

NNAMDI OSUJI

v.

1. LEGAL PRACTITIONERS DISCIPLINARY
COMMITTEE
2. INCORPORATED TRUSTEES OF THE
NIGERIAN BAR ASSOCIATION

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA

SC/CV/278/2021

MOHAMMED LAWAL GARBA
ADAMU JAURO
MOORE ASEIMO ABRAHAM ADUMEIN
OBANDE FESTUS OGBUINYA
ABUBAKAR SADIO UMAR

Friday, 4th July 2025

Appeal: Notice of Appeal - defect therein - whether it affects the competence of the appeal

Appeal: Notice of appeal - defect therein - whether renders the appeal incompetent which is liable to be struck out.

Court: Raising an issue suo motu - whether an appellate court can raise an issue of jurisdiction suo motu

Court: Raising an issue suo motu - general principles thereof - whether must allow parties address court thereto

Court: Raising an issue suo motu - where an issue is raised suo motu - whether parties must be given opportunity to address court - exceptions thereto - the principle in Oni vs. Fayemi (2020)15 NWLR (Pt.1746)59

Jurisdiction: Meaning thereof - effect of lack of jurisdiction

Jurisdiction: Source thereof - whether it is statutorily conferred

Jurisdiction: Basic components - the principle in Madukolu vs. Nkemdilim (1962) 2 SCNLR 341

Jurisdiction: Supreme Court - appellate jurisdiction thereof - where an Appellant appeals against decision of Legal Practitioners Disciplinary Committee instead of Appeal Committee of Body of Benchers - whether Supreme Court lacks jurisdiction to entertain such appeal

Jurisdiction: Supreme Court - Whether it lacks power to hear appeals directly from Legal Practitioners Disciplinary Committee - the principle in Aladejobi vs. N. B. A (2013)15 NWLR (pt.1376)66

Jurisdiction: Supreme Court - where an Appellant appeals against the Legal Practitioners Disciplinary Committee to the Supreme Court - whether such appeal is incompetent - the principle in Akintokun vs. Legal Practitioners Disciplinary Committee (2014)13 NWLR (Pt.1423)1

Legal Practitioner: Legal Practitioners Act, 2004 - right of appeal by a Legal Practitioner against the direction of Legal Practitioners Disciplinary Committee - whether can only appeal to the Appeal Committee of the Body of Benchers rather than to the Supreme Court

Legislation: Legal Practitioners Act, 2004 - relevant provisions relating to discipline of a legal practitioner - SS. 10(1), 11(6),12(1)(4)(5) of Legal Practitioners Act considered

Statute: Legal Practitioners Act - where statute provides for procedure for appeal against the direction of the Legal Practitioners Disciplinary Committee - whether procedure for appeal must be in strict conformity as provided by the statute

Issues:

1. Having regard to the variation and inconsistency in the composition, quorum and sittings of the Legal Practitioners Disciplinary Committee, whether its proceedings and or eventual Direction dated 14/0 1/2021 are not a nullity and a breach of the Appellant's right to fair hearing (Grounds 2 and 3).

2. Considering the peculiar facts and circumstances of this case, whether the LPDC [1st Respondent herein] was not stripped of the requisite jurisdiction to entertain the Complaint against the Appellant (Grounds 1, 5, 6 and 7).
3. Whether in the light of the state of the evidence before the LPDC whether its Direction dated 14/01/2021 is/was not perverse and therefore ought to be avoided or set aside by the Honourable Court. (Grounds 4,8, 9).
4. Whether having regard to the provisions of Section 12(8) (a), (b) and (c) of the Legal Practitioners Act, Cap LII, Laws of the Federation, 2004, the Legal Practitioners' Disciplinary Committee has jurisdiction to order and direct that the name of the Appellant to be struck off the Roll of Legal Practitioners from the day it gave it (sic) Direction (i.e from 14th day of January, 2021.) (Grounds 10 and 11).

Facts:

One Mr. Arisa Chiekweiro, the complainant, wrote a petition against the Appellant to the Legal Disciplinary Committee (the Respondent). The complainant alleged that he engaged the services of the Appellant to purchase a property at Festac Town at the cost of eight million, but the Appellant did not purchase the said property.

The 2nd Respondent investigated this complainant referred it to the 1st Respondent. 1st Respondent received evidence from the parties and found the Appellant liable for misconduct.

Dissatisfied with the verdict of the 1st Respondent, the Appellant has now appealed to the Supreme Court.

Held (unanimously striking out the appeal)

1. *On whether an appellate court can raise an issue suo motu-*

This court /an appellate court is empowered to raise the issue of jurisdiction suo motu. A point touching on the competence of an appeal, which is a fundamental issue that undoubtedly affects the jurisdiction of the court to hear and determine a

matter is a substantial point of law that can be raised with and dealt with suo motu, even when the Respondent fails/ed to do so. Francis v. FRN (2021) 5 NWLR (Pt. 1769) 398, Dickson Ogunseinde Virya Farms Ltd. v. Societe General Bank Ltd. (2018) 9 NWLFt (Pt. 1624) 230, Garba v. Mohammed (2016) 16 NWLR (Pt. 1537) 114, Olutola v. Unilorin (2004) 18 NWLR (Pt. 905) 416, N.B.N Ltd. v. Weide Co. (Nig.) Ltd (1996) 8 NWLR (Pt. 465) 150. Aliyu v. A.P.C (2023) 6 NWLR (Pt. 1879) 151, Ijebu-Ode L.G. v. Adedeji Balogun & Co. Ltd (1991) 1 NWLR (Pt. 166) 136, Ughanwa v. I.G.P (2024) 16NWLFt (Pt. 1963) 91, Onwuzulike v. State (2020) 10 NWLR (Pt. 1731) 91, Sanni v. The People of Lagos State (2022) 4 NWLR (Pt. 1820) 399.

