

GADZAMA LLP

LEGAL PRACTITIONERS * ARBITRATORS * MEDIATORS * REGULATORY CONSULTANTS

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Hon. Justice Clara Bata Ogunbiyi JSC (5th right), Prof. Mohammed L. Ahmadu (4th left),
Mrs. Hauwa Shekarau (5th left), Chief Joe-Kyari Gadzama SAN (middle),
Chief Chukwuma Ekomaru SAN (4th right) with participants at the
Hon. Justice Chukwudifu Oputa JSC (Rtd) 2nd Professional
Training and Mentoring Programme held on
Tuesday, 30th May, 2017

EDITORIAL

We are delighted to welcome you to the 3rd quarter of 2017. Much has transpired in the past few months. Notably, in our commitment to the professional development of young lawyers, we organised the 2nd Hon. Justice Chukwudifu Oputa Professional Training and Mentoring Programme. The event, which took place on 30th March, 2017, drew participants from across the country and featured practical training on salient topics from a distinguished faculty of resource persons, chaired by Honourable Justice Clara Bata Ogunbiyi, JSC. We bring you details of the event in this edition.

Also included in this edition is a copy of the ruling of the court in *Chief J-K Gadzama (SAN), OFR v. Alhaji Abdullahi Ibrahim (SAN), CON & 14 Ors. (Suit No: FCT/HC/CV/2364/16)*,

which was delivered on the 8th of June, 2017. Recall that our Principal Partner, Chief J-K Gadzama, SAN instituted a suit challenging the conduct and outcome of the 2016 election to the office of the President of the Nigerian Bar Association. In the ruling, the court dismissed the preliminary objections of the defendants, giving the plaintiff's suit a "clean bill of competence" to be heard on the merits.

Finally, we bring you sights from the firm's 10th Annual Charity Golf Tournament held on 8th April, 2017. We hope that you find this edition informative and entertaining and look forward to bringing you the next.

This and previous editions of our newsletter are available on our website at www.j-kgadzamallp.com

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**ADDRESS BY HON. JUSTICE CLARA BATA OGUNBIYI, JSC
CHAIRPERSON AT THE 2nd HON. JUSTICE CHUKWUDIFU OPUTA, JSC (RTD.)
PROFESSIONAL TRAINING AND MENTORING PROGRAMME
ON TUESDAY, 30TH MAY, 2017.**



HON. JUSTICE CLARA BATA OGUNBIYI, JSC
CHAIRPERSON

My Lords, my learned colleagues, distinguished ladies and gentlemen here present. I am highly delighted to steer the course of this unique programme designed to upgrade the skills and knowledge of our young colleagues in the noble profession. The organiser of this programme and the person to whose evergreen memory it is solely dedicated are two eminent personalities in the legal profession who have variously inscribed indelible marks on the sands of time.

Chief Joe-Kyari Gadzama SAN is a legal icon who continuously presents a towering image in the profession just like the great Socrates of our time, Hon. Justice Chukwudifu Oputa, JSC (Rtd). His life, up to this moment, has been a great source of inspiration to all those that have encountered him at home and abroad. He is one pillar you could lean on without looking at its foundation. He is one school you could attend and be overwhelmingly rich in knowledge and wisdom. He is one book whose chapters offer solutions to the myriad problems of life. His amiable disposition to life complemented with the simple moral philosophy of 'live and let live,' have collectively endeared him to many hearts within and outside the legal profession and by extension the wider society. He is one man so graciously endowed with humility and generosity,

being the two essential attributes that are conspicuously lacking in the modern society.

For those who have trod the road Hon. Justice Oputa freely constructed to his heart, they would eagerly desire to reside permanently there. And for those who know him very well, especially those privileged to have worked closely with him in whatever capacity, words are indeed not enough to describe the marvellous work of the Almighty God that was embedded in his personality and disposition. The privilege of being mentored after a great man with great mind of this ilk is a rare one that has to be jealously guarded and tenaciously embraced.

To the participants, I will say you have made the right choice of career. As lawyers, you carry a heavy burden on your shoulders. I need to remind you that from the very moment you are called to the bar, you begin to experience a new status, a new identity and a new disposition. Every single conduct you exhibit is vehemently scrutinized and censored by everybody around you. Your comments and actions are taken with every atom of seriousness. Then you begin to couch your language in the best form of civility and decency, and you begin also to weigh the implication and scope of the words you utter in private and public, as you no more enjoy the privilege of privacy.

If you think the legal profession is a bed of roses, I dare say that you are on the wrong side of the narrative. As you savour the inherent pride and fervour, so you are confronted with the challenge of living a legally regimented life where every page of your conduct is incisively scrutinized in the court of public opinion. This is one aspect you cannot run away from. People see you as a symbol of law and legality; an individual who is perceived and presumed to always live above board.

As a lawyer, you must be versatile. I would say you should be jack of all trades and master of all. Failure must never be an option in the course of responding to your professional calling, the litigants will always

cast their hope and burden on you; and the onus rests squarely on you to prove your mettle. A single margin of error will permit a floodgate of chastisement and unmitigated vilifications. You must not arm your critics with the words to use against you. Most unfortunately, these days, it has become fashionable for lawyers to start granting frivolous press interviews at the end of a court session where judges are being castigated; and already delivered judgments too are being wrongly dissected to suit their whims and caprices. Needless to say that this conduct is literally antithetical to the progress of the legal profession. To you the rising stars of the profession, you must eschew this and any other unwholesome practice that may bring us into disrepute before the very people that hold us in enviable esteem.

You must fine-tune your innate skills and continuously tread on the path of sustainable self-development to attain whatever height you aim at in your chosen career. The organizer of this programme and the man to whose memory the programme is dedicated, have indeed committed enough mental and material resources to their own development, hence we are gathered here today. I believe it is in fulfillment of your dreams that you are lawyers today. You must not stop that dream because the best has not come yet as the future has a lot in store for you. It was Charles F. Kettering that said: "We should all be concerned about the future because we will have to spend the rest of our lives there." I therefore, urge you to cast your net in the direction of your dreams, for you will surely live a life of great fulfillment and astonishing accomplishment.

To succeed and make impact in the profession, you must hold aloft the banner of hard work, sincerity and perseverance. The texture of your integrity must be opaque. Your commitment to the demands of the legal profession must be impenetrable. You must be able to deploy your discretionary power at the drop of a hat to take a discernible decision even when all odds seem to be against you.

The wisdom of the Biblical King Solomon is the armour we need to fortify our professional sway. We must not permit indolence or incompetence to consign us to a position of self-pity and odium. The only tool to mitigate this misadventure is hard work. The Law Reports and related law books are there to help you keep up to speed with the modern trend in the profession the world over.

Good enough, this programme is designed to acquaint you with the relevance of Information Technology in legal practice. That is one area you cannot afford to be caught napping. Well, I have no doubt in my mind that as the 'jet-age' lawyers that you are, your level of proficiency in the use of IT resources should be quite appreciable by now. You must keep it up and work more to improve on it and even break new grounds that could be of immense benefit to our noble profession.

Most courts in Nigeria are currently being automated for easy and timely dispensation of justice. That, of course, is part of the on-going justice sector reform. The Supreme Court of Nigeria has been fully retrofitted with modern Info Tech gadgets to conform with the prescribed global standard. We are also working hard to do away with the primordial method of writing in long hand so that computers can now be deployed to record all court proceedings verbatim. Similarly, the weekly cause list too can now be accessed directly from the comfort of your homes by simply logging onto www.supremecourt.gov.ng. You don't need to travel far or go to a business centre to print out an electronic copy sent to your email box by a Court Registrar on special request as was hitherto the practice. You could say it again that a major mileage has been achieved here courtesy of Info Tech.

