

**IN THE FEDERAL HIGH COURT
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA**

SUIT NO: FHC/ABJ/CS/1637/2025

BETWEEN:

IN RE:

NKEMAKOLAM UKWUDU APPLICANT/PARTY SEEKING TO

HON. LEKE JOSEPH ABEJIDE PLAINTIFF/RESPONDENT

AND

1. AFRICAN DEMOCRATIC CONGRESS (ADC)
2. RALPH NWOSUDEFENDANTS/RESPONDENTS
3. MR. DAVID MARK
4. MR. RAUF AREGBESOLA
5. INDEPENDENT NATIONAL ELECTORAL COMMISSION

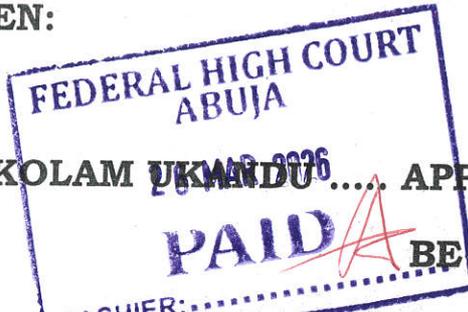
**MOTION ON NOTICE
BROUGHT UNDER ORDER 49 RULE 1 OF THE FEDERAL HIGH
COURT (CIVIL PROCEDURE) RULES 2019**

TAKE NOTICE that this Honourable Court shall be moved on.....the.....day of.....2026 at the hour of 9 o'clock in the forenoon or so soon thereafter as the Plaintiff/Applicant or Counsel on his behalf may be heard praying this Honourable Court for:

1. **AN ORDER** returning the case file in **SUIT NO: FHC/ABJ/CS/1637/2025: HON. LEKE JOSEPH ABEJIDE V. INDEPENDENT NATIONAL ELECTORAL COMMISSION & 4 ORS** to Hon. The Chief Judge of the Federal High Court for reassignment to another Court.

ALTERNATIVELY

1. **AN ORDER** staying further proceedings in **SUIT NO: FHC/ABJ/CS/1637/2025: HON. LEKE JOSEPH ABEJIDE V. INDEPENDENT NATIONAL ELECTORAL COMMISSION & 5 ORS**, pending the decision of Hon. the Chief Judge of the Federal High Court on the application by the Applicant lodged with the



Hon. the Chief Judges for the transfer of the said suit to another Judge of the Federal High Court, Abuja Division.

2. AN ORDER recusing Your Lordship from further hearing of SUIT NO: FHC/ABJ/CS/1637/2025: HON. LEKE JOSEPH ABEJIDE V. INDEPENDENT NATIONAL ELECTORAL COMMISSION & 4 ORS

And for such further order or other orders as this Honourable Court may deem fit to make in the circumstances.

GROUND

1. The Applicant applied to the Chief Judge of the Federal High Court by a letter of 26/3/2026 for the transfer of **SUIT NO: SUIT NO: FHC/ABJ/CS/1637/2025: HON. LEKE JOSEPH ABEJIDE V. INDEPENDENT NATIONAL ELECTORAL COMMISSION & 4 ORS** to another Judge of the Federal High Court, Abuja Division.
2. The said application which is attached to the affidavit in support of the motion stated the grounds in support of the application.
3. Arising from manifest bias or grave likelihood of bias leading to a breach of fair hearing against the Applicant.

PARTICULARS.

1. The Applicant filed a joinder application on the 9th day of September, 2025.
2. The Plaintiff's/Respondent's Counsel was served with the said application.
3. The Plaintiff/Respondent filed a Motion on Motion for amendment of his Originating Summons after the service of Applicant's Motion for joinder on him.
4. The said motion for amendment was not served on the Applicant/Party Seeking to be joined.
5. The said motion for amendment was heard and granted without service of hearing notice on the Applicant's Counsel.
6. This Honourable Court conducted proceedings in this matter without jurisdiction.
7. The Plaintiff/Respondent has not served the Amended Originating Summons on Applicant's Counsel.

