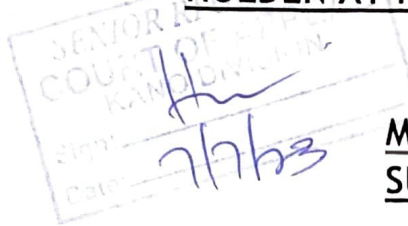


**IN THE COURT OF APPEAL OF NIGERIA**  
**HOLDEN AT KANO**



**MOTION NO:** CA/KN/121/M/2023  
**SUIT NO:** FHC/KN/CS/107/2023

BETWEEN:

1. IBRAHIM MUSTAPHA  
2. HON. NKEIRUKA ONYEJEocha } APPLICANTS

AND

1. IBRAHIM HARUNA IBRAHIM  
2. LABOUR PARTY  
3. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC) } RESPONDENTS

**MOTION ON NOTICE**

**BROUGHT PURSUANT TO SECTION 6 (6), SECTION 36(1) & SECTION 243(1) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED), SECTION 15 OF THE COURT OF APPEAL ACT, 2004 (AS AMENDED) ORDER 4 RULES (1), (4) & (6), ORDER 6 RULES (1) & (2) OF THE COURT OF APPEAL RULES, 2021 AND UNDER THE INHERENT JURISDICTION OF THIS HONOURABLE COURT**

TAKE NOTICE that this Honourable Court will be moved on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 at the hour of 9 O'clock in the forenoon or so soon thereafter as Counsel may be heard on behalf of Applicants praying the court for the following orders:

1. AN ORDER of this Honourable Court Granting Leave to the Applicants to Appeal the judgment of the Federal High Court, Kano Division delivered on 18<sup>th</sup> May, 2023 by the Honourable Justice M. N. Yunusa in Suit No: FHC/KN/CS/107/2023 between IBRAHIM HARUNA IBRAHIM v LABOUR PARTY & ANOR as an Interest Parties.
2. AN ORDER of this Honourable Court granting leave to the applicants to file their Notice of Appeal against the judgment of the Federal High Court, Kano Division delivered on 18<sup>th</sup> May, 2023 by the

**NDARANI, (SAN) & CO. SOLACE LAW CHAMBERS, ABUJA.**



Honourable Justice M. N. Yunusa in Suit No: FHC/KN/CS/107/2023 between IBRAHIM HARUNA IBRAHIM v LABOUR PARTY & ANOR.

3. AN ORDER of this Honourable Court deeming the Applicants' Notice of Appeal against the judgment of the Federal High Court, Kano Division delivered on 18<sup>th</sup> May, 2023 by the Honourable Justice M. N. Yunusa in Suit No: FHC/KN/CS/107/2023 between IBRAHIM HARUNA IBRAHIM v LABOUR PARTY & ANOR already filed and served as duly filed and served.
4. AND FOR SUCH FURTHER ORDER OR ORDERS as the Honourable Court may deem fit to make in the circumstances of this application.

TAKE FURTHER NOTICE that the grounds for this application include the following:

1. The 1<sup>st</sup> Applicant is a Member of the 2<sup>nd</sup> Respondent and an Indigene of Taurani Local Government Area of Kano State.
2. The 2<sup>nd</sup> Applicant was the flagbearer of the All Progressives Congress (APC) for the Isikwuato/Ummunneochi Federal Constituency of Abia State, Nigeria and participated in the February 25th, 2023 election in Abia State.
3. The 2<sup>nd</sup> Applicant contested and emerged 1<sup>st</sup> Runner up of the said February 25th, 2023 election for the Isikwuato/Ummunneochi Federal Constituency of Abia State according to the results duly declared by the Independent National Electoral Commission (INEC), the 3<sup>rd</sup> Respondent in this Application.
4. The Federal High Court of Nigeria sitting in Kano delivered judgment in Suit No: FHC/KN/CS/107/2023 filed by IBRAHIM HARUNA IBRAHIM the 1<sup>st</sup> Respondent herein, wherein the court nullified the primary elections of the Labour Party, the 2<sup>nd</sup> Respondent which produced candidates fielded by labour Party at