As lawyers, we believe so much in professional bonding, camaraderie and team work. No one in the profession can afford to live a reclusive life. Bonding promotes information and knowledge sharing. Those are the essential ingredients of professional development and personal growth. It is a virtue that must be upheld and promoted by all and sundry.

Membership of our umbrella professional body, the Nigerian Bar Association (NBA), is necessary and key to the refinement of our individual and collective skills. The ideas and experiences cross-fertilised during meetings are very good take-away tools that equip us for more challenging occasions as we ascend the ladder of the profession. The SANs, eminent lawyers and judges whose names ring a bell and dot the pages of our revered law books today started just the same way you started too. The only magic wand I have to give you today is simply to admonish you all to put in your best so that you can be privileged to make the sky your foot mat.

Thank you very much for the audience.

PHOTO SPEAK

Hon. Justice Chukwudifu Oputa JSC (Rtd) 2nd Professional Training and Mentoring Programme

Held on Tuesday, 30th May, 2017



L-R: Chief Joe-Kyari Gadzama SAN, Mrs. Hauwa Shekarau, Hon. Justice Clara Bata Ogunbiyi JSC, Prof. Mohammed Lawal Ahmadu, Chief Chukwuma Ekomaru SAN and Prof. Tahir Mamman OON, SAN



Participants registering for the programme



Prof. Tahir Mamman OON, SAN delivering the opening remarks



Chief Joe-Kyari Gadzama SAN delivering the welcome remarks



Cross section of participants



Comperes: Karyn Ebohon (Miss) and Chris Okougha Esq



Head of Chambers, J-K Gadzama LLP, Mr. Tunde Onamusi and a guest



L-R: Chief Joe-Kyari Gadzama SAN, Mrs. Hauwa Shekarau & Hon. Justice Clara Bata Ogunbiyi JSC



L-R: Prof. Mohammed Lawal Ahmadu and Chief Chukwuma Ekomaru SAN

Hon. Justice Chukwudifu Oputa JSC (Rtd) 2nd Professional Training and Mentoring Programme

Held on Tuesday, 30th May, 2017



Hon. Justice Clara Bata Ogunbiyi JSC addressing participants at the event



Mrs. Hauwa Shekarau, Former National President, International Federation of Women Lawyers (FIDA)



Prof. Chukwuma Ekomaru SAN, Founder/Principal Partner, Chukwuma Ekomaru SAN & Associates



Chief Joe-Kyari Gadzama SAN Founder/Principal Partner, J-K Gadzama LLP



Prof. Mohammed Lawal Ahmadu giving a presentation on I.T. in Legal Practice



Keffas Gadzama CP, Rtd (middle) with other Participants taking notes during Prof. Mohammed Lawal Ahmadu's presentation



Counsel in Chambers: Mrs. Amina Turaki and Mrs. Firdausi Ahman



Chief Chukwuma Ekomaru SAN during his interactive presentation on Young Lawyers and Networking



Ibrahim M. Sagagi asking a question during the Q & A session



Mr. David Cephas Medugu giving the vote of thanks

PHOTO SPEAK

Hon. Justice Chukwudifu Oputa JSC (Rtd) 2nd Professional Training and Mentoring Programme

Held on Tuesday, 30th May, 2017



L-R: Prof. Mohammed Lawal Ahmadu, Mrs. Hauwa Shekarau, Chief Joe-Kyari Gadzama SAN, Hon. Justice Clara Bata Ogunbiyi JSC, and Chief Chukwuma Ekomaru SAN



Chief Joe-Kyari Gadzama SAN (2nd left) with some of the participants



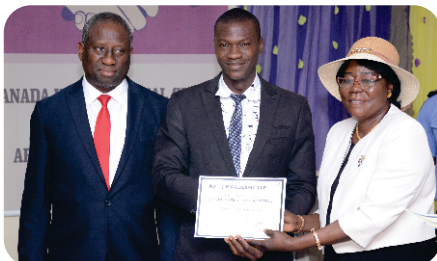
Hon. Justice Clara Bata Ogunbiyi JSC (middle) with some of the participants



L-R: Prof. Mohammed Lawal Ahmadu, Chief Chukwuma Ekomaru SAN and Hon. Justice Clara Bata Ogunbiyi JSC, having a conversation



Habiba Ellawale receiving her certificate of participation



Chukwu Kingsley receiving his certificate of participation



Jennifer Omoefeba receiving her certificate of participation



Some of the guests and participants during the dinner session

“A CLEAN BILL OF COMPETENCE”:

Court gives ruling on 2016 NBA elections

The 2016 NBA elections saw out the old administration and ushered in controversy. The Association found itself on the defending end of a number of lawsuits in the period immediately before and following the elections. Prominent among these was the action filed by our Principal Partner, Chief J-K Gadzama, SAN, in which he challenged the legitimacy of the elections in his capacity as a candidate for the position of President. In the suit, originally listed as *Chief J-K Gadzama (SAN), OFR v. Alhaji Abdullahi Ibrahim (SAN), CON & 14 Ors. (Suit No: FCT/HC/CV/2364/16)*, the plaintiff sought, among other reliefs, an order nullifying and setting aside the Nigerian Bar Association Election held on 30th and 31st July, 2016 as it relates to the office of the President.

No sooner had the action been commenced than all fifteen defendants in the suit filed separate preliminary objections. Among them the defendants raised about five distinct grounds of objection, but one ground was common to all, namely, that the court had no jurisdiction to hear the suit because the plaintiff had failed to fulfill a condition precedent. They argued that Section 16 of the NBA constitution required the plaintiff to submit his grievance to the Dispute Resolution Committee of the NBA before instituting any action in court. In their view, the plaintiff could not exercise his right of access to court until he had fulfilled the condition imposed by the constitution. Accordingly, they urged the court to strike out the suit for want of jurisdiction.

In his response, the plaintiff argued that he could not have brought his complaint before the DRC because none had been constituted at the time the cause of

action arose. Therefore, Section 16 of the NBA constitution could not be invoked against him where the dispute resolution mechanism referred to was not “available, effective and sufficient.” At any rate, argued the plaintiff, the DRC which was constituted after the election was put together by the 14th defendant, acting alone and in violation of the NBA constitution. The plaintiff submitted that since it was established by an *ultra vires* act, the DRC had no authority to determine the plaintiff’s complaints.

With seemingly compelling arguments on both sides, the decision of the court on the objections was awaited with great anxiety by not only the parties themselves, but also lawyers and public commentators nationwide. After all, the fate of the foremost professional association in the country hung in the balance.

The ruling, when it arrived, proved worth the wait. In very lucid language, the court wove its way through several novel issues of law which had been vigorously canvassed by counsel. Section 16 of the NBA constitution came under particularly intense scrutiny. In the end, the court decided that the objections of the defendants had no merit and dismissed them. However, the court agreed with the contention of the 1st to 6th defendants that they should not have been joined in the suit and struck out their names.

We reproduce in full the decision of the court in the hope that you will be enlightened and entertained by a ruling that is remarkable just as much for the recondite points it unraveled as for the beauty of the prose.

