



NIGERIA'S DISPUTE RESOLUTION ROUNDUP FOR THE YEAR 2025 - SUMMARY OF KEY LANDMARK CASES



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Outline

1. ALL PROGRESSIVE CONGRESS (APC) V. RIVERS STATE INDEPENDENT ELECTORAL COMMISSION & ORS (2025-02) LEGALPEDIA 40285 (SC)
SUIT NUMBER: SC.CV/1105/2024(CONSOLIDATED)
2. ATTORNEY-GENERAL OF ADAMAWA & ORS V. ATTORNEY-GENERAL OF FEDERATION (SC/CV/329/2025)
3. SOPETRO MARINE LTD V. NEPAL OIL & GAS SERVICES LTD & ANOR [2025] 7 NWLR (PT. 1988) 75
4. BRITANNIA-U (NIG.) LTD V. CHEVRON (NIG.) LTD [2025] 3 NWLR (PT. 1979) 197
5. UNITY BANK PLC V. TAMBWL CONSTRUCTION & TRADING CO. LTD [2025] 8 NWLR (PT. 1992) 211.
6. FEDERAL REPUBLIC OF NIGERIA V. KANU (CA/ABJ/CR/383/2015)
7. SUNDAY JACKSON V. THE STATE (2025-03) LEGALPEDIA 85898 (SC)
8. DANLADI V. STATE (2025) LPELR-80672 (SC)
9. UGBAH & ORS V. UGBAH (SC.334/2008)
10. AGUOLU V. AGUOLU (2025) LPELR-80269 (CA)
11. KUDA MICROFINANCE BANK LTD V. AMARACHI KENNETH BLESSING CA/EK/48/2024

Introduction

The 2025 legal year was a consequential period for litigation practice in Nigeria, marked by judicial decisions that materially influenced the interpretation and application of

the law across several practice areas. Nigerian courts were frequently called upon to resolve disputes implicating constitutional authority, statutory compliance, jurisdictional competence, and the proper limits of public and private power. The outcomes of these cases continue to shape litigation strategy and institutional conduct nationwide.

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A defining characteristic of the 2025 decisions is the courts' emphasis on legality, accountability, and functional justice. While procedural rules remained central to adjudication,

the courts consistently examined their purpose and effect, ensuring that technical requirements serve, rather than obstruct, the administration of justice. At the same time, the judgments underscore the judiciary's role in maintaining constitutional balance within Nigeria's federal structure and preserving confidence in legal and democratic institutions.

From a practice perspective, the cases reviewed highlight important considerations for litigators, including the strategic invocation of jurisdiction, the interaction between federal and state regulatory regimes, the scope of executive and administrative discretion, and the contractual and regulatory obligations governing commercial relationships.

The decisions also demonstrate the courts' increasing willingness to interrogate the substance of disputes, particularly where questions of public interest, fairness, and institutional responsibility are engaged.

This Dispute Resolution Roundup for the Year 2025-Summary of Landmark Cases has been prepared as a professional resource for clients, practitioners, and stakeholders seeking an informed overview of key judicial developments within the Nigerian legal system.

It reflects our firm's commitment to rigorous legal analysis, practical insight, and thought leadership in dispute resolution, and is intended to support effective litigation planning and risk assessment in an evolving legal landscape.

2. Rivers State Local Government Elections and Judicial Oversight of Electoral Process

All Progressive Congress (Apc) V. Rivers State Independent Electoral Commission & Ors (2025-02) Legalpedia 40285 (Sc) Suit Number:Sc.Cv/1105/2024 (Consolidated)

Brief Facts

Local Government elections were conducted in Rivers State on 5 October 2024 by the Rivers State Independent Electoral Commission. Prior to and during the elections, several political parties complained that critical electoral materials, particularly certified copies of the voters' register required by law, were not made available to them within the prescribed time. The complaints were directed at the alleged failure of the Independent National Electoral Commission (INEC) to properly discharge its statutory responsibility regarding the National Register of Voters, which was utilized for the elections.

Following the declaration of results, the Appellant commenced an action at the Federal High Court, Abuja, seeking, among other reliefs, declarations that the failure to make the voters' register available amounted to substantial non-compliance with the Electoral Act 2022 and rendered the elections invalid.

In its judgment delivered in September 2024, the Federal High Court held that it had jurisdiction to entertain the suit, as the gravamen of the action concerned the statutory functions of INEC in relation to the National Register of Voters. The Court further held that the failure to provide the certified voters' register constituted a violation of the Electoral Act 2022 and declared the Local Government Elections conducted in Rivers State invalid pursuant to Section 150(3) of the Act. The Court also struck down aspects of the Rivers State Independent Electoral Commission Law that were found to be inconsistent with the Constitution and the Electoral Act. Dissatisfied, the Respondents appealed to the Court of Appeal. In its judgment delivered on in November 2024, the Court of Appeal allowed the appeal and set aside the decision of the Federal High Court. The Court of Appeal held that the Federal High Court lacked jurisdiction on the ground that the reliefs sought arose from local government elections, which it held to be within the exclusive domain of state law and state courts. The Court of Appeal further held that the Electoral Act 2022 did not apply to local government elections and that the Federal High Court acted without jurisdiction in striking down provisions of the Rivers State Independent Electoral Commission Law.

Aggrieved by the decision of the Court of Appeal, the Appellant appealed to the Supreme Court.

ISSUES

- Whether the Court of Appeal was correct in holding that the Federal High Court lacked jurisdiction to adjudicate on the reliefs sought by the Plaintiff as those reliefs arose from the proposed Local Government Elections in Rivers State?
- Whether the provisions of the Electoral Act 2022 apply to all levels of elections in Nigeria, including Local Government Elections, especially in light of Section 150(1)-(4) of the Electoral Act 2022?
- Whether the provisions of Sections 13 and 20 of the Rivers State Independent Electoral Commission Law, 2018 are inconsistent with items 11 and 12 of Part 2 of the Second Schedule to the Constitution of the Federal Republic of Nigeria (1999) as amended?