2. *on procedure where court raises an issue suo motu-*

The general principle of law is that where a court raises an issue suo motu, parties must be afforded an opportunity to be heard, before a decision is reached on the issue. I.G.P v. Achi (2024) 9 NWLR (Pt. 1943) 273, Angadi v. PDP (2018) 15 NWLR (Pt. 1641) 1, Omonlyl v. Alabi (2015) 6 NWLR (Pt. 1456) 572, Gbagbarigha v. Toruemi (2013) 6 NWLR (Pt. 1350) 289, Omokuwajo v. F.R.N (2013) 9 NWLR (Pt. 1359) 300.

3. *On exceptions to the rule that parties must address court when an issue is raised suo motu-*

However, an exception to this general principle is that, when the issue raised by the court suo motu, is an issue that touches on the jurisdiction of the court to entertain a matter before it, then the court can raise the issue suo motu, without necessarily hearing the parties on it. This court, in the case of Omokuwajo v. FRN (supra) @ 302, per Rhodes-Vivour, JSC, stated the law that:-

“The need to give the parties a hearing when a Judge raises an issue on his own motion or suo motu, would not be necessary if:-

- (a) the issue relates to the court's own jurisdiction,
- (b) both parties are/were not aware or ignored a statute which may have bearing on the case. That is to say, where by virtue of statutory provision, the Judge is expected to take judicial notice. See section 73 of the Evidence Act.
- (c) when on the face of the record, serious questions of the fairness of the proceedings is evident."

This position was later re-affirmed and restated by Sanusi, J.S.C, in *Oni v. Fayemi* (2020) 15 NWLR(Pt. 1746) 59 when he succinctly said

thus :-

"Generally, a court has no power to raise an issue suo motu and unilaterally resolve it in its judgment without hearing both sides, however clear that issue may be. Where an issue is raised suo motu, it is only fair that the counsel to the parties should be given an opportunity to address the court especially by the party that may be adversely affected by the resolution of the issue. However, the general rule applies to a situation where the issue relates to facts or any related issue o-ATV. Where the issue raised or is to be raisedi6-uches on or strictly relates to an issue of jurisdiction, the court can raise it suo motu and determine the issue without necessarily hearing the parties ."

See also *Gaba v. Tsoida* (2020) 5 NWLR (Pt. 1716) 1, *Ogar v. Igb* (2019) 9 NWLR (Pt. 1678) 534, *Oni v. Fayerni* (2020) 15 NWLR (Pt 1746) 59, *Eneyo v. Ngere* (2022) 10 NWLR (Pt. 1838) 263 .

This principle of law gives this court a solid footing to raise and consider the issue of the competence or otherwise of this appeal vis-a vis the jurisdiction of this court to entertain this appeal, without the necessity of inviting the parties to address the court on the issue.

4. *On meaning and effect of lack of jurisdiction-*

Jurisdiction has been defined in a plethora of judicial decisions, as the authority and power of a court to determine any dispute before it. *Duiye v. FRN* (2015) 10 NWLR (Pt. 1467) 325, *State v. Boniface* (2024) 17 NWLR (Pt. 1967) 339, *Mobil Pro. Co. Unltd v. Lasepa* (2002) 18 NWLR (Pt. 798) 1, *Angadi v. P.D.P* (2018)

15 NWLR (Pt. 1641) 1, Isah v. INEC (2016) 18 NWLR (Pt. 1544) 175, Ebhodagbe v. Okoye (2004) 18 NWLR (Pt. 905) 242.

Jurisdiction is a threshold issue which is not only fundamental but considered as the nerve centre and foundation of adjudication. Hence, any decision by a court that lacks jurisdiction to hear and determine a matter is a nullity, no matter how well conducted and decided. CBN v. Okojie (2015) 14 NWLR (Pt. 1479) 231, Madukolu v. Nkemdilim (1962) 2 SCNLR 341, Umanah v. Attah (2006) 17 NWLR (Pt. 1009) 503 SC, Western Steel Works Ltd. v. Iron and Steel Workers-Union of Nigeria (1986) 3 NWLR (Pt. 30) 617, Adama v. State (2018) 3 NWLR (Pt. 1605) 94, Zakari v. Nigerian Army (2015) 17 NWLR (Pt. 1487) 77, C.P.C v. Ombugadu (2013) 18 NWLR (Pt. 1385) 66, Cotecna Int. Ltd v. I.M.B Ltd (2006) 9 NWLR (Pt.985) 275, Ndul v. Wayo & Ors. (2018) LPELR-45151 (SC).

5. *On source of jurisdiction-*

Jurisdiction of courts to adjudicate over a matter is statutorily conferred, the courts being creatures of the statutes, from which they derive the power and authority to hear matters before them. Sulaiman v. F.R.N (2020) 18 NWLR (Pt. 1755) 180, Okarika v. Samuel (2013) 7 NWLR (Pt. 1352) 19, Oyeyipo v. Ogundare (1987) 1 NWLR (Pt. 50) 356. Where the relevant statute, does not confer the requisite jurisdiction on a court, the court cannot confer jurisdiction on itself and the parties, cannot either by consent or acquiescence confer the jurisdiction on the court, that it does not otherwise possess.

