in meeting the requirements of the APC constitution and the Guidelines for wards congress 2021 which does not have the position of “Stakeholders” and “State congress committee” in the conduct of ward congresses.

Exhibit “G” is manifestly corrupted by impunity and disregard to extant guidelines and must be seen for what it is, invalid, null and void. I so hold.

I will now consider Exhibit “F”.

It is the argument of the 4<sup>th</sup> and 5<sup>th</sup> Defendants that while Exhibit ‘G’ was signed by the Chairman and Secretary of the Congress Committee, Exhibit ‘F’ was authored by the 8<sup>th</sup> and 9<sup>th</sup> Defendants for chairman and Secretary without having the delegated power of the Chairman and Secretary to so sign the document. This argument is of no moment as the 1<sup>st</sup> Defendant had received the report and only chose the other report to please the so called stakeholder in Kano state. The reason the report was authored by two members is also clear.

The Plaintiffs who were candidates in the election and the 6<sup>th</sup> – 9<sup>th</sup> Defendants who conducted the election deposed to facts in their affidavit confirming that Exhibit ‘F’ was actually the product of congress elections held. For clarity I shall reproduce the depositions in the counter affidavit of the 6<sup>th</sup> –

9<sup>th</sup> Defendants as to origin of Exhibit “F”. In paragraph 4 its averred:

***“the Committee conducted the Congress in Kano State on the schedule date with the assistance of 3 man Committee known as Local Ward Congress Committee (LWCC) drawn from different wards and local governments. The report and summary of results as per Exhibits “F” & J1 – J484 in support of the Originating summons were submitted to and received by the Party. A copy of the report is attached as Exhibit APC2.”***

Indeed, the law requires that where a case is tried upon affidavit evidence, the fact or deposition in such an affidavit has to be proved like averment in pleadings. ***UBN PLC. VS. ASTRA BUILDERS (W.A) LTD. 2010 5 NWLR (Pt. 1186).***

These specific depositions of the Claimants supported by those of the 6<sup>th</sup> – 9<sup>th</sup> Defendants can only be countered by direct, relevant and positive evidence from one of the Ward Congress Committee Members. This was not done. Rather, the counter affidavit of the 4<sup>th</sup> and 5<sup>th</sup> Defendants was

deposed to by Alhaji Abdullahi Abbas Kano, the State APC party Chairman. I find it strange, to say the least.

The 6<sup>th</sup> – 9<sup>th</sup> Defendants have admitted in their affidavit evidence before this Honourable Court that there was indeed some truth in the Claimants affidavit.

I agree with the plaintiffs' position that the implication of this posture by the 4<sup>th</sup> and 5<sup>th</sup> Defendants on the one hand and those of the 1<sup>st</sup> – 3<sup>rd</sup> and 6<sup>th</sup> – 9<sup>th</sup> Defendants on the other hand is that they speak from both sides of their mouth which amount to approbating and reprobating at the same time. And Court of law cannot act on speculation.

The 6<sup>th</sup> – 9<sup>th</sup> Defendants in their counter affidavit further revealed in paragraphs 6 that:

***“Notwithstanding, some of the Committee members proceeded to conduct the Congresses in the 484 Wards of Kano State on the schedule date as mandated with the assistance of 3-man Committee known as Local Ward Congress Committee (LWCC) drawn from different wards and Local Government. At close of the exercise results***

*were collated and announced. Also, the Committee prepared and submitted a report together with summary of results as per Exhibits 'F' & 'J1 - J484' in support of the originating summons".*

From the above it is obvious that Exhibit 'F' is a product of election conducted in the Ward Congresses venue monitored by some members of the Wards Congress Committee.

The said Exhibit 'F' was signed by Hon. Adedayo Iyaniwura for Chairman Congress Committee and Usman Musa Kaita for Secretary respectively. Indeed, by Exhibit 'B' which is letter of appointment for members of the Ward Congress Committee, the names of Usman Kaita and Adedayo Iyaniwura appeared as numbers 5 and 6 respectively.

Clearly, 6<sup>th</sup> - 9<sup>th</sup> Defendants stated that they were in the venue of the Ward Congresses and elections were conducted which gave birth to Exhibit 'F'.