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY
HOLDEN AT ABUJA
ON THURSDAY, 8TH DAY OF JUNE, 2017
BEFORE HIS LORDSHIP, HON. JUSTICE O. A. ADENIYI
SITTING AT COURT NO. 20 APO, ABUJA**

SUIT NO: FCT/HC/CV/2364/16

MOTION NO: M/9940/16

MOTION NO: M/212/16

MOTION NO: M/9718/16

BETWEEN:

JOE-KYARI GADZAMA, SAN, OFR

*(Also known as and called Gadzama Joe-Kyari,
J-K. Gadzama, SAN and Kyari, Joe Gadzama)*

PLAINTIFF

AND

1. **ALHAJI ABDULLAHI IBRAHIM, SAN, CON**

(Trustee, Nigerian Bar Association)

2. **CHIEF WOLE OLANIPEKUN, SAN, OFR**

(Trustee, Nigerian Bar Association)

3. **CHIEF THOMPSON JOSEPH O. OKPOKO, SAN, OON**

(Trustee, Nigerian Bar Association)

4. **CHIEF (MRS.) PRISCILLA KUYE**

(Trustee, Nigerian Bar Association)

5. **ALHAJI MURTALA AMINU, OFR.**

(Trustee, Nigerian Bar Association)

6. **CHIEF ANTHONY O. MOGBO, SAN**

(Trustee, Nigerian Bar Association)

7. **THE INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION**

8. **MR. KENNETH MOZIA**

(Chairman, Electoral Committee of the NBA)

9. **MR. OLUWASEUN AJOBA**

(Secretary, Electoral Committee of the NBA)

10. **HAJIYA SAFIYA BALARABE**

(Member, Electoral Committee of the NBA)

11. **MRS. AMAKA EZENO**

(Member, Electoral Committee of the NBA)

12. **MRS. EUCHERIA PEPPE**

(Member, Electoral Committee of the NBA)

13. **GRACE INFOTECH LIMITED**

14. **MR. AUGUSTINE O. ALEGH, SAN**

(President, Nigerian Bar Association)

15. **MR. ABUBAKAR B. MAHMOUD, SAN**

*(Also known and called "Abubakar Balarabe
Mahmud," "A. B. Mahmoud" or "ABM")*

DEFENDANTS

DEFENDANTS

RULING

Delivered by Hon. Justice Olukayode A. Adeniyi of the High Court of the FCT, Abuja, Nigeria.

The Plaintiff is a legal practitioner, Senior Advocate of Nigeria, registered member of The Nigerian Bar Association, a Life Bencher and was a candidate for the office of President of the Nigerian Bar Association (NBA), at the election conducted on 30th – 31st July, 2016. He was aggrieved by the conduct and the outcome of the said election; as a result of which he commenced the instant suit at the Registry of This Court; vide Writ of Summons and Statement of Claim filed on 16/08/2016, whereby he claimed declaratory and other substantive and ancillary reliefs against all the named Defendants.

However, upon being served with the originating processes in the suit, all the Defendants, without exception, variously filed applications, either by way of Notices of Preliminary Objection or by motion on notice, to challenge the competence of this suit and the jurisdiction of this Court to entertain the same upon substantially similar grounds.

The applications were consolidated and heard together on 07/04/2017, at which the respective learned senior counsel for all the parties adopted and adumbrated upon their respective written arguments to support and oppose the same as the case may be.

I should state that I had carefully considered the totality of these motions and objections, and that I had also taken due benefit of the totality of the written and oral arguments vigorously canvassed by the respective learned senior counsel to support their respective contentions. I should be permitted to state that I shall make specific reference only to the submissions of the respective learned senior counsel that I consider as very salient to the determination of the various issues raised in their respective interlocutory interventions, as I deem necessary.

As a starting point, I shall deal with the 1st -6th Defendants' motion on notice filed on 21/09/2016 whereby they prayed for an order To strike out The instant suit upon grounds set out as follows:

1. The Plaintiff never referred his complaint to the Dispute Resolution Committee of the Nigerian Bar Association before commencing this suit in difference to section 16 the Constitution of the

Nigerian Bar Association (as amended in 2015);

2. This Court lacks jurisdiction to entertain this suit;
3. This suit has not complied with the requirements of due process;
4. The condition-precedent to the commencement of this suit was not fulfilled;
5. The 1st -6th Defendants cannot be parties to this suit as there is no *lis* or dispute between the Plaintiff and them;
6. The 1st -6th Defendants are against of a disclosed principal, (the Incorporated Trustees of the Nigerian Bar Association); and
7. The suit is caught up by the doctrine of Equity Estoppel (Estoppel by conduct).

I note that the respective 7th, 8th-12th, 13th, 14th, and 15th Defendants, in a manner likened to a harmonious musical symphony, similarly raised the same issue as to the Plaintiff's alleged failure to comply with the condition precedent to instituting the present suit as set out in the provision of section 16 of the NBA Constitution, as the main planks upon which they all predicated their respective objections. This being so, I shall take the totality of arguments canvassed by learned senior counsel on this ground together, in arriving at a determination thereof.

In summary, the bone of contention of the respective learned senior counsel for the respective Defendants is that the Plaintiff violated the mandatory provisions of section 16 of the NBA Constitution, which required him not to resort to Court action until his complaint had first been considered and disposed of by the Dispute Resolution Committee of the Association; which Committee had a mandate to decide the Complaint within sixty (60) days of the receipt thereof.

It is therefore the submission of the respective learned senior counsel for the Defendants that the Plaintiff's hasty approach to the Court to file the present suit, without first exploring and complying with the internal mechanism provided by section 16 of the NBA Constitution, has thereby robbed the suit of competence and the Court of jurisdiction to entertain the same.

I had considered the totality of the authorities cited by the respective learned senior counsel on this issue. It is not in dispute that the Plaintiff is a member of the Nigerian Bar Association, on the basis of which he was qualified to and contested election into the office of the President of the Association in the election held on the 30th and 31st July, 2016.

The sacrosanct position at the law is that of member of an Association is bound by the constitution, rules and regulations regulating the Association, and cannot decide to pick and choose which aspect of the constitution to comply with and which one to ignore. See *Fawehinmi v. NBA [No. 2]* [1989] 2 NWLR (Pt. 105) 558; *Chinwo v. Owhonda* [2008] 3 NWLR (Pt. 1074) 341, severally cited by the respective learned senior counsel for the Defendants.

I also agree with the submission that the provision of section 16 of The NBA Constitution recognizes the right of any member who has a grievance against the Association to sue, but that such right could only be activated offer such a member had exhausted the condition precedent set out to be met by that provision. The authorities of *Atolaogbe v. Awuni* [1997] 9 NWLR (Pt. 522) 536; *Mbanefo v. Molokwu* [2014] 6 NWLR (Pt. T403) 387; *Okongi v. Fotobi* [212] 7 NWLR (Pt. 1299) 266; *Peretu v. Gariga* [2013] 5 NWLR (Pt. 1348) 415, as cited, are quite apposite as to the legal position of the application of [the] condition precedent principle.

The contention of the Plaintiff's learned senior counsel in response to this point of objection, in summary, is that as at the time the cause of action in the present suit arose, no Dispute Resolution Committee of the NBA was in place to attend to his grievances, which thereby made it impossible for him to comply with section 16 of the NBA Constitution.

Learned senior counsel referred to the provisions of section 12(1)(f) and section 12(3)(a) of the NBA Constitution with regards to the creation, membership and/or composition of the said Dispute Resolution Committee (DRC).

Learned senior counsel further contended that the DRC purported to have been set up by the 14th Defendant, that is the President of the NBA at the material time, was, in the Plaintiff's estimation, an illegal body and as such it was impossible for him to subject himself to the jurisdiction of a non-existent Committee. Learned senior counsel further submitted that the requirement for resort to internal dispute resolution mechanism is not absolute in that such

mechanism must be available, effective and sufficient and that all of these were absent in the present case. Learned senior counsel also submitted that the provision of sections 6(6)(b) and 36(1) of the Constitution of the Federal Republic of Nigeria, guarantees access to Courts which the NBA Constitution or any other statute for that matter cannot deny the Plaintiff. Learned senior counsel relied on the authorities of *Cotecna Int'l Limited v. Churchgate (Nigeria) Limited* [2010] 18 NWLR (Pt. 1225) 346 and *Olu of Warri v. Kperebeyi* [1994] 4 NWLR (Pt. 339) 416, for the submission that the Constitution guarantees citizens' right to vent their grievances in the Court; and that any law that seeks to deprive a citizen of any of his constitutional rights must be construed strictly by the Courts.