6. *on basic components of jurisdiction-*

The basic components of the jurisdiction of a court to adjudicate over a matter was stated in the locus classicus case of Madukolu v. Nkemdilim (supra) and restated in other authorities like Nwachukwu v. Nwachukwu (2018) 17 NWLR

(Pt. 1648) 357, Skenconsult (Nig.) Ltd v. Ukey (1981) 1 SC (Reprint) 4. They are:

- (a) the court must be properly constituted as regard number and qualification of members of the bench and no member is disqualified for one reason or another;
- (b) the subject matter of the case is within the jurisdiction of the court and there is no feature in the case that prevents the court from exercising jurisdiction; and
- (c) the case comes before the court initiated by due process of the law, and upon fulfilment of any condition precedent to the exercise of the jurisdiction.

Flowing from the above, the Supreme Court would be competent to hear an appeal before it, inter alia, if the appeal was initiated by due process of law and upon fulfilment of any condition precedent to exercise of its jurisdiction. It follows, therefore that the notice of appeal/appeal, must strictly comply with the enabling statute, failure of which this court would lack jurisdiction to entertain the appeal.

7. On relevant provisions relating to appeal in the Legal Practitioners Act-

Since the facts of the case which led to the instant appeal deals with the discipline of legal practitioners and the instant appeal arose from the direction of the Legal Practitioners Disciplinary Committee, it is the Legal Practitioners Act, 2004 that confers on this court, the requisite statutory jurisdiction to hear appeals from matters bordering on the discipline of lawyers. The instructive sections of the Legal Practitioners Act are hereunder reproduced :-

Section 10 (1) provides thus:

“There shall be a committee to be known as the Legal Practitioners Disciplinary Committee (hereafter in this Act referred to as “the disciplinary committee”) which shall be charged with the duty of considering and determining any case where it is alleged that a person whose name is on the roll has misbehaved in his capacity as legal practitioner or should for any other reason be the subject of proceedings under this Act.”

Section 11 (1) (a) provides thus:

“Where a person whose name is on the roll is judged by the Disciplinary Committee to be guilty of infamous misconduct in any professional respect and any such direction, may where appropriate, include provision requiring the refund of moneys paid or the handing over of documents or any other thing as the circumstances of the case may require.”

Section 11 (6) :

“When the disciplinary committee gives a direction under subsection (1). . . , the disciplinary committee shall cause notice of the direction to be served on the person to whom it relates. ”

Section 11 (7) of the LPA provides thus:

“The person to whom such a direction relates, may at any time within 28 days from the date of service on him of notice of direction, appeal against the direction to the Appeal Committee of the Body of Benchers established under section 12 of this Act; and the Disciplinary Committee may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Disciplinary Committee, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal. ”

Section 12(1), (4) and (5) provide thus :

(1) “There shall be a committee to be known as the Appeal Committee of the Body of Benchers (in this Act referred to as “the Appeal Committee”) which shall be charged with the duty of hearing appeals from any direction given by the Disciplinary Committee.”-

(4) “The Appeal Committee shall cause notice of any direction given by it under this section to be served on the person to whom it relates.”

(5) “The person to whom such a direction relates may, at any time within 28 days from the date of service on him of the notice of the direction, appeal against the direction to the Supreme Court; and the Appeal Committee may appear as respondent to the appeal and, for the purpose of enabling directions to be given by the Supreme Court as to costs of the appeal before that court and of proceedings before the Disciplinary Committee, the Appeal Committee shall be deemed to be a party to the appeal before the Supreme Court, whether or not it appears on the hearing of that appeal.”

8. *On whether appellant can only appeal to the Appeal Committee of the Body of Benchers-*

In literal terms, section 10(1) established the Legal Practitioner Disciplinary Committee, which has the duty/responsibility to consider any case against a person who has misbehaved in his capacity as a legal practitioner. Sections 11(1) (a) and 6 empower the committee to give a direction against a legal practitioner who has been found guilty of infamous conduct, while section 11(7) borders on the right of appeal against the direction of the Legal Practitioners Disciplinary Committee to the Appeal Committee of the Body of Benchers. Section 12 (1) established the Appeal Committee of the Body of Benchers, which has the duty of hearing appeals from any direction given the committee, while section 12 (5) deals with the right of appeal against the direction of the Appeal Committee of the Body of Benchers to the Supreme Court.

Therefore, by a combined reading of the above provisions, the jurisdiction to hear appeals arising from the direction of the Legal Practitioners Disciplinary Committee is conferred on the Appeal Committee of the Body of Benchers, while the jurisdiction to hear appeals from the latter is conferred on the Supreme Court. The Appellant can only appeal against

the direction of the Legal Practitioners Disciplinary Committee, to the Appeal Committee of the Body of Benchers. The Appellant cannot appeal directly to the Supreme Court against the direction of the Legal Practitioners Disciplinary Committee, without first appealing to the Appeal Committee of the Body of Benchers.

9. *On whether procedure must be in strict conformity as provided by statute-*

The law is settled that where a statute provides for a means of doing a thing, it must be done in accordance with the express provision of the statute. *Mao v. Hember* (2018) 5 NWLR (Pt. 1612) 258, *Orubu v. N.E.C* (1988) 5 NWLR (Pt. 94) 323, *Mobil Producing (Nig.) Unltd. v. Johnson* (2018) 14 NWLR (Pt. 1639) 329, *I.G.P v. Mobil Producing (Nig.) Unltd.* (2018) 14NWLR (Pt. 1639) 379.