Where an affidavit is filed deposing to a certain fact and the other party does not file a counter affidavit, the fact deposed to in the affidavit would be deemed unchallenged and



undisputed. ***BADUJO VS. FEDERAL MINISTRY OF EDUCATION (1996) LPELR (SC).***

A community reading of extant laws and regulations clearly reveals that political parties and their members are bound by the dictate of not just the Electoral Act (as amended) but their constitution and guidelines and any violation thereof may make whatever actions taken in violation or breach of the constitution or Guidelines liable to be impugned in judicial action by the courts. ***IBRAHIM VS.APC No. (1) (2019) 16 NWLR (Pt. 1699) 444 SC.***

The language, terms, intent or Words of the provisions of the APC constitution and guidelines are clear and unambiguous. They must be given their ordinary and actual meaning as such terms or words used best declare the intention of law makers unless this would lead to absurdity. It therefore presupposes that a trial court must not distort their meaning. ***OLATUNDE VS. OBAFEMI AWOLOWO UNIVERSITY (1998) 5 NWLR (Pt. 549) 178.***

It is my Judgment that the resolve of the Party to act and adopt the report wanted by the Party Stakeholders in Kano state having not been in compliance with the dictates of the party constitution is invalid and must be declared null and void. The summary of result sheet in Exhibit 'J' series submitted with Exhibit "F" is the valid result and must be seen as such. Accordingly, the case of the Plaintiffs succeeds.

Consequently, I hereby enter judgment in favour of the Plaintiffs as follows: -

1. A Declaration that the Defendants decision and or action or proposal not to recognize the Plaintiffs as the duly, validly, properly, authentically and democratically elected and ought to be recognized by the Defendants as the;
  - a. 27 elected Ward Executive Committee Members for each of the 484 Wards in Kano State.
  - b. 5 elected Ward delegates for or each of the 44 Local Government Areas; and

c. 5 elected wards delegates per ward for or to the State party congress

of the 1<sup>st</sup> Defendant Party for all the Wards and Local Government Areas in Kano State at the Ward Congress election conducted by the 1<sup>st</sup> – 9<sup>th</sup> Defendants and supervised by the 10<sup>th</sup> Defendant on the 31<sup>st</sup> July, 2021 is not valid, proper and not in line with the governing laws **is hereby granted.**

2. Declaration that the 1<sup>st</sup> Defendant summary results sheets showing the Plaintiffs as: -

a. 27 elected ward Executive Committee Members for each of the 484 Ward Executive Committee Members for each of the 484 wards in Kano State.

b. 5 elected ward delegates for or to each of the 44 Local Government Areas and

c. 5 elected ward delegates per ward for or to the State Party Congress

of the 1<sup>st</sup> Defendant are the valid, proper, authentic and democratic results of the various ward congress elections in Kano State to be adopted, recognized and relied upon by the Defendants headquarters in Abuja **is hereby granted.**

3. **Order is hereby made** directing the Defendants to adopt recognize and rely on the summary result sheet for ward congress, elected delegates and State delegates submitted at the 1<sup>st</sup> Defendant's office in FCT, Abuja consisting of the Plaintiffs' names as the only valid and authentic delegates qualified to participate in the forthcoming primary elections of the 1<sup>st</sup> Defendant.
4. **Order is hereby made** nullifying, voiding and or setting aside any other list of any other report/direction given by the Defendants on 9<sup>th</sup> August, 2021 or any other date, other than the valid, proper and authentic summary result sheets for ward congress, elected Delegates and States Delegates of Kano State consisting of the Plaintiffs names as the duly, valid and democratically elected Ward Executive Committee,

Ward Delegates to the Local Government Areas and ward delegates to the State Party Congress of the 1<sup>st</sup> Defendant of Kano State.

5. **An Order is granted** of perpetual injunction restraining the Defendants from receiving accepting and or acting or purporting to act on, rely on or approving any other list or purported list of ward Executives Committees Members emanating from any other Committees other than the duly constituted Ward Congress Committee (WCC) of the 1<sup>st</sup> Defendant showing or consisting of the names of the Plaintiffs as the; -

- a. 27 elected ward executive committee members for each of the 484 wards in Kano State.
- b. 5 elected ward delegates for or to each of the 44 Local Government Areas and
- c. 5 elected ward delegates per ward for or to the State Party congress of the 1<sup>st</sup> Defendant.

SGND.  
HON. JUDGE  
30/11/2021.

**LEGAL REPRESENTATION**

- (1) Abubakar N. Ahmad, Esq. for the Claimants.
- (2) Malcalm K. Ikeyegh, Esq. for the 1<sup>st</sup> – 3<sup>rd</sup> Defendants.
- (3) Chief M. N. Duru, Esq with I. A. Nasarawa Esq, and A. T. Falola,  
Esq for the 4<sup>th</sup> and 5<sup>th</sup> Defendants.
- (4) Ahmad Abdullahi Esq, for the 6<sup>th</sup> -9<sup>th</sup> Defendants
- (5) Bashar M. Abdullahi, Esq for the 10<sup>th</sup> Defendant