As it is well known from time immemorial, and as correctly re-echoed by the respective Defendants' learned senior counsel, the jurisdiction of a Court to entertain a suit is predicated on the concurrent presence of the following component factors, namely:

1. That the Court is properly constitution as regards numbers and qualification of the members on the bench, and no member is disqualified for one reason or another;
2. That the subject matter of the case is within its jurisdiction;
3. That the case comes before The Court initiated by due process of law and upon fulfillment of any condition precedent to the exercise of jurisdiction.

See the locus classicus decision of the Supreme Court in *Madukolu v. Nkemdilim* [1962] All NLR 1. See also *Adewunmi v. A.G. Ekiti State* [2002] 1 SC 10; *Misc. Offences Tribunal v. Okoroafor* [2001] 18 NWLR (Pt. 745) 295, etc.

For the purposes of determining the issue at hand, the focal factor is as to whether, in initiating the suit, The Plaintiff fulfilled the condition precedent to the exercise of the Court's jurisdiction. In other words, did the Plaintiff satisfy all preconditions that donate the right to him to invoke the jurisdiction of this Court in entertaining this suit?

In determining this issue, it is pertinent to appreciate what the grievance of the Plaintiff is in this case. Or, to put it in another sense, what is the cause of action in this suit?

Expectedly, in order to find out The Plaintiff's grievances, the only port of call is his claim before the Court. I had proceeded to examine the totality of the facts averred in the Statement of Claim, upon which the reliefs claimed are predicated. In my view, of crucial relevance to the consideration of the issue of hand are reliefs (2), (3) and (5) of the Plaintiff's claim. I take liberty to reproduce the reliefs as follows:

"2. A DECLARATION that the 2016 Nigeria Bar Association Election as it relates to the office/position of the President held on 30th and 15th July, 2016, under the supervision of the 8th to 14th Defendants, which purportedly produced the 15th Defendant as President, was in total violation and disregard of the mandatory provisions of the NBA Constitution, 2015, Election Guidelines set down for the said Election (and) fell short of established standards and international best practices, thereby making the said Election null, void and of no effect whatsoever.

3. A DECLARATION that the internet voting mechanism, method and system adopted for the conduct of the 2016 Nigeria Bar Association Election as it relates to the office/position of the President held on Saturday 30th and Sunday 31st July, 2016, was not in conformity with the mandatory provisions of the NBA Constitution, 2015, in that all the pre-requisite preparations, obligations and duties provided for under the Constitution to guarantee free, fair, credible and transparent Electronic voting system were ignored, disregarded and/or not complied with by the Defendants.

5. A DECLARATION that the Dispute Resolution Committee of the Nigerian Bar Association (NBA) purportedly set up by the 14th Defendant on the 2th day of August, 2016 or thereabout is ultra vires his powers, illegal, unconstitutional, null, void and of no effect whatsoever."

The Plaintiff then proceeded in his Statement of Claim to state facts in of these reliefs. From the totality of the relevant facts on this point, which indeed excludes the totality of facts deposed either in the affidavits in support or to oppose the objections, the following salient facts, in my view, are not in contest:

1. That the Plaintiff is a member of the Nigerian Bar Association (NBA) and is thus bound by its Constitution.
2. That in the present suit, the Plaintiff has challenged acts of the Defendants that purport to constitute violations of the Constitution of the NBA.
3. That prior to the institution of the present suit, the Plaintiff was aware of the remedy or mechanism available to him by the provision of section 16 of the Constitution of the NBA, in ventilating his grievances as regards the conduct and outcome of the election into the office of the President of the NBA, which he contested.

Having regards to these basic and undisputed facts, was it therefore lawful for Plaintiff to institute the present suit without resort to or regard for the dispute resolution mechanism provided by section 16 of the NBA Constitution, particularly where the grievance relates to alleged violations of the constitution itself?

This brings to the fore again the Supreme Court decision of *Peretu v. Gariga (supra)*, relied upon by learned senior counsel for the 1st – 6th Defendants. This suit was decided on the point, *inter alia*, as to whether certain actions taken by the Peoples Democratic Party (PDP), with relation to screening of candidates for Primary Elections were not done in violation of certain provisions of the Constitution of the Party. The Supreme Court went on to consider the issue of ouster clauses, which is applicable to the circumstances of this case and held, per Ngwuta JSC, 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 Courts are not precluded from determining any questions 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.”

My understanding of this decision is therefore that a member of a registered political party which is bound by a constitution (in the present case on Association bound by a Constitution), is entitled to institute on action to challenge acts of the party constituting violations of the party's Constitution, regardless that the party's Constitution makes provision for the fulfillment of a condition precedent or on ouster clause. In other words, once the question for determination in the case is as to non-compliance with or violation of the Constitution of the party, the Court will ordinarily have jurisdiction to entertain an action on such a question.

Applying this authority to the present case, therefore, my view is that regardless of the condition precedent provided by section 16 of the NBA Constitution, the jurisdiction of this Court, or indeed any Court for that matter, is not ousted to entertain the Plaintiff's claim, so long as the claim involves questions of violation of the Constitution of the NBA by the Defendants. This indeed is what the Plaintiff has sought to do by reliefs (2) and (3) of his claim before the Court. I so hold.

I note that even though the learned senior counsel for the 1st-6th Defendants relied on the authority of *Peretu v. Gariga (Supra)*, he however did not draw the attention of the Court to the aspect of the decision that did not support his position.

Now, with respect to relief (5) of the Plaintiff's claim, it is apparent, from the facts averred in his Statement of Claim, that it is not his case that he was unaware that by the provision of section 16 of the NBA Constitution, he is obliged to refer his complaints to the DRC. His contention is that the said DRC was unlawfully set up by the 14th Defendant in violation of the Constitution of the NBA. I make further reference to paragraphs 76, 77 and 78 of his Statement of Claim, where the Plaintiff put the legality of the said DRC in issue in the substantive suit.

The question then is whether the Plaintiff should be bound to submit to the jurisdiction of a Committee whose legality he challenges? Or should the doors of the Court be closed to the Plaintiff in exercising his constitutional right to question the legality of the very Committee he is under obligation by the NBA Constitution, to refer his grievances? Or can the Court not, in the circumstances of this case, inquire into whether or not the DRC of the NBA, to which the Plaintiff is under obligation to refer his grievances, is lawfully constituted?

With due respects to the learned senior counsel to the respective Defendants, my answer to these posers is in the negative.

At this stage of the proceeding, the court cannot determine the validity of the claim of the Plaintiff as to the purported illegality of the DRC of the NBA. As such, I must hold that the totality of the facts deposed by both sides in their affidavits either to support or oppose the objection on this point become irrelevant in determining this point of objection.

In my view, it is sufficient that the Plaintiff clearly challenged the legality of the DRC of the NBA in his claim. Whether that claim will succeed at the end of the day is a matter to be determined at the trial, as correctly submitted by Chief Hon, SAN, of counsel for the Plaintiff.