10. *On effect where Apellant did not apeal from Appeal Committee of Body of Benchers-*

The Appellant lodged the instant appeal against the direction of the Legal Practitioners Disciplinary Committee, without first appealing to the Appeal Committee of the Body of Benchers as mandated by section 11(7) of the Legal Practitioners Act. In other words, the instant appeal is not against the decision of the Appeal Committee of the Body of Benchers, established under section 12(1) of the Legal Practitioners Act, but against the decision of the Legal Practitioners Disciplinary Committee established under section 10(1) of the Legal Practitioners Act. The instant appeal, having been instituted against the direction of the Legal Practitioners Disciplinary Committee, without first appealing to the Appeal Committee of the Body of Benchers, renders the appeal/Notice of Appeal incompetent and deprives this court of its jurisdiction to entertain same.

11. *On jurisdiction of the Supreme Court to hear appeals directly from LPDC-*

The cases of *Aladejobi v. NBA* (2013) 15 NWLR (Pt. 1376) 66 and *Akintokun v. LPDC* (2014) 13 NWLR (Pt. 1423) 1, are apposite to the facts of the instant case. In both cases, as in the instant case, the Legal Practitioners Disciplinary Committee found the Appellants culpable of infamous conduct in the course of performance of their duties as legal practitioners. Dissatisfied with the direction of the Respondents in both appeals, they appealed directly to the Supreme Court.

In *Aladejobi v. NBA* (supra), Fabiyi, J.S.C (as he then was), struck out the appeal on ground of incompetence. At pages 83-84, paras. G-D he stated, among others, as follows:

“... The word shall as employed in the law denotes obligation or a command and gives no room for discretion. It imposes a duty.

A peremptory mandate is enjoined. .. From a clear reading of the above reproduced section 12(1) of the Act, it is basic that there must be in place the Appeal Committee of the Body of Benchers which is charged with the duty of hearing appeals from any direction given by the Disciplinary Committee. It is clear to me that the appellant herein cannot appeal directly to this court against the direction handed out on 22nd February, 2011 by the Disciplinary Committee without first appealing to the Appeal Committee of the Body of Benchers. It hardly needs any gainsaying that the appeal of the appellant direct in this court without going through the Appeal Committee of the Body of Benchers is incompetent. This court has no jurisdiction to entertain same. Furthermore, it is the law that where a statute prescribes a legal line of action for initiating court process, all remedies in the statute should be duly followed to the letter... The law provides that the appellant should appeal to the Appeal Committee of the Body of Benchers. He must exhaust all the remedies by filing his appeal at the Appeal Committee from where he may have a lee-way, to imbue this court with jurisdiction. Perhaps, it should be further stated that the failure of the appellant to file his appeal before the Appeal Committee of the Body of Benchers against the direction of the Legal Practitioners Disciplinary Committee before filing appeal in this court engenders incompetence which cannot be cured.

This is because the condition precedent to confer jurisdiction on this court has not been fulfilled.”

Gala(lima, J.S.C, concurring with the leading judgment, on where lie appeals from the direction of the Legal Practitioners Disciplinary Cornrnittee, at page 96, paras. C-E, stated thus:

“By a combined reading of the provisions of section 11(7) and 12(1) it is clear that the appellant cannot appeal against the direction of the Legal Practitioners Disciplinary Committee of the Body of Benchers dated 22/2/2011, without first appealing to the Appeal Committee of the Body of Benchers. The present appeal Bled by the appellant at the Supreme Court, for this reason is incompetent and this court has nant risdiction to entertain this appeal.”

Per Alagoa J.S.C, at page 101, paras. C-D:

“For now this court lacks the jurisdiction to hear such appeals from the directions of the Legal Practitioners Disciplinary Committee of the Body of Benchers.”

12. *On failure of Appellant to appeal against the direction of Appeal Committee of Body of Benchers-*

In Akintokun v. LPDC (supra), Muharnrnad J.S.C. at page 89, paragraph F said that “the failure by the appellant to first channel his appeal through the Appeal Committee as established by the Legal Practitioners Act is defective and affects the competence of the court. At page 91, paras. C-F, he said thus:

“... I still hold the view that the provisions in the 2004 Laws of the Federation relating to the disciplining of erring Legal Practitioners as contained in Cap. LII, LIN, 2004 are the ones that will regulate appeals from the directions of the Legal Practitioners’ Disciplinary Committee of the Body of Benchers... I still hold that this court lacks jurisdiction to entertain appeals direct from the directions of the LPDC. The issue raised suo motu by this court on 22nd October, 2013, and

now fully addressed by learned counsel for the respective parties and the amici curiae, in relation to whether it has jurisdiction to entertain appeals direct from the directions of the LPDC in view of its earlier decision in the case of *Jide Aladejobi v. Nigerian Bar Association*, decided on 12th July, 2013, now reported in (2013) 15 NWLR (Pt. 1376) 66, and in some other Law Reports, is resolved, in line with the decision taken in Aladejobi's case, i.e. this court lacks jurisdiction to entertain appeals direct from the Directions of the Legal Practitioners' Disciplinary Committee (LPDC), pursuant to the provision of the Legal Practitioners' Act, Cap LII, Laws of the Federation of Nigeria, (LFN), 2004."