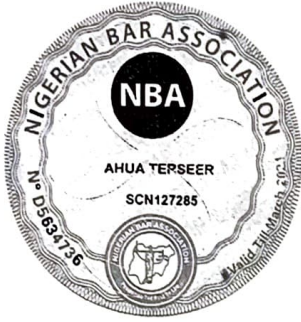
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**NDARANI, (SAN) & CO. SOLACE LAW CHAMBERS, ABUJA.**

- the general elections at all levels across Nigeria, including Abia State.
5. The judgment of the Federal High Court of Nigeria, Kano Judicial Division in Suit No: FHC/KN/CS/107/2023 also nullified the Declaration made by the Independent National Electoral Commission declaring candidates of the Labour Party as elected in the general election at all levels, including Isikwuato/Ummunneochi Federal Constituency of Abia State.
  6. The judgment of the Federal High Court of Nigeria, Kano Judicial Division in Suit No: FHC/KN/CS/107/2023 further ordered that all votes cast in favour of all candidates of the labour party in Abia State, Kano State and all the states of the federation of Nigeria were nullified and the participation of labour party candidates in the general election as a waste of time.
  7. Giving to the fact that the 2<sup>nd</sup> Applicant herein (Hon. Nkeiruka Onyejeocha) was the 1<sup>st</sup> Runner up of election for the Isikwuato/Ummunneochi Federal Constituency of Abia State and in view of the nullification of the winner and all other labour party candidates, the applicant as 1st runner up should be returned as the democratically, duly elected Member of the House of Representatives for Isikwuato/Ummunneochi Federal Constituency of Abia State.
  8. The applicants have substantial grounds justifying their intention to appeal the judgment of the Federal High Court, kano as interested parties.
  9. The Applicants herein have sufficient interest in the subject matter of the said judgment, been members of the Labour party and the 2<sup>nd</sup> Applicant having emerged runner up for the Isikwuato/Ummunneochi Federal Constituency of Abia State and seeks to be made a parties to the said appeal in the interest of fair hearing and justice.

10. The presence of the Applicants is incidentally necessary for the exhaustive determination of the intended appeal to be filed by the Applicant.
11. The leave of this Honourable Court is required to be first sought and obtained before the applicants' application to appeal as an interested party can be entertained.
12. By virtue of the general powers conferred on the court, the court can grant the prayers sought on this application in the interest of justice considering the exigencies of time.
13. The Honourable Court is, by virtue of the provisions of SECTION 6 (6) SECTION 36(1) & section 243(1) OF THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999 (AS AMENDED), SECTION 15 OF THE COURT OF APPEAL ACT, 2004 (AS AMENDED) ORDER 4 RULES (1), (4) & (6), ORDER 6 RULES (1) & (2) OF THE COURT OF APPEAL RULES, 2021 empowered to grant the application of the applicant.

DATED THIS 5TH..... DAY OF July..... 2023.



*Ahmed*

MOHAMMED NDARANI MOHAMMED, SAN.  
PROFESSOR SHEHU ABDULLAHI ZURU, SAN.  
DR. MONDAY ONYEKACHI 'UBANI, ESQ.  
PROFESSOR JOHN N. NTUIABANE, ESQ.  
PROFESSOR JAMES AGABA ATTAH, ESQ.  
PROFESSOR ALI AHMED, ESQ.  
PROFESSOR HAKEEM OLANIYAN, ESQ.  
MICHAEL ELEYINMI, ESQ.  
OLUSOLA EGBEYINKA, ESQ  
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YUSUF HUSSEINI, ESQ.  
RAPHAEL ASHWE, ESQ.  
TERSEER AHUA, ESQ. ✓  
FATIMA IBRAHIM LOKO, ESQ.  
FAWZIYYAH GOGO MUHAMMAD, ESQ.  
(APPLICANTS COUNSEL)  
NDARANI (SAN) & CO.  
SOLACE LAW CHAMBERS)  
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ABUJA.  
08126656372, 08163082698  
[Ndarani.mohammed@nigerianbar.ng](mailto:Ndarani.mohammed@nigerianbar.ng)  
[solacelawchamber@gmail.com](mailto:solacelawchamber@gmail.com)