- Whether in the event of a violation of the provisions of the Electoral Act 2022 and items 11 and 12 of Part 2 of the Second Schedule of the 1999 Constitution (as amended), the Court of Appeal erred in failing to affirm the decision of the Federal High Court as it relates to the 4th and 5th Respondents?
- Whether the Court of Appeal was in error when it held that the Federal High Court acted without jurisdiction when it struck down the provisions of Section 60(2) of the Rivers State Independent Electoral Commission Law No. 18 of 2018 on grounds of inconsistency with the Electoral Act and the 1999 Constitution?

Brief Summary of the Decision of the Supreme Court

The Supreme Court allowed the appeal and set aside the judgment of the Court of Appeal delivered on 21 November 2024, restoring the judgment of the Federal High Court delivered on 30 September 2024. The Court held that the Federal High Court had jurisdiction to entertain the suit because the substance of the action concerned the statutory and constitutional functions of INEC in relation to the National Register of Voters. The Court further held that the Local Government Elections conducted in Rivers State on 5 October 2024 were invalid for substantial non-compliance with the Electoral Act 2022.

Highlights

1. The appeal was allowed and the judgment of the Court of Appeal was set aside.
2. The judgment of the Federal High Court was restored in its entirety.
3. The Federal High Court was held to have jurisdiction as the dispute centered on INEC's statutory responsibility for the National Register of Voters.
4. The Electoral Act 2022 was held to apply to local government elections where federal electoral functions are implicated.
5. The Rivers State Local Government Elections conducted on 5 October 2024 were declared invalid pursuant to Section 150(3) of the Electoral Act 2022.
6. The decision in SC/CV/1105/2024 was held to be binding on SC/CV/1106/2024.

Parties were ordered to bear their respective costs.

Brief Comment

This decision represents a decisive clarification of the constitutional relationship between federal electoral authority and state-controlled local government elections. By restoring the decision of the Federal High Court, the Supreme Court rejected the restrictive jurisdictional approach adopted by the Court of Appeal and reaffirmed the principle that jurisdiction is determined by the substance of the claim rather than the political tier of the election involved.

The Supreme Court's interpretation of Section 150 of the Electoral Act 2022 confirms that while states may conduct local government elections through their electoral commissions, such elections are not insulated from federal electoral standards where the National Register of Voters, constitutionally vested in INEC is utilized. The failure to provide certified copies of the voters' register was correctly characterized as a fundamental breach that undermined the transparency and credibility of the electoral process.

The judgment further reinforces the supremacy of the Constitution and federal legislation over inconsistent state laws, particularly in the electoral context. It sends a strong signal that local government elections are subject to meaningful judicial scrutiny and that compliance with electoral laws is mandatory at all levels of governance.

Overall, the decision strengthens electoral accountability, promotes uniform standards in electoral administration, and affirms the central role of the voters' register as a cornerstone of democratic legitimacy in Nigeria.

3. Executive Intervention in Sub-National Governance and the Role of the Courts

Attorney-General of Adamawa & Ors v. Attorney-General of Federation (SC/CV/329/2025)

Brief Facts

Following a prolonged political crisis marked by a power struggle between Siminalayi Fubara and his predecessor, legislative paralysis arising from factional disputes within the Rivers State House of Assembly, and an alleged breakdown of constitutional governance, Bola Tinubu declared a state of emergency in Rivers State on 18 March 2025, resulting in the suspension of the Governor, his Deputy, and members of the State House of Assembly.

Multiple State Attorneys-General challenged executive actions affecting the tenure of a sitting State Governor, invoking the original jurisdiction of the Supreme Court.

Issues for Determination

From the pleadings and arguments of counsel, the Supreme Court distilled the following key issues for determination:

1. Whether the plaintiffs established a justiciable dispute capable of activating the original jurisdiction of the Supreme Court under section 232(1) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).
2. Whether the declaration of a state of emergency in Rivers State by the President was valid and constitutional under section 305 of the Constitution.
3. If the declaration was valid, whether the President possesses the constitutional authority to suspend a sitting Governor, Deputy Governor, and members of a State House of Assembly during the pendency of a state of emergency.
4. Whether the actions complained of offended the principles of federalism, democratic governance, and separation of powers entrenched in the Constitution.

Proceedings at the Interlocutory Stage

At the interlocutory stage, the Supreme Court declined to grant the far-reaching interim reliefs sought by the plaintiffs, emphasizing the need to preserve constitutional stability and avoid prejudging substantive constitutional questions pending full determination.

Decision of the Supreme Court on Jurisdiction (Majority)

Following a prolonged political crisis marked by a power struggle between Siminalayi Fubara and his predecessor, legislative paralysis arising from factional disputes within the Rivers State House of Assembly, and an alleged breakdown of constitutional governance, Bola Tinubu declared a state of emergency in Rivers State on 18 March 2025, resulting in the suspension of the Governor, his Deputy, and members of the State House of Assembly.

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Decision of the Supreme Court on Jurisdiction (Majority)

In a 6–1 majority decision, the Supreme Court resolved Issue One against the plaintiffs.

Delivering the lead judgment, Mohammed Idris, JSC, held that the suit was incompetent for want of jurisdiction. The Court found that the plaintiffs failed to establish the existence of a dispute involving the determination of their legal rights or obligations vis-à-vis the Federation, as required under section 232(1) of the Constitution.

The Court reasoned that:

1. The plaintiffs were not directly affected by the emergency proclamation,
2. No adverse legal relationship had crystallized between them and the Federation, and
3. The action merely sought abstract constitutional pronouncements.
4. Accordingly, the Court held that it lacked jurisdiction and struck out the suit.

Determination of Issues on the Merits (Obiter)

Although jurisdiction was resolved against the plaintiffs, the Court nonetheless proceeded to consider Issues Two to Four.

On Issue Two, the Court unanimously affirmed that the President validly exercised his constitutional power under section 305 to declare a state of emergency in Rivers State, having regard to the breakdown of constitutional governance and public order.

On Issue Three, the majority held that the President's emergency powers extend to the adoption of extraordinary measures reasonably necessary to restore normalcy. The Court reasoned that section 305, while silent on specific measures, does not prohibit the temporary suspension of elected officials where such action is necessary to prevent chaos, provided the measures are proportionate, time-bound, and subject to legislative oversight.