Odili J.S.C, at page 110, paragraph D-F stated thus :

"The law in operation, controlling all appeals from the direction of the LPDC is the Constitution 1999 (as amended) and the re-enacted Legal Practitioners Act as contained in Cap. LII of the 2004 LFN. The Act mandates an aspiring appellant to go through the Appeal Committee of the Body of Benchers first before approaching the Supreme Court. If that has not been complied with, then any attempt to lodge an appeal direct to this court would be futile ... Thus, failure by the appellant to first channel his appeal through the Appeal Committee as established by the Act is defective and affects the competence of the court. See: *Madukolu v. Nkerndilim* (1962) 1 All NLR 587 at 594, (1962) 2 SCNLR 341 . . . It has now been found that the appeal is not competent having failed to exhaust the statutory remedies laid by the Act before filing the appeal before this court. The appeal, certainly, is incompetent as it stands now. This court, by virtue of sections 11 (7), 12(1) and (5) of the Legal Practitioners Act, Cap. 1,11, LFN, 2004 lacks jurisdiction to entertain the appeal."

The above restatements of the extant law were re-affirmed by this court in the later case of *Obiajulu Nwalutu v. N.BA and LPDC* (2019) 2 ACF (Pt. 1) 121 @ 148, (2019) LPELR- 46916 (SC).

13. *On effect of a defect in a Notice of Appeal-*

In the above premises of the law, the instant Notice of Appeal/appeal is incompetent. A Notice of Appeal is the foundation and substratum of every appeal. It is the court process that initiates and sustains an appeal to this court. Any__defect in a Notice of Appeal affects its competence and goes to the root of the jurisdiction of the court, because an incompetent Notice of Appeal cannot validly invoke a court's jurisdiction. Any defect thereto will render the whole appeal incompetent and the appellate court will lack the requisite jurisdiction to entertain it. *Uwazurike v. A.G., Federation* (2007) 8 NWLR (Pt. 1035) 1, *L.G.C Ltd. v. Stanbic IBTC Bank Plc. (No. 2)* (2022) 14 NWLR (Pt. 1851) 551.

In other words, an incompetent Notice of Appeal means the nonexistence of a valid appeal. An incompetent Notice of Appeal deprives an appellate court of jurisdiction to hear the appeal. This is because, a competent notice of appeal is a condition precedent to a valid exercise of appellate jurisdiction. *AultWilborg (Nig.) Ltd. v. Nibel Ind. Ltd.* (2010) 16 NWLR (Pt. 1220) 486, *Ani v. Otu* (2017) 12 NWLR(Pt. 1578) 30, *Ikponmwen v. Asemota* (2022) 8 NWLR (Pt. 1833) 559, *Ibrahim v. State* (2021) 11 NWLR (Pt. 1786) 152.

A defective/incompetent Notice of Appeal suffers only one fate, which is that, it must be struck out. *Stephen v. State* (2023) 2 NWLR (Pt. 1868) 395, *F.B.N Plc. v. T.S.A Ind. Ltd.* (2010) 15 NWLR (Pt. 1216) 247, *Baba v. Muhammad* (2022) 9 NWLR (Pt. 1835) 301, *Idahosa v. State* (2022) 8 NWLR (Pt. 1833) 397, *FRN v. Dairo* (2015) 6 NWLR (Pt. 1454) 141, *Dingyadi v. INEC* (2010) 18 NWLR (Pt. 1224) 1, *Habu v. State* (2025) 1 NWLR (Pt. 1974) 569.

14. *On effect of defective Notice of Appeal-*

This Appeal is incompetent and this court lacks the requisite jurisdiction to hear and determine same on the merit.

Being the final court in the judicial hierarchy, the duty to deal with and make pronouncements on the issues raised by the parties on the merit, is obviated by the decision on the competence of the Notice of Appeal. The only appropriate order to enter is one striking out the incompetent Notice of Appeal. In consequence, wherefore, the Notice of Appeal dated and filed on the 11/02/21 is hereby struck out for being Incompetent.

History of the case:

Supreme Court:

Names of Justices who sat on the appeal: MOHAMMED LAWAL GARBA, ADAMU JAURO MOORE ASEIMO ABRAHAM ADUMEIN, OBANDE FESTUS OGBUINYA, ABUBAKAR SADIO UMAR.

Appeal No. SC/CV/278/2021

Date of judgment: Friday, 4th July 2025

Names of Counsel: R.O Isenalumhe, Esq., with Olugbenga Adeyemi, Esq., and Kingsley Idahosa, Esq., for the Appellant. Dike Udenna, Esq., with Ibere C. Nzeagwu, Esq., for the 1st Respondent. Emeka Onyeka, Esq., with Tochukwu Aneke, Esq., and Ebenezer Nkanu, Iheanyichukwu Adiele, Esq. for the 2nd Respondent

GARBA, JSC.(delivering leading judgment): This is an appeal against the Direction of the Legal Practitioners Disciplinary Committee (the committee) sitting in Abuja, Coram: Emmanuel C. Ukala SAN; Ebenezer Obey A Esq.; Ahmed Mustapha Goniri, Esq.; Sulaiman Usman, SAN and; Boma Ayomide Alabi, SAN.

The facts of the case which gave rise to the instant appeal, are that one Mr. Arisa Chiekweiro (the complainant), wrote a petition against the Appellant to the 2nd Respondent. The Appellant was a legal practitioner, called to the Nigerian Bar in 1992 and operated and traded under the name and style of d Nnamdi Osuji & Co. (Legal Practitioners) at 3rd Avenue, I Close, House 9, Festac Town, Lagos State. The content of the petition is that he engaged the

services of the Appellant to purchase a property in Festac Town for the sum of Eight Million Naira Only. (N8,000,000.00). The Appellant received the money from the complainant, but failed to purchase the property and refunded only the sum of One Million Naira (.NGN 1,000,000.00) to him.