Lastly, on this point of objection, it is necessary to make the point, which was also properly made by the Plaintiff's learned senior counsel, that the Constitution of the NBA is not a statutory provision. As such, the pre-condition to access to Court in section 16 thereof cannot be viewed with the rigidity with which ouster provisions contained in body of statutes or the Constitution are construed. Furthermore, the position Courts guard their jurisdiction jealously by strictly and cautiously scrutinizing the language of the ouster provision and resolving any ambiguity in favour of the Plaintiff whose access to the Court is being ousted or curtailed. See *Inakoju v. Adeleke* [2007] 4 NWLR (Pt. 1025) 423, *Ajayi v. Military Administrator, Ondo State* [1997] 5 NWLR (Pt. 504) 237; *N.E.C. v. Nzeribe* [1991] 5 NWLR (Pt. 192) 458.

The provision of section 16 of the Constitution of the NBA in question states as follows:

“No aggrieved member shall resort to the Court unless his/her complaint must have been considered and disposed off by the Dispute Resolution Committee; provided that such complaint of member shall be decided by the Committee within sixty (60) days of receipt of complaint.”

In my considered estimation, it could not have been contemplated that a provision of the NBA Constitution scantily worded or indeed the Dispute Resolution Committee expected to be set up pursuant thereto, can effectively deal with very sensitive and fundamental matters such as alleged violation of provision of the Association's Constitution regarding the conduct of elections into the office of the President of the NBA. In my view, it will be tantamount to asking an electoral body that conducted an election

that is sought to be questioned, to now be the very body that will mediate disputes arising from the election.

In such a circumstance, it is my firm view that the right of an aggrieved person, such as a candidate that participated in an election of such magnitude cannot be fettered in ventilating his grievances in Court, by an ouster provision that does not specify the nature or extent of complaints to which the provision applies.

My decision is therefore that, apart from the fact that the jurisdiction of the Court is not ousted in determining matters in which question of violations of the Constitution of the NBA is raised, even where a precondition to access to Court is inserted in the Constitution, as I have shown from the reliefs claimed by the Plaintiff in this case, based on the authority of the Supreme Court in *Peretu v. Gariga (supra)*; the reasonable construction to accord the wordings of section 16 of the NBA Constitution in context, read together with the provision of section 12(3)(f)(i) thereof, in consideration of the peculiar circumstance of the claim of the Plaintiff as set up in his Statement of Claim, is such that should not curtail or fetter the right of the Plaintiff to ventilate his grievances with regards to the conduct and outcome of the election into the office of the President of the NBA, held on the 30th and 31st July, 2016, at which he was a candidate. I so hold.

To insist that the Plaintiff must submit himself by all means to the said DRC without regard to his apprehensions as to the validity of such a body, will, in my view, be an oppressive application of section 16 of the NBA Constitution, and thereby unwittingly shackle the Plaintiff's constitutional right to access to Court guaranteed by section 6(6)(b) and 36(1) of the Constitution.

The Supreme Court, in *Amadi v. N.N.P.C.* [2000] 10 NWLR (Pt. 674) 76, held as follows:

“Regulations of the right to access to the court abound in the rules of procedure and are legitimate. It seems to be accepted that where an enactment regulates the right of access to the court in a manner to constitute an improper obstacle to access to court, such enactment could be appropriately regarded as an infringement of section 36(1) rather than an infringement of section 6 of the Constituion.”

See also *Global Excellence Comm. Ltd. v. Duke* [2007] 16 NWLR (Pt. 1059) 22.

My view is that in the peculiar circumstances of the

present case, the provision of section 16 of the NBA Constiuttion is an improper obstacle in the way of the Plaintiff in ventilating his grievance before this Court, as such this Court is bound to and hereby invokes its powers under the Constitution, vide section 6(6)(b) therof, in affirming the competence of the present suit and the jurisdiction of the Court to entertain the same.

It is also very pertinent to note that all the authorities cited by the respective learned senior counsel on the issue at hand are with respect to where ouster clauses and conditions precedent provided by the Constitution of the Federal Republic of Nigeria or Acts of Parliament are considered. None of the Defendants' learned senior counsel cited any direct authority in which the effect of a provision constitution a condition precedent in the Constitution of an Association to instituting a Court action by a member of such an Association is considered and determined. As such, those authorities have no direct bearing or application to the very peculiar circumstance posed by the present suit.

In must further be appreciated that this is a suit in which time is of crucial essence. The life span of the tenure of the President of the Nigerian Bar Association being challenged, according to its Constitution, is merely two years. One year is almost spent. The said DRC has only sixty (60) days to dispose of whatever complaint laid before it. Whatever decision the DRC returns at the end of the day does not restrict the Plaintiff's right of access to Court on the long run. In my view, considering the unique and peculiar nature of the Plaintiff's case, it would be a inordinate, excessive and draconian adherence to technicalities to compel him to return to the same DRC whose legality he has, by this suit, challenged. I so hold.

In my view, the Defendants shall suffer no prejudices or injustice whatsoever if the Plaintiff is not compelled to comply with the precondition provided in section 16 of the NBA Constitution, considering the totality of the views I have expressed in the foregoing; and more so that time is of the essence in disposing of this suit.

I therefore overrule of the objections of the respective Defendants that the Plaintiff's suit is incompetent or that this Court is robbed of jurisdiction to entertain the same by the Plaintiff's alleged failure to comply with the condition precedent set out in the provision of section 16 of the NBA Constitution.

Whilst I note that the decision in the foregoing has effectively taken care of the objections filed by the

respective 7th and 15th Defendants, I now proceed to the remaining grounds of the objections of the respective 1st - 6th, 8th - 12th, 13th and 14th Defendants.

The remaining grounds of the objection of the 1st - 6th Defendants are as to whether or not the 1st-6th Defendants can be parties to this suit since there is no *lis* or dispute between the Plaintiff and them; whether or not the 1st -6th Defendants are not agents of a disclosed principal (the Incorporated Trustees of the Nigerian Bar Association); and whether or not the suit is not caught up by the doctrine of Estoppel by conduct.

I had considered arguments canvassed by the learned senior counsel for the 1st - 6th Defendants on the one hand and the Plaintiff's learned senior counsel on the other hand. It is proper to state that the presence of the 7th Defendant in the suit, a corporate legal entity, already takes care of the 1st - 6th Defendants. As such, the need for the 1st - 6th Defendants to remain as Defendants in this suit is effectively obviated. See the provisions of sections 590(2) and 598(1) of the Companies and Allied Matters Act (CAMA).

In other words, since the 7th Defendant, a body corporate, lawfully encapsulates the presence of the 1st - 6th Defendants, it becomes needless to retain their presence in the suit.

As correctly submitted by the learned SAN for the Plaintiff, since misjoinder of parties does not necessarily defeat a suit, more so that there is more than one defendant in the suit, the appropriate order to make in the circumstance will be to strike out the names of the 1st - 6th Defendants from the suit.

With respect to the issue of the estoppels by conduct, it is my clear understanding that it is not a point of law that could be raised at a preliminary stage to dispose of a suit, as it does not go to the jurisdiction of the suit. It is a defence that must first be pleaded in the Statement of Defence and which could only be considered and determined upon evidence led at the trial of the suit. See *Okonkwo v. Kpajie* [1992] NWLR (Pt. 226) 633.

In totality, only grounds (5) and (6) of the objection of the 1st - 6th Defendants succeed. Having determined that their presence in this suit could be dispensed with, it is hereby ordered that their names be struck out of this suit. Accordingly, the erstwhile 7th - 15th Defendants shall hereafter be renamed 1st - 6th Defendants.

I now proceed to determine the remaining alternative points of objection in the Notice filed by the 8th - 12th Defendants, the main point having failed. By grounds (4) and (5) thereof, the 8th - 12th Defendants contended that the Plaintiff's case discloses no reasonable cause of action and that the reliefs claimed are not grantable by the Court.