On Issue Four, the Court held that the impugned actions did not violate federalism or democratic principles, as emergency powers are constitutionally sanctioned exceptions designed to preserve, rather than destroy, the constitutional order.

Dissenting Judgment: Partial Success of the Plaintiffs

In his dissent, Obande Ogbuinya, JSC, agreed with the majority on Issues One and Two, holding that the Court lacked jurisdiction and that the declaration of a state of emergency was valid.

However, he dissented on Issue Three, holding that the President lacks constitutional authority to suspend elected state officials. According to the dissent, section 305 authorizes only the declaration of a state of emergency and does not expressly permit the suspension of Governors, Deputy Governors, or State Legislatures. Any such suspension, he reasoned, offends federalism and the sanctity of democratic mandates.

On this basis, he held that the plaintiffs' suit succeeded in part

Brief Comments

The Supreme Court's decision arising from the suspension of Siminalayi Fubara represents a definitive clarification of presidential emergency powers under section 305 of the Constitution. The Court reasoned that where the Constitution expressly empowers the President to declare a state of emergency but is silent on the precise measures to be adopted to restore peace and order, such silence cannot be read as a limitation. Rather, it permits the adoption of all measures reasonably necessary to achieve the constitutional objective, including, in appropriate and exceptional circumstances, the suspension of an elected government.

In laying this to rest, the Supreme Court of Nigeria affirmed that constitutional powers must be interpreted purposively, not mechanically. Section 305 is designed to safeguard the state itself, and its efficacy would be undermined if the President were stripped of the practical means to respond decisively to grave breakdowns of governance. The judgment therefore underscores that emergency powers are not ornamental but functional, subject of course, to constitutional checks and aimed at preserving public order, constitutional stability, and the survival of democratic governance itself.

4. Supreme Court Clarifies Limits of Admiralty Jurisdiction

***Sopetro Marine Ltd v. Nepal Oil & Gas Services Ltd & Anor* [2025] 7 NWLR (Pt. 1988) 75**

Brief Comments

Nepal Oil & Gas Services Ltd and Sorties Logistics Ltd (“the Respondents”) engaged Sopetro Marine Ltd (“the Appellant”) for the transportation of petroleum products and the chartering of vessels. In April 2013, the Respondents paid the sum of ₦15 million to the Appellant for the transportation of 5,000 metric tonnes of kerosene into tank farms in Ogun State. Subsequently, the Respondents discovered that only 2,500 metric tonnes of the product delivered belonged to them, prompting a demand for a refund of ₦7.5 million, which the Appellant refused.

In a separate transaction in September 2013, the Respondents paid USD 200,000 to the Appellant to charter a vessel, S.P. Brussels. The Appellant failed to remit this sum to the vessel owner, compelling the Respondents to pay the same amount directly. That sum was also not refunded. In October 2013, the Respondents further advanced ₦12 million to the Appellant to fuel its vessel M.T. Sea Tiger, with an agreement that the amount would be repaid within 30 days with interest at 7.5% per month. The Appellant defaulted.

After repeated failed attempts to recover the sums, the Respondents commenced an action at the High Court of Lagos State claiming the outstanding sums and accrued interest. The Appellant, despite being served, initially failed to file a defence, leading to summary judgment in favour of the Respondents. Upon subsequently entering appearance, the Appellant challenged the jurisdiction of the State High Court, contending that the dispute was maritime in nature and fell within the exclusive admiralty jurisdiction of the Federal High Court. Both the trial court and the Court of Appeal rejected the objection. The Appellant further appealed to the Supreme Court.

Issues for Determination

Whether the Respondents' claims fell within the admiralty jurisdiction of the Federal High Court so as to deprive the High Court of Lagos State of jurisdiction

Issues for Determination

The Supreme Court undertook a detailed examination of the scope of admiralty jurisdiction under the Admiralty Jurisdiction Act. The Court reiterated that for a matter to qualify as an admiralty cause, the subject matter must be intrinsically connected to the carriage of goods by sea or maritime commerce in a manner contemplated by the statute.

The Court emphasized that admiralty jurisdiction is triggered only where the cargo in dispute remains onboard a vessel or is still in transit. Once goods have been discharged at port or delivered to their destination, disputes arising thereafter cease to be maritime in character. Applying this principle, the Court found that none of the Respondents' claims concerned cargo still onboard a vessel or in the course of maritime transit. Rather, the claims related to monetary refunds, unpaid loans, unremitting charter fees, and accrued interest arising from contractual arrangements.

The Court further found no evidence, oral or documentary, of any subsisting admiralty contract or vessel hire agreement capable of grounding admiralty jurisdiction. The transactions, though involving vessels, were held to be simple contractual dealings, the substance of which was the recovery of money.

Consequently, the Supreme Court affirmed the concurrent findings of the lower courts that the High Court of Lagos State had jurisdiction to entertain the matter. The appeal was dismissed.

Brief Comments

This decision is a significant reaffirmation of the substance-over-form approach to jurisdiction in maritime-related disputes. The Supreme Court decisively rejected the notion that the mere involvement of vessels or marine operations automatically confers admiralty jurisdiction.

Of particular importance is the Court's clear demarcation of the temporal scope of admiralty jurisdiction: it begins when goods are placed onboard a vessel for carriage and ends upon delivery. This clarification eliminates a long-standing source of jurisdictional confusion, especially in commercial disputes where parties attempt to invoke admiralty jurisdiction strategically.

For practitioners in shipping, logistics, and marine finance, the judgment underscores the necessity of careful claim formulation and accurate jurisdictional assessment. It also prevents the Federal High Court from being inundated with disputes that are essentially contractual but merely clothed in maritime language.