Upon the 2nd Respondent's investigation and consideration of the petition and the Appellant's response, it came to the conclusion that a prima facie case of professional misconduct was established against the Appellant and referred the matter to the 1st Respondent for hearing. The Appellant testified on his behalf, while the 2nd Respondent called two witnesses, including the complainant.

At the conclusion of hearing, the committee found the Appellant liable for infamous conduct in the course of the performance of his duty as a legal practitioner contrary to Rule 1 of the Rules of Professional Conduct for Legal Practitioners and punishable under Section 12(1) of the Legal Practitioners Act. The Committee directed and ordered that the Appellant's name be struck off the Roll of Legal Practitioners, from the date of the direction and also directed that the Appellant repays the outstanding amount of Seven Million Naira (N7,000,000.00) to the complainant within six months from the date of the direction.

Dissatisfied with the direction of the committee, the Appellant brought this appeal by a Notice of Appeal filed on 14 /09/ 21 and deemed on 20/03/24, containing ten (10) grounds.

In the Appellant's Amended Brief of Argument filed on the 14/09/21 deemed on the 20/03/24 and settled by R.o Isenalumhe, Esq., four (4) issues are said to arise from the grounds of appeal as follows:-

1. Having regard to the variation and inconsistency in the composition, quorum and sittings of the Legal Practitioners Disciplinary Committee, whether its

- proceedings and or eventual Direction dated 14/0 1/2021 are not a nullity and a breach of the Appellant's right to fair hearing (Grounds 2 and 3).
2. Considering the peculiar facts and circumstances of this case, whether the LPDC [1st Respondent herein] was not stripped of the requisite jurisdiction to entertain the Complaint against the Appellant (Grounds 1, 5, 6 and 7).
 3. Whether in the light of the state of the evidence before the LPDC whether its Direction dated 14/0 1/202 1 is/was not perverse and therefore ought to be avoided or set aside by the Honourable Court. (Grounds 4,8, 9).
 4. Whether having regard to the provisions of Section 12(8) (a), (b) and (c) of the Legal Practitioners Act, Cap LII, Laws of the Federation, 2004, the Legal Practitioners' Disciplinary Committee has jurisdiction to order and direct that the name of the Appellant to be struck off the Roll of Legal Practitioners from the day it gave it (sic) Direction (i.e from 14th day of January, 2021.) (Grounds 10 and 1 1).

The 1st Respondent's Brief of Argument filed on 5^h May, 2023, was settled by Dike Udenna O., Esq., and deemed on 20th March, 2024. Three (3) issues for determination were also formulated thus:-

- I. Whether the Appellant's right of fair hearing in the determination of his civil rights and obligations breached in any way by the Legal Practitioners Disciplinary Committee in reaching its Direction in all the circumstances of this case and if so, whether any miscarriage of justice has been occasioned against the Appellant to warrant interfering with the Direction entered against the Appellant. (Grounds 2, 3, 6 and 7)

2. Whether the issues of plea taking in absentia and non-compliance with Order 5 of the Rules of the Disciplinary Committee, if at all, are not mere procedural irregularities which had been waived by the Appellant and incapable of divesting the Legal Practitioners Disciplinary Committee of the requisite jurisdiction to hear and determine the complaint against the Appellant (Grounds 1 and 5).
3. Whether the Direction of the Legal Practitioners Disciplinary Committee dated the 14th day of January, 2021 against the Appellant is not justified in the light of the evidence on record before this Honourable Court.

The 2nd Respondent's Amended Brief of Argument filed on 4th October, 2024, was settled by Emeka Onyeka Esq., and deemed on *i*th April 2025. Five (5) issues for determination were also formulated thus:-

1. Whether the Appellant was prejudiced (sic) and or suffered any miscarriage of justice when a plea of "not liable" was entered for him in absentia (Ground 1)
2. Having regard to the fact that four (4) out of five (5) members of the Committee participated in all the six proceedings including the delivery of the Direction and the fact that the quorum of the Committee is three members, whether the Direction of the Committee is a nullity and or exposed the Appellant to prejudice or miscarriages of justice (Grounds 2 and 3)
3. Whether there was a Lawyer-Client relationship between the Primary Complainant and the Appellant (Grounds 4 and 9)
4. Having regard to the assumption of jurisdiction by the Committee over the two counts complaint against the Appellant and the subsequent hearing of the counts, whether the said proceeding was a nullity and the subsequent hearing breached the rules of Natural Justice (Grounds 5,6 and 7)

5. Whether in the light of the evidence before the Committee, the Committee did not rightly hold the Appellant liable to the two counts against him and subsequently ordered his name to be struck off the Roll of Legal Practitioners (Grounds 8, 10 and 11)

Before embarking on a consideration of the issues formulated *for* determination by counsel for the parties, it is necessary to consider the issue of jurisdiction of this court to hear and determine this appeal. The burning question is “Whether the Supreme Court is conferred with jurisdiction to entertain appeals from the direction of the Legal Practitioners Disciplinary Committee.”