Learned senior counsel for the 8th - 12th Defendants argued that a perusal of the Claim of the Plaintiff will reveal that the averments therein are not only inconsistent, that they are fanciful, unreal and failed to disclose in concrete terms what real injury the Plaintiff is complaining about.

A claim that a Plaintiff's suit discloses no reasonable cause of action postulates that there is nothing in the Statement of Claim that is fit for the adverse party to respond to and for the Court to adjudicate upon.

Again, on the authority of *Thomas v. Olufosoye* [1986] 1 NWLR (Pt. 18) 669, cited by the senior learned counsel for the 8th -12th Defendants, the Supreme Court, relying on the English decision of *Drummond-Jackson v. British Medical Association* [1970] 1 All ER 1094, defines "a reasonable cause of action" to mean a cause of action with some chance of success when only the allegations in the pleading are considered. The Court further held that so long as the Statement of Claim or the particulars disclose some cause of action or raise some question fit to be decided by the Court, the mere fact that the case is weak and not likely to succeed is no ground for striking it out; and that where no question as to the civil rights and obligations of the Plaintiff is raised in the Statement of Claim for determination as against the Defendant, the Statement of Claim is bound to be struck out and the action dismissed. See also *Mobil Producing (Nigeria) Unlimited v. LASEPA* [2002] 18 NWLR (Pt. 798) 1; *Henry Stephens Engineering Limited v. S.A. Yakubu Nigeria Limited* [2009] 10 NWLR (Pt. 1149) 416, etc.

In the present case, the Plaintiff has challenged the conduct and outcome of the elections conducted by the 8th - 12th Defendants into the office of the President of the Nigerian Bar Association in which election he was a candidate. It cannot therefore be said, for that reason alone, that he has no reasonable cause of action. His cause of action is therefore predicated on his right to challenge an election in which he participated as a candidate; and which he has alleged was conducted in violation of the Constitution of the NBA.

I note that some of the Defendants have even gone ahead to file their Statements of Defence to the

action, which in my view further underscores the point that indeed the case of the Plaintiff before this Court is worthy of a consideration.

Without any much ado, I overrule this point of objection.

With respect to the ground that the present suit is caught by the principle in *Foss v. Harbottle*, I reckon that it will be needless to belabor that point. My understanding of the principle of law enunciated in *Foss v. Harbottle*, [1843] 67 E.R. 189, is simply that the proper plaintiff in an action in respect of a wrong alleged to be done to a company or an association of persons is the company or the association of persons itself and not a shareholder or member of the association. Such a shareholder or member of the association would only be fighting the suit of the company or the association for which he has no *locus standi*. See the Supreme Court decisions of *Abubakri v. Smith* [1973] 6 SC 24; *Shodeinde v. Registered Trustees of the Ahmadiya Movement in Islam* [1980] 1-2 S.C. 163; *Gombe vs. P.W. (Nig.) Ltd.* [1995] 7 SCNJ 19; *Onuekwusi v. The Regd. Trustees of the Christ Methodist Zion Church* [2011] 6 NWLR (Pt. 1243) 341.

However, where an individual member of a registered company or an association can establish that his personal rights, as distinct from those of the company or association have been invaded, the rule in *Foss v. Harbottle* would not apply. In that case, such a member would be entitled to sue.

I agree with the submissions of the Plaintiff's learned senior counsel that the principle in *Foss v. Harbottle* is completely inapplicable to the circumstances of this case in that the cause or grievance of the plaintiff in this suit is personal to him.

To suggest, as the learned senior counsel for the 8th - 12th Defendants has done, that the issues relating to the elections into offices of the NBA are internal affairs of the Association and as such is insulated from judicial interference is clearly misconceived. I do reckon that it is in recognition of the right of access to Court of every member of the Association that the provision of section 16 is provided in the NBA Constitution.

In this connection, I must also quickly add that the authority of *Chinwo v. Owhonda* (*supra*) cited by the respective learned counsel for the Defendants is inapplicable to the circumstances of the present case. The main grievance of the Plaintiff in the present suit is against the conduct and outcome of the election into the office of the President of the NBA held on

30th and 31st July, 2016, in which he was a candidate; whereas the issue of contest in *Chinwo v. Owhonda* relates to decisions jointly taken by all members of the Port Harcourt Branch of the NBA at its branch meeting with respect to its bye-laws and which decisions were approved by the National Executive Committee of the NBA.

In totality, I hold that the objection of the 8th - 12th Defendants is lacking in merit. It is hereby accordingly overruled and dismissed.

I now turn to the objections filed by the respective 13th and 14th Defendants to consider the only remaining point of substance they both raised which is that the claim of the Plaintiff falls within the purview of the provisions of section 251(1)(e) of the Constitution of the Federal Republic of Nigeria, 1999; and as such it is the Federal High Court, and not this Court, that has exclusive jurisdiction to entertain the suit.

It is the contention of the learned senior counsel both for the respective 13th and 14th Defendants that the suit of the Plaintiff arose from and raised questions and issues of how the NBA is to be run and how its affairs, particularly, its elections are to be conducted, which activities, according to learned senior counsel, arise from the operations of the **Companies and Allied Matters Act (CAMA)**, having regard to the presence of the 7th and 13th Defendants, which were legal entities incorporated under the provisions of CAMA.

Now, the provisions of section 251(1)(e) of the Constitution relied upon by the respective Defendants to ground this point of objection, is very sacrosanct. It provides as follows:

“S.251(1)

Notwithstanding anything to the contrary contained in this constitution and in addition to such other jurisdiction as may be conferred upon it by an Act of the National Assembly, the Federal High Court shall have and exercise jurisdiction to the exclusion of any other court in cases and matters:

...

(e) arising from the operation of the Companies and Allied Matters Act or any other enactment replacing that Act or regulating the operation of the Companies and Allied Matters Act.”

The question that must be determined here therefore is whether on the basis of the facts of this case and the reliefs claimed thereby, the present action could be said to be one that arises from the operation of the Companies and Allied Matters Act (CAMA), thereby bringing the action within the purview of section 251(1)(e) of the Constitution.

I must agree with the remarks of the Plaintiff's learned senior counsel that this point of objection is merely raised in order to waste the precious time of the Court. As correctly submitted by the Plaintiff's learned senior counsel, nowhere throughout the length and breadth of the case of the Plaintiff as constituted is any issue touching on the operation of the provisions of CAMA raised either directly or remotely.

As such, I am unable to fathom how the operations of the Companies and Allied Matters Act (CAMA) need be considered or interpreted in order to determine the grievances of the Plaintiff in this suit, as encapsulated in reliefs claimed in this case, particularly as to whether the conduct of the election into the office of the President of the NBA held on the 30th and 31st July, 2016 was in conformity with the provisions of the NBA Constitution.

I therefore, again, overrule this point of objection, and hold that the provision of section 251(1)(e) of the Constitution is inapplicable to vest exclusive jurisdiction in the Federal High Court to entertain and determine the present action. I hold that this Court, by virtue of the provision of section 257(1) of the Constitution, is eminently competent to determine the suit.

Suffice to quickly state that the ground of objection raised by the 13th Defendant on the point that the facts pleaded in paragraph 75 of the Statement of Claim constitutes or discloses criminal conduct is a substantive issue that cannot be determined until evidence of such alleged criminal conduct is received by the Court. My view therefore is that the point is not one of jurisdiction which could be decided without evidence at this stage of the proceedings. I hold that the point is prematurely raised and is hereby accordingly disregarded.

In the final analysis, my over all decision is that the concerted objections hurled on the Plaintiff's suit by the respective defendants, save for the slim point of misjoinder of the 1st - 6th defendants, are devoid of merit. The respective objections shall be and are hereby overruled and dismissed. Consequently, the Plaintiff's suit is hereby handed a clean bill of

competence to be determined by this Court on its merits.