5. Federal High Court Lacks Jurisdiction Over Simple Contracts Relating to Oil Mining Leases

Britannia-U (Nig.) Ltd v. Chevron (Nig.) Ltd [2025] 3 NWLR (Pt. 1979) 197

Brief Facts

Britannia-U (Nig.) Ltd (“the Appellant”) entered negotiations with Chevron (Nig.) Ltd (“the Respondent”) for the purchase of participating interests in Oil Mining Leases (OMLs), specifically 40% interest in OML 52 and 55% interest in another OML. The Appellant asserted that it submitted a final binding offer of USD 1,015,000,000, which was accepted by the Respondent through oral and written representations.

The Appellant further claimed to have fulfilled all conditions precedent, including providing an irrevocable standby letter of credit of USD 250,000,000 and a firm letter of commitment from its bankers for the balance of USD 765,000,000. Despite this, Chevron later informed the Appellant that its bid failed to meet internal treasury requirements and certain sale criteria, including the need for OMLs to be sold individually.

Aggrieved, the Appellant commenced proceedings at the Federal High Court seeking declarations affirming the existence of a binding contract, specific performance, and damages for breach. The Respondent raised a preliminary objection, contending that the suit was founded on a simple contract and therefore outside the jurisdiction of the Federal High Court. The trial court dismissed the objection. However, the Court of Appeal upheld the objection, struck out the suit, and held that the Federal High Court lacked jurisdiction. The Appellant appealed to the Supreme Court.

Issues for Determination

Whether the Federal High Court has jurisdiction to entertain a dispute founded on a simple contract relating to the acquisition of interests in Oil Mining Leases.

Decision of the Court

The Supreme Court upheld the decision of the Court of Appeal. The Court reiterated that the jurisdiction of the Federal High Court is strictly circumscribed by Section 251(1) of the Constitution. Matters grounded in simple contract, even where they relate to oil and gas assets, do not automatically fall within its exclusive jurisdiction.

The Court found that the Appellant's claims were fundamentally about the enforcement of an alleged contract for the purchase of OML interests. The dispute did not involve the Federal Government, any of its agencies, nor did it challenge any regulatory or administrative decision. It also did not concern the management, operation, or control of mineral resources as contemplated under constitutional provisions.

Importantly, the Supreme Court faulted the Court of Appeal for striking out the suit outright. It held that where a court finds that it lacks jurisdiction, the proper order is to transfer the case to the appropriate State High Court with jurisdiction, rather than terminating the action entirely. Accordingly, while affirming the lack of jurisdiction, the Supreme Court ordered the transfer of the suit.

Brief Comments

This decision reinforces a long-standing constitutional boundary between subject-matter jurisdiction and industry context. The Supreme Court made it clear that the involvement of oil mining leases does not, without more, elevate a contractual dispute into a federal jurisdiction matter.

The Court's insistence on transfer rather than striking out is particularly commendable, as it promotes substantive justice and avoids punishing litigants for procedural missteps. It reflects a modern, access-to-justice-oriented approach to jurisdictional errors.

For investors and practitioners in the oil and gas sector, the judgment underscores the importance of distinguishing between contractual enforcement disputes and regulatory challenges. Failure to do so may result in costly jurisdictional detours.

6. Directors' Personal Liability for Corporate Debts

Unity Bank Plc v. Tambuwal Construction & Trading Co. Ltd [2025] 8 NWLR (Pt. 1992) 211.

Brief Facts

Unity Bank Plc ("the Appellant") instituted an action against Tambuwal Construction & Trading Co. Ltd ("the 1st Respondent") and its Managing Director ("the 2nd Respondent") to recover the sum of ₦61,214,693.11, being outstanding indebtedness on an overdraft facility originally granted by Bank of the North Ltd in 1992 and 1993. The loan was allegedly secured by a personal guarantee and a mortgage over landed property provided by the 2nd Respondent.

Unity Bank asserted that it inherited the loan following a bank merger approved pursuant to Nigeria's bank consolidation policy. The Respondents denied the existence of the loan, challenged the Appellant's locus standi, and disputed the alleged merger. While the 2nd Respondent denied providing any personal guarantee, he admitted under cross-examination that he mortgaged his personal property to secure the facility.

The High Court entered judgment in favour of Unity Bank. The Court of Appeal overturned the decision, holding that the Appellant failed to strictly prove the merger and that the bank statement relied upon was inadmissible. The Appellant appealed to the Supreme Court.

Issues for Determination

Whether the 2nd Respondent, as Managing Director of the 1st Respondent, could be held personally liable for the company's debt.

Decision of the Court

The Supreme Court reaffirmed the doctrine of separate corporate personality, emphasizing that a company is distinct from its directors and shareholders. However, the Court restated that this principle is not absolute. Where it is specifically alleged and established that a director acted as a surety or guarantor, personal liability may arise.

The Court undertook a meticulous review of the evidence and found that the 2nd Respondent's conduct went beyond mere corporate representation. His admission that he mortgaged personal property, coupled with written assurances for repayment and other documentary exhibits, amounted to a personal undertaking.

The Court held that while no formal guarantee document was tendered, the totality of the evidence sufficiently established personal liability. The appeal was allowed, and the judgment of the High Court was restored.

Brief Comments

This decision provides important clarity on the evidential threshold required to impose personal liability on company directors. The Supreme Court struck a careful balance between preserving the integrity of corporate personality and preventing its abuse as a shield against expressly assumed obligations.

The Court's willingness to infer personal liability from conduct, admissions, and surrounding circumstances, rather than insisting solely on formal guarantee documents, has far-reaching implications for corporate finance and lending practices. Directors must now exercise heightened caution when offering personal assurances or collateral in corporate transactions.

For lenders, the judgment offers reassurance that the courts will look beyond form to substance where justice demands it, while still respecting foundational corporate law principles.

7. Fundamental Rights & Criminal Justice (2025)

Unity Bank Plc v. Tambuwal Construction & Trading Co. Ltd [2025] 8 NWLR (Pt. 1992) 211.

Brief Facts

Nnamdi Kanu, leader of the proscribed Indigenous People of Biafra (IPOB), was charged before the Federal High Court, Abuja, on a seven-count information bordering on terrorism, incitement, and management of a proscribed organization under the Terrorism (Prevention) Act.