8. This Honourable Court without jurisdiction made an order directing the Plaintiff's Counsel to amend his Originating Process.
9. At the proceedings on the 26th day of March, 2026, the Applicant's Counsel informed the Learned Trial Judge that he filed an application seeking the order of the Honourable Court to set aside the proceedings of 16th February, 2026 and the order made therein for lack of jurisdiction.
10. The Learned Judge without hearing the said application to set aside the said proceedings ordered he would hear all pending applications including the substantive matter.
11. The said order made by the Learned Judge had already pre-judged the Applicant's application for joinder against the Applicant.
12. The Rules of this Honourable Court provides that an application for joinder shall be taken and if granted, the Originating Processes would be amended and by directing that all pending applications be taken, the Learned Trial Judge had refused the Applicant's application.
13. At the proceedings of 26/3/2026, the Learned Trial Judge adjourned the matter to 27/3/2026 for the hearing of all pending applications when it was very to the Learned Trial Judge that there applications that would not be ripe for hearing by the next adjourned date, 27/3/2026.
14. The Learned Trial Judge ordered the Applicant's Counsel to go about looking for the Plaintiff's Counsel to collect a process meant to be served on the Applicant's Counsel by the Plaintiff.
15. The instant suit is not a time-bound matter that requires such urgency ordered by the Learned Judge without considering the possibility of the Applicant's Counsel to meeting the timeline as ordered by this Honourable Court.
16. The Applicant's right to fair hearing has been denied by the order made by the Learned Judge.
17. The Learned Trial Judge is one of the Judges of the Federal High Court nick-named Wike Judge.
18. It is a notorious fact that the nick-named Wike Judges always give rulings in favour of Wike's political interest.
18. Wike's interest is to destroy all opposition political parties using willing judiciary officers.
19. The Learned Trial Judge is on one of the Judges Wike is using to destroy opposition political parties.

Dated this 26th day of March, 2026



Kalu Kalu Agu Esq Esq.,
(Applicants Counsel),
Kalu Kalu Agu & Associates,
No. 10, Niamey Street,
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07031617830
bob2kaykay@gmail.com

ADDRESSES FOR SERVICE:

**PLAINTIFF'S COUNSEL: C/o His Counsel
NNAEMEKA MADUABUCHI
IBRAHIM IDRIS & CO**
Plot 591, Samila Gwarzo Street, Guzape,
ABUJA . 08028549938

**1. 1ST DEFENDANT'S COUNSEL: NO. 13, DAMSEL GEMANA
CLOSE, IMA DOUGLAS OKPONGELE DRIVE, 7TH
AVENUE, GWARIMPA, ABUJA.**

2. 2nd Defendant: No. 4, Oyo Street, AREA 2, Gatrki, Abuja.

**3rd DEFENDANT: No. 4, Oyo
Street, AREA 2, Gatrki, Abuja.**

**4th DEFENDANT: No. 4, Oyo Street, AREA 2, Gatrki,
Abuja.**

**5TH DEFENDANT: Plot 436, Zambezi Crescent, Maitama,
Abuja.**

**IN THE FEDERAL HIGH COURT
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA**

SUIT NO: FHC/ABJ/CS/1637/2025

BETWEEN:

IN RE:

**NKEMAKOLAM UKANDU APPLICANT/PARTY SEEKING TO
BE JOINED**

HON. LEKE JOSEPH ABEJIDE PLAINTIFF/RESPONDENT

AND

- 1. AFRICAN DEMOCRATIC CONGRESS (ADC)**
- 2. RALPH NWOSU DEFENDANTS/RESPONDENTS**
- 3. MR. DAVID MARK**
- 4. MR. RAUF AREGBESOLA**
- 5. INDEPENDENT NATIONAL ELECTORAL COMMISSION**

AFFIDAVIT IN SUPPORT OF MOTION ON NOTICE

I, NKEMAKOLAM UKANDU, male, adult, Christian, Nigerian Citizen, of No. 4, Oyo Street, Area 2, Garki, Abuja do hereby make oath and state as follows: -

1. That I am the Applicant/Party Seeking to be joined in the substantive suit.
2. That by virtue of my position, I am conversant with the facts of this matter.
3. That except where otherwise stated, the facts deposed to in this affidavit are within my personal knowledge or belief, and information derived from Kalu Kalu Agu Esq, of Counsel representing me in this matter.
4. The Applicant filed a joinder application on the 9th day of September, 2025.
5. The Plaintiff's/Respondent's Counsel was served with the said application.

6. The Plaintiff/Respondent filed a Motion on Notion for amendment of his Originating Summons after the service of Applicant's Motion for joinder on him.
7. The said motion for amendment was not served on the Applicant/Party Seeking to be joined.
8. The said motion for amendment was heard and granted without service of hearing notice on the Applicant's Counsel.
9. This Honourable Court conducted proceedings in this matter without jurisdiction.
10. The Plaintiff/Respondent has not served the Amended Originating Summons on Applicant's Counsel.
11. This Honourable Court without jurisdiction made an order directing the Plaintiff's Counsel to amend his Originating Process.
12. At the proceedings on the 26th day of March, 2026, the Applicant's Counsel informed the Learned Trial Judge that he filed an application seeking the order of the Honourable Court to set aside the proceedings of 16th February, 2026 and the order made therein for lack of jurisdiction.
13. The Learned Judge without hearing the said application to set aside the said proceedings ordered he would hear all pending applications including the substantive matter.
14. The said order made by the Learned Judge had already pre-judged the Applicant's application for joinder against the Applicant.
15. The Rules of this Honourable Court provides that an application for joinder shall be taken and if granted, the Originating Processes would be amended and by directing that all pending applications be taken, the Learned Trial Judge had refused the Applicant's application.
16. At the proceedings of 26/3/2026, the Learned Trial Judge adjourned the matter to 27/3/2026 for the hearing of all pending applications when it was very to the Learned Trial Judge that there applications that would not be ripe for hearing by the next adjourned date, 27/3/2026.
17. The Learned Trial Judge ordered the Applicant's Counsel to go about looking for the Plaintiff's Counsel to collect a process