Legal Representation:

Chief S.T. Hon, SAN, with J.B. Amos, Esq.; Francis Osuagwu, Esq.; Clement Chukwuemeka, Esq.; Nguemo Uja (Miss); D.M. Cephas, Esq.; E. Agoh, Esq.; J.J. Daboh, Esq.; Keffas Gadzama, Esq.; D.I. Onyekwere, Esq.; M.C. Agbo, Esq.; C.O. Okougha, Esq.; E.N. Eke (Miss); N.A. Ukachukwu (Miss); D.A. Ane, Esq.; M.T. Ageba, Esq.; Karyn Ebohon (Miss); Linda Shaljabah (Miss); Ijeoma N. Nwala (Miss); Alfred Iortyever, Esq.; Olasubomi Adegemisoye (Miss); Obaro Titcombe Ayorinde, Esq.; Morah Chukwudalu, Esq.; Adesheila Adedayo, Esq.; Grace Goni (Miss); Bilkisu Hamidu (Miss); Damilola Ogunsanya (Miss); Helen Turner (Miss) – *for the Plaintiff*

Yunus Ustaz Usman, SAN, with Aare Olumuyiwa Akinboro, SAN, P.H. Ogbale, Esq.; Boniface Bassey, Esq.; A.Y. Abubakar, Esq.; M.A. Adelodun, Esq.; Jack Tilley-Gyado, Esq.; Bunyamba Lawan, Esq.; Tunde Arowolo, Esq.; Samuel Oguntoye, Esq.; Chika Ufondu, Esq.; Chioma Ezeobika; and Zechariah Maleeks, Esq. – *for the 1st–6th Defendants*

M.A. Ndakwo, Esq. with B.A. Imam, Esq.; Albert Danjuma, Esq.; C.N. Ugwu, Esq.; M.P. Usman, Esq.; C. Ndiokelu, Esq.; A.E. Ogboi, Esq.; R.U. Edigbo, Esq.; I.M. Igomu, Esq.; N.A. Bawa, Esq.; O.G. Etu, Esq. and Christabel Andinu – *for the 7th Defendant*

K.K. Eleja, SAN with Alex Akoja, Esq.; A.O. Usman, Esq.; A.B. Eleburuiké, Esq.; L.A. Jimoh, Esq.; and Damola Oni, Esq. – *for the 8th – 12th Defendants*

J.S. Okutepe, SAN with Kenechukwu C. Maduka, Esq.; Ocholi O. Okutepe, Esq.; Ojonimi S. Apeh, Esq.; Kadijah A. Danfulani, Esq.; Onu S. Achem, Esq.; Helen John Apeh, Esq.; Abodia O. Okutepe, Esq.; Godwin E. Awulu, Esq.; David A. Idris, Esq.; and Christianah E. Sagay – *for the 13th Defendant*

A.A. Malik, Esq. with M.O. Akinsanya, Esq.; C. Onumonu, Esq.; N.I. Nta, Esq.; K. Baiyeshea, Esq.; G.E. Ejemai, Esq.; and S.I. Dokubo, Esq. – *for the 14th Defendant*

Paul Erokoro, SAN with Muritala Abdulrasheed, Esq.; Patrick Abang, Esq.; S. Audu, Esq.; Okonache Ogar, Esq.; H.I. IHEME, Esq.; N.A. Bawa; C.I. Oyidih, Esq.; O.G. Etu, Esq.; and J.O. Atahdoga, Esq. – *for the 15th Defendant*

J-K GADZAMA LLP 10TH ANNUAL CHARITY GOLF TOURNAMENT

Held on 8th April, 2017 at the IBB International Golf & Country Club, Abuja.



L-R: Senator Mohammed Sanusi Daggash, Chief Joe-Kyari Gadzama SAN, Hon. Justice Ibrahim Auta OFR, S.I Ameh SAN, Prince S. Lufadeju and Ibrahim Salihu



L-R: A. Arise, M. Morgan, Mrs. Halima Salihu and E. Onyema



L-R: R. Onoshkpor, Debo Olateju, R. Danjuma and A. Aipoh



L-R: Reynolds Bekinbo Dagogo-Jack, K.K Yusuf, W. Theo and Tofa



Chief Joe-Kyari Gadzama SAN handing the golf ball to Hon. Justice Ibrahim Auta OFR while Prince S. Lufadeju watches

PHOTO SPEAK

J-K GADZAMA LLP 10TH ANNUAL CHARITY GOLF TOURNAMENT PRIZE PRESENTATION/BUFFET

Held on 8th April, 2017 at J-K Gadzama Court, Abuja.



L-R: Senator Mohammed Sanusi Daggash, Chief Joe-Kyari Gadzama SAN, Mrs. Pat Ogboro and Prince S. Lufadeju



Trophies and Plaques presented at the dinner



Mrs. Pat Ogboro presenting an award to Mr. Banjo Obaleya, Managing Director, Infinity Homes



Prince S. Lufadeju presenting an award to a winner at the dinner



Another winner receiving an award at the dinner



Mr. Banjo Obaleya receiving the award of Overall Winner of the Tournament from Chief Joe-Kyari Gadzama SAN.



Mr. Paul Kyari Lassa receiving an award on behalf of Zenith Bank for partnership with the firm on its 10th Annual Charity Golf Tournament.



Mr. Madu Joe Gadzama, General Manager of Janada International Centre for Arbitration and Mediation (JICAM) receiving an award on behalf of the Centre for partnership with the firm on its 10th Annual Charity Golf Tournament.



L-R: Mr. Paul Maina Zira, Asst. General Manager of JICAM, Chris Shaiyen, Fati Kere and Paul Kyari Lassa



Mr. & Mrs. Folashade Olateju (middle) with other guests



L-R: Chief Joe-Kyari Gadzama SAN, Debo Olateju and Folashade Olateju

LAW ON MARBLE

MOJEKWU V MOJEKWU [1997] 7 NWLR [PT 512] 283 AT 305

“Any form of societal discrimination on grounds of sex, apart from being unconstitutional, is antithesis to a society built on tenets of democracy which we have freely chosen as a people”

Hon. Justice Niki Tobi, JCA (As he then was)

OKOYA V SANTILI [1991] 7NWLR [PT 206] 337

“The most cherished 'property' of the Court is its orders and therefore where there is move to deprive the Court of that most cherished 'property', the Court will definitely resist that move with all the judicial powers conferred by section 6(6) of the 1999 Constitution (As Amended) as well as those which inhere in it....”

NOTABLE QUOTES

MOJEKWU V MOJEKWU [1997] 7 NWLR [PT 512] 283 AT 305 PARA C-D

“Accordingly, for a custom or customary Law to discriminate against a particular sex is to say the least an affront on the Almighty God himself. Let nobody do such a thing.”

Hon. Justice Niki Tobi JCA (As he then was)

ADEGOKE MOTORS v. ADESANYA (1983) 3 NWLR (PT 109) 250 at 274-275.

“We are final not because we are infallible; rather we are infallible because we are final. Justices of this Court are human beings capable of erring. It will be short-sighted arrogance not to accept this obvious truth....”

- Hon. Justice Chukwudifu Oputa (JSC) of blessed memory

SENATOR JULIUS ALIUCHA & ANOR V. CHIEF MARTIN NWANSCHO ELECHI & ORS (2012) LPELR-7823(SC)

A judge is to descend from his heavenly abode, no lower than the treetops, resolve earthly disputes and return to the Supreme Lord”.

“Decisions based on Sympathy alone are but quicksands in the law, and if indulged in, will soon swallow up every principle laid down...”