The prosecution's case was founded largely on Radio Biafra broadcasts, public statements allegedly inciting violence, and evidence linking IPOB directives to attacks on security personnel and public infrastructure. In earlier proceedings, the Court of Appeal discharged Kanu, holding that his forcible removal and return to Nigeria amounted to illegal rendition, thereby vitiating the proceedings.

However, on further appeal, the Supreme Court of Nigeria set aside that decision, holding that while the manner of rendition was questionable, it did not extinguish the jurisdiction of Nigerian courts, and that the defendant had a case to answer.

Upon remittal, trial resumed before the Federal High Court.

At the close of the prosecution's case, the defendant made a no-case submission, which was overruled. Rather than enter a defence, Kanu elected to rest his case entirely on that of the prosecution, declined to call evidence or witnesses, and dismissed his legal representatives, insisting on conducting his case personally.

Decision of the Court

The Federal High Court held that the prosecution proved all seven counts beyond reasonable doubt. The court found that:

1. The defendant's broadcasts amounted to incitement and terrorist propaganda, not constitutionally protected speech;
2. IPOB, under his leadership, functioned as a terrorist organization within the meaning of the law;
3. The issue of illegal rendition, having been resolved by the Supreme Court, did not bar conviction.

Accordingly, the court convicted the defendant on all seven counts and imposed a sentence of life imprisonment, with other custodial sentences ordered to align with the principal punishment. He is currently serving his sentence at a correctional facility in Sokoto State.

Brief Comment

The case is doctrinally significant on multiple fronts. It affirms the Supreme Court's position that jurisdiction is not necessarily defeated by the illegality of arrest or rendition, once the accused is properly before the court. It also underscores the procedural consequences of a defendant's strategic election to rest on the prosecution's case after a failed no-case submission.

One particularly interesting appellate issue likely to attract judicial attention is whether a defendant should be permitted to represent himself in a capital or life-sentence offence, even where he insists on doing so. While the right to self-representation is constitutionally recognized, appellate courts may be invited to consider whether, in offences carrying the gravest penalties, the trial court owes a higher duty to insist on legal representation in the interest of justice and fair trial, notwithstanding the defendant's preference.

8. Self-Defence and Criminal Liability for Homicide

Sunday Jackson v. The State (2025-03) Legalpedia 85898 (SC)

Brief Facts

The Appellant, Sunday Jackson, was arraigned before the High Court of Adamawa State on a one-count charge of culpable homicide punishable with death, contrary to section 221(a) of the Penal Code, Cap 98, Laws of Adamawa State 1997. The charge alleged that on 27 January 2015, in a bush within Kodomti village, Numan Local Government Area, the Appellant caused the death of one Ardo Bawuro by stabbing him on the neck.

At trial, the prosecution called two witnesses and tendered documentary and real evidence, including the Appellant's confessional statements (Exhibits B1 and B2) and coroner's reports (Exhibits A and B). The Appellant testified as the sole witness in his defence and did not call any other witness.

In his confessional statements, the Appellant stated that he was cutting thatching grasses in the bush when the deceased suddenly attacked him. According to the Appellant, the deceased had earlier been pursuing some persons he suspected of killing his cattle and, having lost sight of them, turned his frustration on the Appellant. The deceased allegedly attempted to stab the Appellant with a dagger. In the course of a struggle, the Appellant succeeded in disarming the deceased and stabbed him on the throat multiple times, resulting in his death.

In his oral testimony, the Appellant gave a more detailed narrative. He stated that he was working on his farm when the deceased arrived with his cattle, asking about certain individuals. When the Appellant denied knowledge of their whereabouts, the deceased drove his cattle onto the Appellant's farm. As the Appellant tried to chase the cattle away, the deceased attacked him with a knife. The Appellant claimed he fled and shouted for help but was stabbed on the back of his head and on his leg. During a struggle, he disarmed the deceased, who then picked up a stick. The Appellant then stabbed the deceased, who later died from the injuries.

The trial court rejected the Appellant's plea of self-defence, found him guilty as charged, and sentenced him to death by hanging. The Court of Appeal affirmed the conviction and sentence. Dissatisfied, the Appellant further appealed to the Supreme Court.

Issues Considered

The central issue before the Supreme Court was whether, having regard to the totality of the evidence, the Appellant was entitled to the defence of self-defence, and whether the force used by him was proportionate and necessary in the circumstances of the case.

Decision of the Court

In a majority decision of four to one, the Supreme Court dismissed the appeal and affirmed the concurrent judgments of the High Court and the Court of Appeal.

The Court held that although the Appellant was initially under attack and succeeded in disarming the deceased, the evidence showed that he exceeded the permissible bounds of self-defence. Once the dagger had been wrestled from the deceased, the imminent danger to the Appellant had ceased. The Court found that the act of stabbing the deceased multiple times on the throat amounted to excessive and retaliatory force rather than a defensive response.

The Court further held that the defence of provocation could not avail the Appellant, reiterating the settled position that self-defence and provocation are mutually exclusive defences and cannot be relied upon simultaneously.

On the evidential value of the Appellant's statements, the Court affirmed that Exhibits B1 and B2 were voluntary confessional statements. The Court held that a confessional statement, once properly admitted and found to be direct, positive, and unequivocal, can ground a conviction for culpable homicide punishable with death, even without corroboration.

In a dissenting judgment, Ogunwumiju JSC held that the Appellant was entitled to the defence of self-defence. Her Lordship reasoned that the Appellant's reaction must be assessed in the context of the immediacy, fear, and violence of the encounter, and that it was unrealistic to expect precise calibration of force in a life-threatening struggle. She concluded that the Appellant's response was not disproportionate in the circumstances.

Brief Comments

The decision in *Sunday Jackson v. State* is a significant restatement of the law on self-defence under Nigerian criminal jurisprudence, particularly the requirement that defensive force must be strictly necessary and proportionate to the threat faced. The majority judgment reflects a conservative and structured approach to self-defence, emphasizing restraint and temporal limits once an assailant has been neutralized.