This court/ an appellate court is empowered to raise the issue of jurisdiction suo motu. A point touching on the competence of an appeal, which is a fundamental issue that undoubtedly affects the jurisdiction of the court to hear and determine a matter is a substantial point of law that can be raised with and dealt with suo motu, even when the Respondent failed to do so. *Francis v. FRN* (2021) 5 NWLR (Pt. 1769) 398, *Dickson Ogunseinde Virya Farms Ltd. v. Societe General Bank Ltd.* (2018) 9 NWLFt (Pt. 1624) 230, *Garba v. Mohammed* (2016) 16 NWLR (Pt. 1537) 114, *Olutola v. Unilorin* (2004) 18 NWLR (Pt. 905) 416, *N.B.N Ltd. v. Weide Co. (Nig.) Ltd* (1996) 8 NWLR (Pt. 465) 150. *Aliyu v. A.P.C* (2023) 6 NWLR (Pt. 1879) 151, *Ijebu-Ode L.G. v. Adedeji Balogun & Co. Ltd* (1991) 1 NWLR (Pt. 166) 136, *Ughanwa v. I.G.P* (2024) 16NWLI (Pt. 1963) 91, *Onwuzulike v. State* (2020) 10 NWLR (Pt. 1731) 91, *Sanni v. The People of Lagos State* (2022) 4 NWLR (Pt. 1820) 399.

The general principle of law is that where a court raises an issue suo motu, parties must be afforded an opportunity to be heard, before a decision is reached on the issue. *I.G.P v. Achi* (2024) 9 NWLR (Pt. 1943) 273, *Angadi v. PDP* (2018) 15 NWLI (Pt. 1641) 1, *Omonlyl v. Alabi* (2015) 6 NWLR (Pt. 1456) 572, *Gbagbarigha v. Toruemi* (2013) 6 NWLR (Pt.

1350) 289, *Omokuwajo v. F.R.N* (2013) 9 NWLR (Pt. 1359) 300. However, an exception to this general principle is that, when the issue raised by the court suo motu, is an issue that touches on the jurisdiction of the court to entertain a matter before it, then the court can raise the issue suo motu, without necessarily hearing the parties on it. This court, in the case of *Omokuwajo v. FRN* (supra) @ 302, per Rhodes-Vivour, JSC, stated the law that:-

“The need to give the parties a hearing when a Judge raises an issue on his own motion or suo motu, would not be necessary if:-

- (a) the issue relates to the court’s own jurisdiction,
- (b) both parties are/were not aware or ignored a statute which may have bearing on the case. That is to say, where by virtue of statutory provision, the Judge is expected to take judicial notice. See section 73 of the Evidence Act.
- (c) when on the face of the record, serious questions of the fairness of the proceedings is evident.”

This position was later re-affirmed and restated by Sanusi, J.S.C, in *Oni v. Fayemi* (2020) 15 NWLR (Pt. 1746) 59 when he succinctly said

thus :-

“Generally, a court has no power to raise an issue suo motu and unilaterally resolve it in its judgment without hearing both sides, however clear that issue may be. Where an issue is raised suo motu, it is only fair that the counsel to the parties should be given an opportunity to address the court especially by the party that may be adversely affected by the resolution of the issue. However, the general rule applies to a situation where the issue relates to facts or any related issue . Where the issue raised or is to be raised touches on or strictly relates to an issue of jurisdiction, the court can raise it suo motu and determine the issue without necessarily hearing the parties .”

See also *Gaba v. Tsoida* (2020) 5 NWLR (Pt. 1716) 1, *Ogar v. Igb* (2019) 9 NWLR (Pt. 1678) 534, *Oni v. Fayemi* (2020) 15 NWLR (Pt 1746) 59, *Eneyo v. Ngere* (2022) 10 NWLR (Pt. 1838) 263 .

This principle of law gives this court a solid footing to raise and consider the issue of the competence or otherwise of this appeal vis-a vis the jurisdiction of this court to entertain this appeal, without the necessity of inviting the parties to address the court on the issue.

Jurisdiction has been defined in a plethora of judicial decisions, as the authority and power of a court to determine any dispute before it. *Duiye v. FRN* (2015) 10 NWLR (Pt. 1467) 325, *State v. Boniface* (2024) 17 NWLR (Pt. 1967) 339, *Mobil Pro. Co. Unltd v. Lasepa* (2002) 18 NWLR (Pt. 798) 1, *Angadi v. P.D.P* (2018) 15 NWLR (Pt. 1641) 1, *Isah v. INEC* (2016) 18 NWLR(Pt. 1544) 175, *Ebhodagbe v. Okoye* (2004) 18 NWLR (Pt. 905) 242.

Jurisdiction is a threshold issue which is not only fundamental but considered as the nerve centre and foundation of adjudication. Hence, any decision by a court that lacks jurisdiction to hear and determine a matter is a nullity, no matter how well conducted and decided. *CBN v. Okojie* (2015) 14 NWLR (Pt. 1479) 231, *Madukolu v. Nkemdilim* (1962) 2 SCNLR 341, *Umanah v. Attah* (2006) 17 NWLR (Pt. 1009) 503 SC, *Western Steel Works Ltd. v. Iron and Steel Workers-Union of Nigeria* (1986) 3 NWLR (Pt. 30) 617, *Adama v. State* (2018) 3 NWLR (Pt. 1605) 94, *Zakari v. Nigerian Army* (2015) 17 NWLR (Pt. 1487) 77, *C.P.C v. Ombugadu* (2013) 18 NWLR (Pt. 1385) 66, *Cotecna Int. Ltd v. 1.M.B Ltd* (2006) 9 NWLR (Pt.985) 275, *Ndul v. Wayo & Ors.* (2018) LPELR-45151 (SC).

