

IN THE HIGH COURT OF JUSTICE, EDO STATE OF NIGERIA

IN THE BENIN JUDICIAL DIVISION

HOLDEN AT BENIN CITY

BETWEEN

SUIT NO: HCU/21/2023

1. BARR. JULIUS ABURE
(National Chairman Labour Party)
2. CHIEF FRIDAY IBADIN
3. MR. PATRICK ONOGBENI
4. BARR. DOM. ORUKPE OKOJIE

CLAIMANTS

AND

1. MR. THOMPSON EHIGUESE
(WARD 3 CHAIRMAN)
2. MR LUCKY SHAIBU
(For Themselves and on Behalf of the Ward 3
Executive Committee of Labour Party
Arue Uromi)
3. LABOUR PARTY

DEFENDANTS

ENROLMENT OF JUDGMENT

Upon the claimants claim unto this Honourable Court to wit:

- (a) A declaration that the 1st and 2nd defendants cannot lawfully suspend the 1st claimant as National Chairman of the Labour Party.
- (b) A declaration that a Ward Executive Committee of the Labour Party lacks powers to suspend the National Chairman of the Labour Party under the Constitution of the Labour Party 2019 as amended.
- (c) A declaration that the 1st and 2nd defendants acting for themselves and on behalf of the Ward 3 Executive Committee of Labour Party in Arue Uromi acted ultra vires in suspending the 1st claimant as the National Chairman of the Labour Party.
- (d) A declaration that the purported suspension of the 1st claimant by the 1st and 2nd defendants in breach of the Constitution of Labour Party 2019 as amended, is null and void and of no legal effect.
- (e) An order nullifying the purported notice of suspension issued against the 1st claimant by the 1st and 2nd defendants on grounds of illegality.
- (f) A perpetual injunction restraining the 3rd defendant, its servants, agents and other organs of the party from suspending and/or removing the 1st claimant as National Chairman of the Labour Party on account of the said notice of suspension issued by the 1st and 2nd defendants on the 31 of March 2023.

Coming up for judgment before his Lordship, Hon. Justice E. O. Ahamioje (Judge) sitting in High Court 4, Benin City on Friday 26th day of May, 2023, in the absence of the parties the court having heard F. Mbaka, Esq for the claimant, President Aigbokhan Esq, for the 1st and 3rd defendants and Victor Abayomi Esq. for the 2nd defendant, adjudged as follows.

“In the final analysis, I hereby resolve the sole issue for determination in favour of the claimants. Accordingly, I hereby make the following orders:

- (a) A declaration that the 1st and 2nd defendants cannot lawfully suspend the 1st claimant as National Chairman of the Labour Party.
- (b) A declaration that a Ward Executive Council of the Labour Party lacks powers to suspend the National Chairman of the Labour Party under the Constitution of the Labour Party 2019 as amended.
- (c) A declaration that the 1st and 2nd defendants acting for themselves and on behalf of the Ward 3 Executive Council of Labour Party in Arue Uromi acted ultra vires in suspending the 1st claimant as the National Chairman of the Labour Party.
- (d) A declaration that the purported suspension of the 1st claimant by the 1st and 2nd defendants in breach of the constitution of Labour Party 2019 as amended, is null and void and of no legal effect.
- (e) I hereby set aside or nullify the purported notice of suspension issued against the 1st claimant by the 1st and 2nd defendants and the letter of ratification of the National Working Committees dated the 3/4/2023 on grounds of illegality.
- (f) I hereby decree an order of perpetual injunction restraining the 3d defendant, its servants, agents and other organs of the party from suspending and/or removing the 1st claimant as National Chairman of the Labour Party on account of the said notice of suspension issued by the 1st and 2nd defendants on the 31 of March 2023.

I award cost of ₦100,000.00 in favour of the claimants against the 2nd defendant.




E.O. AHAMIOJE,
JUDGE.

Issued at the High Court Registry, Benin City, under the seal of the Court and the hand of the presiding Judge, on Friday 26th day of May, 2023.