meant to be served on the Applicant's Counsel by the Plaintiff.

18. The instant suit is not a time-bound matter that requires such urgency ordered by the Learned Judge without considering the possibility of the Applicant's Counsel to meeting the timeline as ordered by this Honourable Court.
19. The Applicant's right to fair hearing has been denied by the order made by the Learned Judge.
20. The Learned Trial Judge is one of the Judges of the Federal High Court nick-named Wike Judge.
21. It is a notorious fact that the nick-named Wike Judges always give rulings in favour of Wike's political interest.
22. Wike's interest is to destroy all opposition political parties using willing judiciary officers.
23. The Learned Trial Judge is on one of the Judges Wike is using to destroy opposition political parties.
24. That arising from the foregoing I instructed Kalu Kalu Agu Esq, of Counsel, to write to the Honourable the Chief Judge for transfer of the matter (Attached as **exhibit "A"** is the application for transfer).
25. That it is in the interest of justice that the application be granted and the Plaintiff and other parties in the matter will not be prejudiced.
26. That I make this oath in good faith, believing same to be true and correct and in accordance with the Oaths Act, 2004.


DEPONENT

SWORN TO at the Federal High Court Registry
Abuja this.....day of.....2026.

**COMMISSIONER FOR OATHS
FEDERAL HIGH COURT
ABUJA**
BEFORE ME
SIGN:.....
DATE:.....
COMMISSIONER FOR OATHS



KALU KALU AGU & ASSOCIATES

(LEGAL PRACTITIONERS/CONSULTANTS)

Address: No.10 Niamey Street, Wuse Zone 2, Abuja.

Email: bob2kaykay@gmail.com

Tel: 07031617830



26/03/2026

The Hon Chief Judge
Federal High Court
Abuja

Your Lordship,



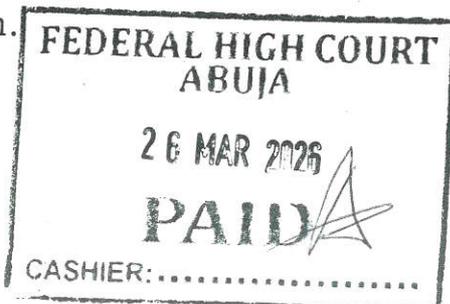
APPLICATION FOR AN ORDER OF TRANSFER OF SUIT NO: FHC/ABJ/CS/1637/2025: HON. LEKE JOSEPH ABEJIDE VS. INDEPENDENT NATIONAL ELECTORAL COMMISSION & 4 ORS; PENDING BEFORE HON. JUSTICE LIMAN SULEIMAN OF FEDERAL HIGH COURT NO 11, HOLDEN AT ABUJA

We are Counsel to the Applicant/Party Seeking to be joined in the above suit which is pending before the Learned Judge named above.

We have the instruction of our client to apply to Your Lordship to direct an immediate transfer of the above matter from the above-named Judge to another Judge of the Federal High Court due to arising circumstances showing or demonstrating **MANIFEST BIAS/GRAVE LIKELIHOOD OF BIAS** on the part of the Learned Trial Judge.

PARTICULARS OF BIAS/GRAVE LIKELIHOOD OF BIAS

1. The Applicant filed a joinder application on the 9th day of September, 2025.
2. The Plaintiff's/Respondent's Counsel was served with the said application.