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**NDARANI, (SAN) & CO. SOLACE LAW CHAMBERS, ABUJA.**

**FOR SERVICE ON:**

**1. THE 1<sup>ST</sup> RESPONDENT**

**IBRAHIM HARUNA IBRAHIM**  
C/O COUNSEL,  
**MOHAMMED KABIRU FADILE,**  
FADILE & CO,  
D. SOLOMON & CO,  
3<sup>RD</sup> FLOOR, 7C MURTALA MOHAMMED WAY,  
KANO, KANO STATE.

**2. THE 2<sup>ND</sup> RESPONDENT**

LABOUR PARTY  
C/O COUNSEL  
OYELEKAN AKINGBADE, ESQ.  
ULTIMATE CHAMBERS,  
UTAKO, ABUJA, FCT

**3. 3<sup>RD</sup> RESPONDENT**

INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)  
C/O COUNSEL  
NDUKA NWANKWO, ESQ.  
NDUKWE ANYAOGWU & CO,  
59 USUMAN STREET, OFF GANA STREET,  
MAITAMA, ABUJA, FCT

IN THE COURT OF APPEAL OF NIGERIA  
HOLDEN AT KANO

MOTION NO: \_\_\_\_\_  
SUIT NO: FHC/KN/CS/107/2023

BETWEEN:

1. IBRAHIM MUSTAPHA  
2. HON. NKEIRUKA ONYEJEocha } APPLICANTS

AND

1. IBRAHIM HARUNA IBRAHIM  
2. LABOUR PARTY  
3. INDEPENDENT NATIONAL ELECTORAL  
COMMISSION (INEC) } RESPONDENTS

AFFIDAVIT IN SUPPORT OF MOTION ON NOTICE

I, PATIENCE ENE IGUVE, Female, Adult, Christian and Nigerian Citizen of 18 Tunis Street, Wuse Zone 6 Abuja, FCT do hereby make Oath and state as follows;

1. That I am the Litigation Secretary in the law firm of Ndarani (SAN) & Co, Solace Law Chambers, Abuja, Counsel for the Applicants.
2. That by my position as stated, I am conversant with the facts of this application and I have the consent of the applicants and my employers to depose to this affidavit.
3. That the facts deposed herein were elicited from the 2<sup>nd</sup> Applicant, Hon. Nkeiruka Onyejeocha during client interview in our office located at 18 Tunis Street, Wuse Zone 6, Abuja, FCT at about 10.AM on the 1<sup>st</sup> day of June, 2023 at I verily believed her when she stated that:

---

**NDARANI, (SAN) & CO. SOLACE LAW CHAMBERS, ABUJA.**

4. That the 1<sup>st</sup> Applicant is a Member of the 2<sup>nd</sup> Respondent and an Indigene of Taurani Local Government Area of Kano State.
5. That she was the flagbearer of the All Progressives Congress (APC) in Abia State, Nigeria and participated in the February 25th, 2023 election in Abia State for Isikwuato/Ummunneochi Federal Constituency of Abia State.
6. That she contested and emerged 1<sup>st</sup> Runner up of the said February 25th, 2023 election for the Isikwuato/Ummunneochi Federal Constituency of Abia State and the results were duly declared by the Independent National Electoral Commission (INEC), the 3<sup>rd</sup> Respondent in this Application.