By focusing on the moment the deceased was disarmed, the Supreme Court drew a sharp line between defensive necessity and retaliatory violence. This approach reinforces the principle that self-defence is not a license to punish an attacker, but a narrowly tailored justification aimed solely at averting imminent harm. The judgment thus strengthens doctrinal clarity and curbs the potential abuse of self-defence claims in homicide cases.

However, the dissenting opinion of Ogunwumiju JSC raises important jurisprudential concerns. Her Lordship's reasoning foregrounds the psychological realities of violent confrontations and cautions against overly clinical assessments of proportionality made after the fact. The dissent underscores a tension within self-defence doctrine: whether proportionality should be assessed with strict objectivity or with greater sensitivity to the chaos and fear inherent in sudden attacks.

The case also reinforces the evidentiary potency of confessional statements in Nigerian criminal trials. The Court's reliance on the Appellant's own admissions highlights the enduring principle that voluntary confessions, if credible, remain one of the strongest forms of proof known to law.

Overall, *Sunday Jackson v. State* illustrates the Supreme Court's continued insistence on restraint in the use of lethal force, even in situations that begin as self-defence. While the majority decision promotes legal certainty and deterrence, the strong dissent signals an ongoing judicial conversation about fairness, human instinct, and the limits of legal abstraction in violent encounters.

8.1. The Doctrine of Mercy Killing Does Not Constitute a Recognized Defence Under Nigerian Criminal Law

Danladi v. State (2025) LPELR-80672 (SC)

Brief Facts

The appellant was accused of administering a poisonous substance commonly referred to as otapiapia to an infant. Shortly after the substance was administered, the child began to cry and was handed over to her mother. Attempts to breastfeed the child were unsuccessful, and the child was taken first to a chemist and subsequently to a general hospital, where she was confirmed dead.

Evidence before the court showed that the appellant later admitted to the child's father that she had poisoned the child. The matter was reported to community leaders and subsequently to the police. Following investigations...

The appellant was accused of administering a poisonous substance commonly known as otapiapia to an infant. Shortly after the substance was administered, the child began to cry uncontrollably and was handed over to her mother. Attempts to breastfeed the child proved unsuccessful. The child was subsequently taken to a chemist and later to a general hospital, where she was confirmed dead.

Evidence adduced at trial showed that the appellant later admitted to the child's father that she had poisoned the child. The matter was initially reported to community leaders and thereafter to the police. Following investigation, the appellant was charged before the High Court of Niger State with culpable homicide punishable with death under the Penal Code.

At trial, the appellant pleaded not guilty and contended, among other things, that the child had been suffering from anaemia prior to the incident.

The High Court found the appellant guilty and sentenced her to death. The Court of Appeal affirmed the conviction and sentence. Still dissatisfied, the appellant appealed to the Supreme Court, principally challenging the sufficiency of proof of the cause of death and arguing that the prosecution failed to call medical evidence directly linking the poison to the child's death.

Issue Considered

Whether the failure of the prosecution to tender medical evidence specifically establishing that the deceased died from the effect of otapiapia was fatal to the conviction, particularly in light of the appellant's claim that the child suffered from a pre-existing medical condition.

Decision of the Court

The Supreme Court dismissed the appeal and affirmed the concurrent findings of the High Court and the Court of Appeal. The Court held that medical evidence is not an indispensable requirement in every homicide case for proving cause of death. Where death occurs immediately or shortly after the accused's act, and the surrounding circumstances irresistibly point to the accused's conduct as the cause of death, the court may safely infer causation without expert medical testimony.

The Court rejected the appellant's attempt to rely on the deceased child's alleged anaemia as a defence. It reiterated the settled principle that an accused person must take the victim as found, and that the presence of a pre-existing illness does not exculpate an accused where death results from the accused's unlawful act. The Court emphasized that the law does not permit an accused to escape liability merely because the victim was already vulnerable or in poor health.

Crucially, the Supreme Court characterized the appellant's defence as one founded on compassion or mercy and held unequivocally that euthanasia or mercy killing is unknown to and not recognized under Nigerian criminal law. Any deliberate act that causes death, regardless of the motive, remains criminal where it is not justified by law.

Brief Comments

The decision in *Danladi v. State* is a forceful reaffirmation of two core principles of Nigerian criminal jurisprudence: the non-recognition of mercy killing as a defence and the flexibility of proof in establishing cause of death in homicide cases. By refusing to elevate medical evidence into a rigid requirement, the Supreme Court preserved a pragmatic approach that accords with both common sense and long-standing authority, particularly in cases where the sequence of events leaves no reasonable doubt as to causation.

The Court's treatment of the appellant's reliance on the child's ill-health is doctrinally significant. By restating that an accused must take the victim as found, the judgment forecloses any attempt to dilute criminal responsibility on the basis of vulnerability, sickness, or perceived suffering of the victim. This principle is especially important in cases involving children, the elderly, or persons with disabilities, ensuring that their fragility does not become a licence for unlawful killing.

Equally important is the Court's explicit rejection of euthanasia or mercy killing as a defence under Nigerian law. In doing so, the Supreme Court drew a clear moral and legal boundary: however sympathetic the circumstances may appear, Nigerian criminal law does not recognise benevolent motives as justification for intentional killing. This clarity prevents the importation of ethical debates from jurisdictions where assisted dying is regulated into a legal system that has made no such normative choice.

9. Family & Personal Law

Maintenance May Be Claimed Independent of Divorce Proceedings, Ugbah & Ors v. Ugbah (SC.334/2008)

Brief Summary of Facts

Mrs. Veronica Nneka Ugbah married the Respondent, Mr. Patrick Iwebunor Ugbah, first under Igbo customary law in the year 2000 and subsequently under Christian marriage in 2001. The marriage produced two children. By 2002, the relationship had deteriorated amid allegations of abuse and neglect. Mrs. Ugbah and the children were sent out of the matrimonial home and left without financial support. Although the Respondent later assured her that he would provide maintenance for both his wife and children, those assurances were never fulfilled.