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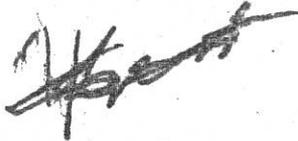
3. The Plaintiff/Respondent filed a Motion on Notice for amendment of his Originating Summons after the service of Applicant's Motion for joinder on him.
4. The said motion for amendment was not served on the Applicant/Party Seeking to be joined.
5. The said motion for amendment was heard and granted without service of hearing notice on the Applicant's Counsel.
6. This Honourable Court conducted proceedings in this matter without jurisdiction.
7. The Plaintiff/Respondent has not served the Amended Originating Summons on Applicant's Counsel.
8. This Honourable Court without jurisdiction made an order directing the Plaintiff's Counsel to amend his Originating Process.
9. At the proceedings on the 26th day of March, 2026, the Applicant's Counsel informed the Learned Trial Judge that he filed an application seeking the order of the Honourable Court to set aside the proceedings of 16th February, 2026 and the order made therein for lack of jurisdiction.
10. The Learned Judge without hearing the said application to set aside the said proceedings ordered he would hear all pending applications including the substantive matter.
11. The said order made by the Learned Judge had already prejudged the Applicant's application for joinder against the Applicant.
12. The Rules of this Honourable Court provides that an application for joinder shall be taken and if granted, the Originating Processes would be amended and by directing that all pending applications be taken, the Learned Trial Judge had refused the Applicant's application.
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15. The instant suit is not a time-bound matter that requires such urgency ordered by the Learned Judge without considering the possibility of the Applicant's Counsel to meeting the timeline as ordered by this Honourable Court.
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18. Wike's interest is to destroy all opposition political parties using willing judiciary officers.
19. The Learned Trial Judge is on one of the Judges Wike is using to destroy opposition political parties.

Arising from the foregoing, we respectfully apply in accordance with our instruction for the transfer of the matter to another Judge of the Federal High Court, Abuja Division, in the interest of justice as the said Learned Judge has manifestly shown bias in this matter against the Applicant.

May it please Your Lordship.

Yours faithfully,



Kalu Kalu Agu Esq
Principal Solicitor
Kalu Kalu Agu & Associates

**IN THE FEDERAL HIGH COURT
IN THE ABUJA JUDICIAL DIVISION
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- 5. INDEPENDENT NATIONAL ELECTORAL COMMISSION**

WRITTEN ADDRESS IN SUPPORT OF MOTION ON NOTICE

1:0 INTRODUCTION:

1:1 This is a motion on notice brought under Order 49 Rule 1 of the Federal High Court (Civil Procedure) Rules 2019 and praying the Court for the following:

- 1. AN ORDER** returning the case file in **SUIT NO: FHC/ABJ/CS/1637/2025: HON. LEKE JOSEPH ABEJIDE V. INDEPENDENT NATIONAL ELECTORAL COMMISSION & 4 ORS** to Hon. The Chief Judge of the Federal High Court for reassignment to another Court.

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Hon. the Chief Judges for the transfer of the said suit to another Judge of the Federal High Court, Abuja Division.

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And for such further order or other orders as this Honourable Court may deem fit to make in the circumstances.

1:2 The application is supported by an affidavit of twenty-six (26) paragraphs deposed to by the Applicant himself.

1:3 We rely on all the paragraphs of the affidavit and the exhibit attached namely exhibit "A".

2:0 RELEVANT FACTS:

2:1 The facts relevant to this application are as contained in the affidavit in support of this application.

3:0 ISSUES FOR DETERMINATION:

3:1 It is respectfully submitted that the issue that calls for determination is:

Whether the Court ought to grant prayer 1, OR the alternative prayers?

4:0 ARGUMENT ON THE ISSUES

4:1 Whether the Court ought to grant prayer 1, OR the alternative prayers?

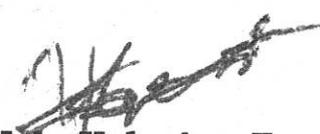
4:2 It is respectfully submitted that the answer to the issue is YES.

4:3 By Section 19(3) of the Federal High Court Rules, the Chief Judge determines the distribution of business before the Court among Judges.

4:4 Accordingly, it is submitted that no Court has the power to impede the exercise of the power.

- 4:5 The Applicant/Party Seeking to be joined, by exhibit "A" has submitted an application to Hon. the Chief Judge of the Federal High Court to exercise the power vested upon the Chief Judge in respect of the business of the Court.
- 4:6 Arising from the foregoing we pray Your Lordship not to foist a situation of helplessness on the Chief Judge by proceeding with the matter.
- 4:7 It is, thus, our submission that the path of law and justice, with respect ought to compel the Court to transfer the matter to the Chief Judge for reassignment.
- 4:8 Alternatively, we pray Your Lordship to grant the alternative prayers to allow for time to enable the Chief Judge to take a decision.

Dated this 26th day of March, 2026



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(Applicants Counsel),
Kalu Kalu Agu & Associates,
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ADDRESSES FOR SERVICE:

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- 3. 1ST DEFENDANT'S COUNSEL: NO. 13, DAMSEL GEMANA
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- 5TH DEFENDANT: Plot 436, Zambezi Crescent, Maitama,
Abuja.**