A copy of the result sheet of the election clearly reflecting her as runner-up is hereby attached and marked Exhibit A.

7. That the Federal High Court of Nigeria sitting in Kano delivered judgment in Suit No: FHC/KN/CS/107/2023 filed by IBRAHIM HARUNA IBRAHIM the 1<sup>st</sup> Respondent herein, wherein the court nullified the primary elections of the Labour Party, which produced candidates fielded by labour Party at the general elections at all levels across Nigeria, including Abia State.  
The judgment of the Federal High Court Kano referenced in this paragraph is hereby attached and marked as Exhibit B.

8. That the judgment of the Federal High Court of Nigeria, Kano Judicial Division in Suit No: FHC/KN/CS/107/2023 also nullified the Declaration of election victories by the Independent National Electoral Commission declaring candidates of the Labour Party as elected in the general election at all levels.
9. That the judgment of the Federal High Court of Nigeria, Kano Judicial Division in Suit No: FHC/KN/CS/107/2023 further ordered that all votes cast in favour of all candidates of the labour party in Abia State, Kano State and all the states of the federation of Nigeria are nullified and the participation of labour party



candidates in the general election nullified as being a waste of time.

10. That by the judgment of the Federal High Court of Nigeria, Kano Judicial Division in Suit No: FHC/KN/CS/107/2023 which is yet to be set-aside, the election of all labour party candidates including the alleged winner of the House of Representatives election for Isikwuato/Ummunneochi Federal Constituency stands nullified and votes attributed to them invalidated.
11. That giving to the fact that she was the 1<sup>st</sup> Runner up of the Isikwuato/Ummunneochi Federal Constituency election in Abia State and in view of the nullification of the winner and all other labour party candidates, she as 1st runner up should be returned as the democratically, duly elected House of Representatives Member for Isikwuato/Ummunneochi Federal Constituency of Abia State.
12. That, giving to the preceding paragraphs herein, the applicants have sufficient interest in the subject matter of the referenced suit, been members of labour party and myself having emerged runner up for the House of Representatives for the Isikwuato/Ummunneochi Federal Constituency of Abia State.
13. That the presence of the applicants is incidentally necessary for the exhaustive determination of the intended appeal and the judgment that will emanate from this appeal will have effects on my aspiration to represent Isikwuato/Ummunneochi Federal Constituency of Abia State.
14. That I was informed by Raphael Ashwe, Esq at No. 18 Tunis Street, Wuse Zone 6, Abuja, FCT on the 1<sup>st</sup> day of June, 2023 at about 10AM that, the leave of this Honourable Court is required to be first sought and obtained before my application to appeal as interested party can be entertained.
15. That the outcome of the intended appeal will be of great consequence to my political aspiration to lead the people of Abia

State, as House of Representative Member for Isikwuato/Ummunneochi Federal Constituency of Abia State, hence her passionate appeal to be allowed to join as an interested party, having advanced a proposed Notice of Appeal.

The proposed Notice of Appeal is hereby attached and marked as Exhibit C

16. That it is in the interest of justice to grant the reliefs sought as same will not prejudice the other parties to this application but will better serve the interest of justice.
17. That I depose to this affidavit in good faith, conscientiously believing its content to be true, correct and in accordance with the Oaths Act, 2004.

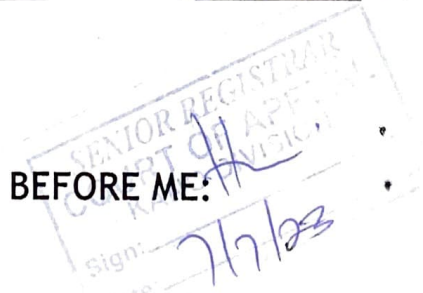


DEPONENT

SWORN TO AT THE REGISTRY OF THE COURT OF APPEAL OF NIGERIA,  
KANO, NIGERIA

THIS 7<sup>th</sup> DAY OF July 2023.