In 2006, Mrs. Ugbah commenced an action at the High Court of Lagos State by writ of summons under the High Court (Civil Procedure) Rules. She sought maintenance for herself and the children, provision for the children's education, accommodation, and general welfare. The Respondent raised a preliminary objection, contending that because the claims arose from a marital relationship, the action was incompetent unless commenced by petition under the Matrimonial Causes Act. The High Court dismissed the objection, holding that the claims were essentially for maintenance and child welfare and did not depend on the institution of divorce or separation proceedings. The Court took the view that the enforcement of such rights was not confined to proceedings under the Matrimonial Causes Act and that procedural rules should not be used to defeat substantive justice.

On appeal, the Court of Appeal reversed that decision. It held that the claims were inseparably linked to the marital relationship of the parties and therefore fell within the regime of the Matrimonial Causes Act. According to the Court of Appeal, the failure to commence the action by petition, as prescribed by the Act, rendered the suit incompetent and deprived the High Court of jurisdiction. The suit was accordingly struck out. Dissatisfied, Mrs. Ugbah appealed to the Supreme Court.

Issues for Determination

Whether claims for maintenance, child welfare, and support arising from a subsisting marriage must be commenced by petition under the Matrimonial Causes Act, or whether such claims may validly be initiated by writ of summons under the High Court Rules.

Decision of the Supreme Court

The Supreme Court unanimously allowed the appeal and set aside the judgment of the Court of Appeal. The Court affirmed that a wife and children possess enforceable rights to maintenance, welfare, and education during the subsistence of a marriage, and that these rights are not contingent upon the institution of proceedings for divorce, nullity, or judicial separation under the Matrimonial Causes Act.

The Court held that the mode of commencement of an action, whether by writ of summons or by petition, is a matter of procedure rather than substance. Procedural rules, the Court emphasized, exist to aid the administration of justice and not to obstruct it. Where no miscarriage of justice is shown to have occurred, a court should not strike out a deserving claim on the basis of technical non-compliance with procedural forms.

The Supreme Court further underscored that a father's duty to maintain his children is independent of the marital rights or claims of the mother and subsists regardless of the state of the marriage. To deny children access to maintenance on the ground that their mother had not initiated matrimonial proceedings would, in the Court's view, amount to endorsing paternal irresponsibility. The Court accordingly restored the decision of the High Court and ordered that the matter proceed on the merits.

Brief Comments

The decision in *Ugbah v. Ugbah* is a robust reaffirmation of the Supreme Court's rejection of procedural technicalities as a basis for denying substantive justice, particularly in family-law disputes involving maintenance and child welfare. By collapsing the artificial distinction drawn by the Court of Appeal between procedural form and substantive entitlement, the Supreme Court restored focus to the real issue: the protection of vulnerable parties within the family structure.

The judgment is especially significant for its recognition that maintenance and child welfare claims are not merely ancillary to matrimonial reliefs but are freestanding rights capable of independent enforcement.

This approach avoids forcing spouses into divorce or separation proceedings as a precondition for survival, thereby respecting social, cultural, and personal considerations that may discourage formal dissolution of marriage.

The Court's firm articulation of the father's independent obligation to maintain his children is both doctrinally sound and socially responsive. It aligns Nigerian family law with a child-centered approach that prioritizes welfare over marital status and prevents the use of procedural arguments as a shield for neglect.

9.1. A Spouse Is Not Automatically Entitled to An Equal Share of Matrimonial Property Upon Dissolution of Marriage Without Credible Evidence of Contribution

Aguolu v. Aguolu (2025) LPELR-80269 (CA)

Brief Facts

The dispute arose from the dissolution of a marriage that had lasted over twenty years. The Respondent initiated proceedings at the High Court seeking dissolution of the marriage on the ground that the parties had lived apart for several years and that cohabitation had become intolerable. The appellant, in her response and cross-petition, also sought dissolution and made additional claims for custody of the children, arrears and continuation of maintenance, and an equal division of several properties allegedly acquired during the marriage.

The respondent opposed these claims and countered that the appellant had already appropriated substantial assets and rental income belonging to him. Both parties testified and filed written addresses. The trial court dissolved the marriage and, in exercising its discretion under the Matrimonial Causes Act, awarded the appellant only one identified property.

Dissatisfied with the limited settlement, the appellant appealed to the Court of Appeal.

Issue for Determination

The sole issue before the Court of Appeal was whether the trial court was right in law and equity in settling only one property in favour of the appellant, thereby declining to make further orders in respect of other alleged matrimonial properties.

Decision of the Court

The Court of Appeal dismissed the appeal and affirmed the decision of the trial court. It held that a spouse is not entitled to an equal share of matrimonial property merely by virtue of marriage. The Court emphasized that the burden rests on the party seeking settlement to establish that the property is matrimonial in nature and to prove contribution, whether financial or otherwise, to its acquisition or improvement.

The Court found that the appellant failed to adduce credible evidence demonstrating her contribution to the properties in question. It further held that a blanket claim for a fifty-fifty division of assets, without supporting material facts, is unsupported by Nigerian law. The Court reiterated that settlement of property under matrimonial proceedings is discretionary and that such discretion will not be exercised in favour of a party who fails to place sufficient materials before the court.

Although the Court acknowledged earlier authorities recognizing non-financial contribution, it stressed that such contribution must still be proved by evidence. The appellant's status as a spouse, notwithstanding the length of the marriage, was held insufficient to ground an automatic entitlement to the respondent's properties.

Legal Significance

This decision reinforces the principle that property settlement upon dissolution of marriage under Nigerian law is not based on automatic entitlement but on proof of contribution and considerations of fairness and equity. It affirms the discretionary powers of courts under the Matrimonial Causes Act and cautions against speculative or presumptive claims to matrimonial assets.

10. Banking & Financial Services

Power of Banks to Restrict or Freeze Customer Accounts Without a Court Order

Kuda Microfinance Bank Ltd v. Amarachi Kenneth Blessing CA/EK/48/2024)

Brief Facts

The case arose from a transaction in which the sum of ₦5 million was transferred in error by a customer of Access Bank into the bank account of the respondent. Upon receipt of the funds, the respondent immediately transferred the money into her account maintained with Kuda Microfinance Bank.