- Hon. Justice Chukwudifu Oputa (JSC) of blessed memory

THE LAW SERIES: "A hearing that is tantamount to a travesty of justice cannot by any stretch of imagination be described to be fair, for justice herself is fair and even-handed. The Almighty God gave us both ears so that we hear both sides. To hear one side of a dispute and refuse to hear the other is a flagrant violation of the principles of eternal justice." - **OPUTA, JSC in OTAPO v SUNMONU (1987)2 NWLR pt.58 @587.**

NEWS FROM THE FIRM

- The firm congratulates Jairus B. Amos Esq., A. Wakta Esq., and Mark C. Agbo Esq., on their completion of the Associate Entry Course of the Chartered Institute of Arbitrators (UK). We look forward to their induction into the Institute.
- The firm has accepted (24) twenty four externs from the Nigerian Law School for their law office attachment for the 2016/2017 session. We welcome them to the firm and wish them success in their bar final examinations.
- The firm hosted its 10th Annual Charity Golf Tournament on 8th April, 2017 at the IBB International Golf and Country Club Abuja.
- The firm held its annual Hon. Justice Chukwudifu Oputa JSC (Rtd) Professional Training and Mentoring Programme on 30th May, 2017.
- Victoria N. Madu (Miss) has joined the firm as an intern. She was called to Bar in 2015 and she holds a Masters of Law (LLM) in Oil and Gas from University of Reading U.K. We wish her a pleasant and fruitful stay in the Firm.
- Chioma Iheagwara (Miss) who holds an LL.B Degree from Baze University, Abuja has joined the Firm as an intern. We wish her a fruitful internship experience.
- Saliha Sanusi Jibril (Miss) and Ijeoma Onyejiaka (Miss) a 500 level Student of University of Abuja have completed their internship with the Firm. The firm wishes them the very best in their future endeavors.
- The firm has opened a branch office in Port- Harcourt, Rivers State at Okibe Lawhouse, Duplex No. 1, No. 22, Okoroji Street, D/Line, Port-harcourt, Rivers State.
- Hauwa Bala Halilu (Miss) a third year student of Lancaster University, Ghana has joined the firm as an intern. We wish her a successful internship experience.
- The firm is pleased to announce that Mrs. Charity A. Chawoza; Dimson D. Dimas, Esq; Ibrahim B. Jalike, Esq; Okorafor E. Nnenna (Miss); and Ikpala Amazing, Esq have joined the firm as counsel. The firm welcomes them and wishes them a rewarding and fruitful stay.

PHOTO SPEAK



2nd Republic Senator and one of the 8 pioneer graduates of the Nigerian Law School, Senator Onyeabo Obi (4th left), Chief Joe-Kyari Gadzama SAN (3rd left), Mr. Tunde Onamusi (4th right), Keffas Gadzama CP, Rtd. (3rd right) with Counsel in Chambers during Senator Obi's Courtesy visit to the firm on 5th May, 2017



Chief Joe-Kyari Gadzama SAN (middle) with externs posted to the firm from the Nigerian Law School



L-R: Maryanne Madaki, Amina Turaki, Ogunsanya Damilola, Eke Nkechi, Cephas Medugu, Grace Zakka, Saliha Sanusi, Bilikisu Hamidu, and Helen Turner at the Baze University Teaching Hospital Foundation Laying Event held on the 27th April, 2017



Prof. Tahir Mamman OON, SAN (2nd right) L-R: Maryanne Madaki, Ogunsanya Damilola, Morah Chukwudalu, Bilikisu Hamidu, and Eke Nkechi at the Baze University Teaching Hospital Foundation Laying Event held on the 27th April, 2017



Chief Joe-Kyari Gadzama SAN (3rd right), Prof. Tahir Mamman OON, SAN (left) Mr. Tunde Onamusi (2nd right) and Keffas Gadzama CP, Rtd (right) Celebrating with May-born Counsel in Chambers



Chief Joe-Kyari Gadzama SAN (left), Prof. Tahir Mamman OON, SAN (right) and Keffas Gadzama CP, Rtd (right) Celebrating with June-born Counsel in Chambers



Front Row L-R: Isabella Isabage, Farida Tanko Beji, Asmau Aliyya Ibrahim, Chief Joe-Kyari Gadzama SAN, Aisha Yari, Emmanuella Hassan, Oluchi E. Aninyei Back Row L-R: Teacher, Lucky Ugbebor, Aisha Uwais and Malcolm Adabanya



Head Boy, Funtaj International School, Bitrus Joe Gadzama (2nd left), Muhammad Waziri (3rd left), Hafsat Ibrahim Dankwambo (4th left), Mr. Samaturi Kula (5th left), Abdulhadi Umar Mahmoud (6th left), Andrew Toby (7th left) Mr. Fanimon (1st right) with the Head of Resources, Aviare Global Concept Limited during a visit to the firm

LEGAL HUMOUR

- A jury is a collection of people banded together to decide who hired the better lawyer.
- Prisoner: All I want is justice!!!
Judge: I'd like to help you, but all I can give you is ten years.
- A motorist was on trial for striking a pedestrian. The motorist's lawyer made this point, "Your Honor, my client has been driving for over thirty years." To which the lawyer for the plaintiff retorted, "Your Honor, if we are going to judge this case by experience, may I remind you that my client has been walking for over 55 years!"
- Max was caught red handed by a police officer in the very act of burgling a store. He was quickly brought to trial. "How do you plead?" asked the judge. "Your Honor," answered Max, "before I plead guilty or not guilty I ask that the Court kindly appoint a lawyer to defend me." "Max you were caught in the actual commission of a crime. What could any lawyer possibly say in your defense?" That's exactly my point, Your Honor," said Max, "I'm curious also to hear what he could possibly say!"
- One of the real time jokes in Court:
Indian Supreme Court Justice to Attorney General G. Rammaswamy:
" You think we are Fools. Right?"

Ramaswamy: " My lord has put me in a very difficult situation. If I agree I am in contempt, if I disagree I commit perjury!"

That got even Supreme Court Justices laughing!

Did you know?

- Massachusetts passed a Law in 1648 that allowed a parent to put to death a stubborn or rebellious son. The law has been repealed by the Legislature
- In Michigan, husbands legally own their wives hair
- A woman wearing shorts, a halter top, a bathing suit to a political rally in Wheatfield, Indiana, could be charged with a misdemeanor
- In Lander, Wyoming, it is illegal for adults to take a bath more than once a month once the cold weather arrives. Children cannot take a bath at all during the winter
- Hartford, Connecticut banned men from kissing their wives on Sunday
- A man is forbidden to kiss a woman while she is in Logan county, Colorado
- It is legal to be a witch in Romania, because the government admitted it as a profession
- In India, it is legal to marry a dog
- In Nepal, it is legal for a woman to marry two men
- In Michigan, no man may seduce and corrupt an unmarried girl, or else he risks five years in prison

UPCOMING EVENTS & CONFERENCES

- Chartered Institute of Arbitrators (Nigeria Branch)
Accelerated Membership Programme, Lagos
13th July, 2017 •
- Call to Bar Ceremony
13th July, 2017 •
- IBA Annual Conference 2017, International Convention
Centre, Sydney, Australia •
8 - 13 October 2017
- J-K Gadzama LLP 10th Annual Lecture,
J-K Gadzama Court, Abuja •
27th November, 2017
- Call to Bar Ceremony •
28th - 30th November, 2017
- Annual General Conference & Gala of the Chartered
Institute of Arbitrators, Balmoral Convention Centre,
Federal Palace Hotel, Victoria Island, Lagos •
2nd - 3rd November, 2017

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