BEFORE ME:



COMMISSIONER FOR OATHS

---

NDARANI, (SAN) & CO. SOLACE LAW CHAMBERS, ABUJA.

EXHIBIT A

INDEPENDENT NATIONAL ELECTORAL COMMISSION  
 2023 INDEPENDENT NIGER-NASOCHI FEDERAL CONSTITUENCY ELECTION  
 DECLARATION OF RESULT

FORM (SR/20)  
 REV. 10/2021

Row (Mrs) Nneoma Nwachin

FOR REGISTRATION  
 2/7/23

I, the Returning Officer for the 2023 INDEPENDENT NIGER-NASOCHI FEDERAL CONSTITUENCY ELECTION held on the 25th day of February 2023

1. The election was CONTESTED AND CONTESTED. 2. The candidates received the following votes:

S/N	NAME OF CANDIDATE	GENDER	POLITICAL PARTY	TOTAL VOTES RECEIVED BY CATEGORIZED POLITICAL PARTY	
				MALES	FEMALES
1	NERACHOCHI INYOM	F	ADC	156	ONE HUNDRED AND SIXTY SIX
2	EMPSI ECHIA NINDEKA CHENKON	F	APC	3752	THREE THOUSAND SEVEN HUNDRED AND FIFTY TWO
3	BUFELE JEMI OYINKE EBI	F	APGA	1778	ONE THOUSAND SEVEN HUNDRED AND SEVENTY EIGHT
4	ORINWA UGAN CHIKWA	F	APP	451	FOUR HUNDRED AND FIFTY ONE
5	OSHI AMOS EDWIN	M	LP	1124	ONE THOUSAND ONE HUNDRED AND TWENTY FOUR
6	LEKA ICHIKWAGWAGWAGWAG	M	NPP	227	TWO HUNDRED AND TWENTY SEVEN
7	OPESORI UYETHOMI	F	PPP	570	SIX HUNDRED AND SEVENTY
8	OSHA NEMFUA ECHIKWA	M	SDP	42	FOURTY TWO
9	OSI CHUKWU UYETHOMI	M	VP	78	SEVENTY EIGHT
10	GNPP			03	THREE
11	ADM			06	SIX

1. That OSHI AMOS EDWIN of LABOUR PARTY was declared

the representative of the constituency and is returned elected.

Signature of Returning Officer

Dated this TWENTY SIX

day of FEBRUARY 2023



09:49

EXHIBIT

COURT OF APPEAL  
KANO DIVISION  
27/23

IN THE COURT OF APPEAL OF NIGERIA  
HOLDEN AT KANO

MOTION NO:  
SUIT NO: FHC/KN/CS/107/2023

BETWEEN:

1. IBRAHIM MUSTAPHA  
2. HON. NKEIRUKA ONYEJECHA } APPELLANTS

AND

1. IBRAHIM HARUNA IBRAHIM  
2. LABOUR PARTY  
3. INDEPENDENT NATIONAL ELECTORAL  
COMMISSION (INEC) } RESPONDENTS

PROPOSED NOTICE OF APPEAL

1. TAKE NOTICE that the Appellants herein being dissatisfied with the decision of the Federal High Court of Nigeria, Kano Judicial Division, Kano State as contained in the Judgment/Ruling of Honourable Justice M. N. Yunusa J., in Suit No: FHC/KN/CS/107/2023 between IBRAHIM HARUNA IBRAHIM v LABOUR PARTY & ANOR delivered on 18<sup>th</sup> May, 2023 do hereby appeal to the Court of Appeal upon the grounds set out in paragraph 3 and will at the hearing of the appeal seek the reliefs set out in paragraph 4 of this Notice.

AND the Appellants further states that the names and addresses of persons directly affected by the appeal are those set out in paragraph 5.