Following the discovery of the erroneous transfer, Access Bank notified Kuda of the mistake and reported the transaction as suspicious. Acting on this notification, Kuda restricted the respondent's account in order to preserve the funds pending investigation. The respondent subsequently instituted an action at the Federal High Court, contending that the restriction of her account without a court order constituted a violation of her constitutional right to property as guaranteed under Section 44 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).

The Federal High Court upheld the respondent's claim and held that the restriction of the account amounted to an unlawful deprivation of property. Dissatisfied with this decision, Kuda appealed to the Court of Appeal.

Issues for Determination

The core questions before the Court of Appeal were whether a bank may lawfully restrict a customer's account without first obtaining a court order where fraud or suspicious activity is reported, whether such restriction constitutes a violation of the customer's right to property under Section 44 of the Constitution, and whether the contractual terms governing the banker-customer relationship, together with regulatory directives issued by the Central Bank of Nigeria, justify such restriction.

Decision of the Court

The Court of Appeal allowed the appeal and set aside the judgment of the Federal High Court. In its judgment, the Court held that the relationship between a bank and its customer is fundamentally contractual and that parties are bound by the terms and conditions voluntarily agreed upon at the time of opening the account. The Court found that Kuda's terms and conditions, which the respondent had accepted, expressly permitted the restriction of a customer's account where fraud or suspicious activity is reported.

The Court further held that as a financial institution regulated by the Central Bank of Nigeria, Kuda was under a statutory and regulatory obligation to comply with CBN circulars and directives that authorize banks to restrict accounts pending investigation of reported fraud. The Court emphasized that the constitutional right to property under Section 44 is not absolute and that temporary restrictions imposed in furtherance of lawful investigations do not amount to unconstitutional deprivation of property. It concluded that the restriction imposed by Kuda was preventive and investigatory in nature rather than punitive, and was therefore lawful in the circumstances.

Ratio Decidendi

The Court held that a bank may lawfully restrict a customer's account without obtaining a court order where there is a report of fraud or suspicious activity, the customer has contractually agreed to such measures, and the restriction is imposed pursuant to regulatory directives issued by the Central Bank of Nigeria, provided that the restriction is temporary and intended to facilitate investigation.

Comments and Impact on Nigerian Banking Law and Regulation

This decision has far-reaching implications for banking regulation and financial practice in Nigeria. It reinforces the authority of regulatory directives issued by the Central Bank of Nigeria and affirms the duty of banks to act promptly on reports of fraud without awaiting judicial authorization.

The judgment also clarifies the scope of the constitutional right to property by confirming that it does not preclude lawful regulatory controls imposed in the public interest. By emphasizing the binding nature of bank terms and conditions, the Court reaffirmed the contractual foundation of the banker-customer relationship.

Additionally, the decision provides operational certainty for both traditional banks and digital financial institutions, enabling them to place precautionary restrictions on accounts linked to suspicious transactions without fear of constitutional liability. It further aligns judicial interpretation with Nigeria's broader anti-fraud and anti-money laundering framework by discouraging the rapid dissipation of disputed funds across banking platforms.

Outlook Summary (2026)

Nigeria's litigation landscape in 2026 is likely to be driven by a convergence of economic reforms, political activity ahead of the 2027 general elections, regulatory enforcement, and persistent governance challenges. One of the most significant sources of disputes will arise from the full implementation of wide-ranging fiscal and tax reforms scheduled to take effect in 2026. As businesses, individuals, and sub-national governments adjust to new tax structures, assessment methods, and compliance obligations, courts can expect an increase in challenges to tax assessments, enforcement actions, inter-governmental revenue disputes, and judicial review proceedings questioning the scope of regulatory powers and administrative discretion.

Political litigation will also intensify throughout 2026 as parties begin preparations for the 2027 elections. Internal party disputes over primaries, delegate selection, zoning arrangements, and party leadership will dominate the dockets of both trial and appellate courts. Pre-election matters—particularly disputes over candidate eligibility, substitution, and compliance with electoral guidelines—are likely to increase steadily as political actors seek early judicial advantage. Many of these cases will raise constitutional and administrative law questions and may progress rapidly to appellate courts due to their time-sensitive nature.

Anti-corruption and economic crime litigation is expected to remain prominent. Ongoing prosecutions of politically exposed persons, recovery of alleged proceeds of crime, and appeals arising from high-profile corruption trials will continue to occupy both criminal and appellate courts. In parallel, civil actions connected to asset forfeiture, plea bargains, and enforcement of court orders against government agencies will remain a recurring feature of the litigation space, especially as fiscal pressures encourage more aggressive enforcement by the state.

Regulatory enforcement disputes will expand in 2026, particularly in sectors undergoing rapid legal and policy development. Data protection and privacy enforcement is expected to generate new forms of litigation as regulators issue sanctions and compliance directives, prompting challenges by companies over jurisdiction, penalties, and procedural fairness. Similarly, the financial services and fintech sectors are likely to see increased disputes arising from licensing decisions, consumer protection claims, regulatory sanctions, and contractual disagreements linked to digital finance and payment platforms.

Employment and labour litigation will continue to grow, driven by economic pressures, corporate restructuring, and evolving compliance obligations. Disputes over termination, redundancy, deductions, pensions, workplace data handling, and regulatory compliance are likely to increase, especially as employers attempt to balance cost-cutting with stricter regulatory expectations. These matters will feature prominently before the National Industrial Court and, increasingly, on appeal.

Security-related and public law litigation will remain relevant in 2026, particularly cases involving terrorism, banditry, and other national security challenges. Such matters often raise constitutional questions concerning fundamental rights, due process, and the limits of executive power, leading to complex trials and appeals. Alongside this, environmental and infrastructure-related disputes are expected to grow gradually, including cases arising from regulatory enforcement, land acquisition, environmental damage, and community-government conflicts linked to development projects.

Overall, 2026 is likely to be characterized by a steady rise in strategic litigation—both by the state and private actors—focused on testing new laws, regulatory powers, and political processes. The courts will increasingly serve as arbiters of reform implementation, electoral competition, and regulatory authority, making the year a legally active and doctrinally significant one in Nigeria's litigation landscape.