2. PART OF THE DECISION OF THE LOWER COURT COMPLAINED OF:  
ANY part of the judgment inimical to the cause of the appellants.

3. GROUNDS OF APPEAL

## GROUND ONE (1)

PART of the decision of the trial court is against the weight of evidence and has occasioned a miscarriage of justice on the appellant as stated in the case of MWADKON V PLATEAU STATE POLYTECHNIC COUNCIL & ANOR (2020) LPELR-49660 (CA).

### PARTICULARS OF ERROR

- a. That the learned trial Judge failed to properly evaluate the evidence led before the trial court which occasioned a miscarriage of justice.
- b. That the non-evaluation of the party's evidence led before the court has occasioned a miscarriage of justice to the Appellant.

### 4. RELIEFS SOUGHT FROM COURT OF APPEAL

- a. An Order of the Court of Appeal of Nigeria allowing the appeal and setting aside in part, the judgment of the Federal High Court of Nigeria, Kano Judicial Division, Kano State as contained in the Judgment/Ruling of Honourable Justice M. N. Yunusa J., in Suit No: FHC/KN/CS/107/2023 between **IBRAHIM HARUNA IBRAHIM v LABOUR PARTY & ANOR** delivered on 18<sup>th</sup> May, 2023.
- b. An order of substantial cost against the Respondents.

### 5. PERSONS DIRECTLY AFFECTED BY THE APPEAL

1. **IBRAHIM MUSTAPHA**  
TAURANI LOCAL GOVERNMENT AREA OF KANO STATE
2. **HON. NKEIRUKA ONYEJECHA**  
ISIKWUATO/UMMUNNEOCHI FEDERAL CONSTITUENCY,  
ABIA STATE, NIGERIA
3. **THE 1<sup>ST</sup> RESPONDENT**  
**IBRAHIM HARUNA IBRAHIM**  
MURTALA MOHAMMED WAY,  
KANO; KANO STATE.

4. THE 2<sup>ND</sup> RESPONDENT

LABOUR PARTY

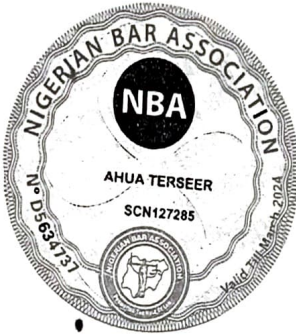
LABOUR PARTY NATIONAL SECRETARIAT,  
ABUJA, FCT

5. 3<sup>RD</sup> RESPONDENT

INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)

ZAMBEZI CRECENT,  
MAITAMA, ABUJA, FCT

DATED THIS 5<sup>TH</sup> DAY OF JULY, 2023



*Mohammed Ndarani*

MOHAMMED NDARANI MOHAMMED, SAN.  
PROFESSOR SHEHU ABDULLAHI ZURU, SAN.  
DR. MONDAY ONYEKACHI UBANI, ESQ.  
PROFESSOR JOHN N. NTUIABANE, ESQ.  
PROFESSOR JAMES AGABA ATTAH, ESQ.  
PROFESSOR ALI AHMED, ESQ.  
PROFESSOR HAKEEM OLANJYAN, ESQ.  
MICHAEL ELEYINMI, ESQ.  
OLUSOLA EGBEYINKA, ESQ  
SEIDU ALFA, ESQ.  
CLEMENT CHUKWUEMEKA, ESQ.  
MUSA HUSSEINI, ESQ  
YUSUF HUSSEINI, ESQ.  
RAPHAEL ASHWE, ESQ.  
AHUA TERSEER, ESQ. ✓  
FATIMA IBRAHIM LOKO, ESQ.  
FAWZIYYAH GOGO MUHAMMAD, ESQ.  
(APPLICANT'S COUNSEL)  
NDARANI (SAN) & CO.  
SOLACE LAW CHAMBERS)  
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[solacelawchamber@gmail.com](mailto:solacelawchamber@gmail.com)