Jurisdiction of courts to adjudicate over a matter is statutorily conferred, the courts being creatures of the statutes, from which they derive the power and authority to hear matters before them. *Sulaiman v. F.R.N* (2020) 18 NWLR (Pt. 1755) 180, *Okarika v. Samuel* (2013) 7 NWLR (Pt. 1352) 19, *Oyeyipo v. Ogundare* (1987) 1 NWLR (Pt. 50) 356. Where the relevant statute, does not confer the requisite jurisdiction on a court, the

court cannot confer jurisdiction on itself and the parties, cannot either by consent or acquiescence confer the jurisdiction on the court, that it does not otherwise possess.

The basic components of the jurisdiction of a court to adjudicate over a matter was stated in the locus classicus case of *Madukolu v. Nkemdilim* (supra) and restated in other authorities like *Nwachukwu v. Nwachukwu* (2018) 17 NWLR (Pt. 1648) 357, *Skenconsult (Nig.) Ltd v. Ukey* (1981) 1 SC (Reprint) 4. They are:

- (a) the court must be properly constituted as regard number and qualification of members of the bench and no member is disqualified for one reason or another;
- (b) the subject matter of the case is within the jurisdiction of the court and there is no feature in the case that prevents the court from exercising jurisdiction; and
- (c) the case comes before the court initiated by due process of the law, and upon fulfilment of any condition precedent to the exercise of the jurisdiction.

Flowing from the above, the Supreme Court would be competent to hear an appeal before it, inter alia, if the appeal was initiated by due process of law and upon fulfilment of any condition precedent to exercise of its jurisdiction. It follows, therefore that the notice of appeal/appeal, must strictly comply with the enabling statute, failure of which this court would lack jurisdiction to entertain the appeal.

Now, since the facts of the case which led to the instant appeal deals with the discipline of legal practitioners and the instant appeal arose from the direction of the Legal Practitioners Disciplinary Committee, it is the Legal Practitioners Act, 2004 that confers on this court, the requisite statutory jurisdiction to hear appeals from matters bordering on the discipline of lawyers. The instructive sections of the Legal Practitioners Act are hereunder reproduced :-

Section 10 (1) provides thus:

“There shall be a committee to be known as the Legal Practitioners Disciplinary Committee (hereafter in this Act referred to as “the disciplinary committee”) which shall be charged with the duty of considering and determining any case where it is alleged that a person whose name is on the roll has misbehaved in his capacity as legal practitioner or should for any other reason be the subject of proceedings under this Act.”

Section 11 (1) (a) provides thus:

“Where a person whose name is on the roll is judged by the Disciplinary Committee to be guilty of infamous misconduct in any professional respect and any such direction, may where appropriate, include provision requiring the refund of moneys paid or the handing over of documents or any other thing as the circumstances of the case may require.”

Section 11 (6) :

“When the disciplinary committee gives a direction under subsection (1). . . , the disciplinary committee shall cause notice of the direction to be served on the person to whom it relates. ”

Section 11 (7) of the LPA provides thus:

“The person to whom such a direction relates, may at any time within 28 days from the date of service on him of notice of direction, appeal against the direction to the Appeal Committee of the Body of Benchers established under section 12 of this Act; and the Disciplinary Committee may appear as respondent to the appeal and, for the purpose of enabling directions to be given as to the costs of the appeal and of proceedings before the Disciplinary Committee, shall be deemed to be a party thereto whether or not it appears on the hearing of the appeal. ”

Section 12(1), (4) and (5) provide thus :

(1) “There shall be a committee to be known as the Appeal

Committee of the Body of Benchers (in this Act referred to as “the Appeal Committee”) which shall be charged with the duty of hearing appeals from any direction given by the Disciplinary Committee.”-

(4) “The Appeal Committee shall cause notice of any direction given by it under this section to be served on the person to whom it relates.”

(5) “The person to whom such a direction relates may, at any time within 28 days from the date of service on him of the notice of the direction, appeal against the direction to the Supreme Court; and the Appeal Committee may appear as respondent to the appeal and, for the purpose of enabling directions to be given by the Supreme Court as to costs of the appeal before that court and of proceedings before the Disciplinary Committee, the Appeal Committee shall be deemed to be a party to the appeal before the Supreme Court, whether or not it appears on the hearing of that appeal.”

In literal terms, section 10(1) established the Legal Practitioner: Disciplinary Committee, which has the duty/responsibility to consider any case against a person who has misbehaved in his capacity as a legal practitioner. Sections 11(1) (a) and 6 empower the committee to give a direction against a legal practitioner who has been found guilty of infamous conduct, while section 11(7) borders on the right of appeal against the direction of the Legal Practitioners Disciplinary Committee to the Appeal Committee of the Body of Benchers. Section 12 (1) established the Appeal Committee of the Body of Benchers, which has the duty of hearing appeals from any direction given the committee, while section 12 (5) deals with the right of appeal against the direction of the Appeal Committee of the Body_of Benchers to the Supreme Court.

Therefore, by a combined reading of the above provisions, the jurisdiction to hear appeals arising from the direction of the Legal Practitioners Disciplinary Committee is conferred on the Appeal Committee of the Body of Benchers, while the jurisdiction to hear appeals from the latter is conferred on the Supreme Court. The Appellant can only appeal against

the direction of the Legal Practitioners Disciplinary Committee, to the Appeal Committee of the Body of Benchers. The Appellant cannot appeal directly to the Supreme Court against the direction of the Legal Practitioners Disciplinary Committee, without first appealing to the Appeal Committee of the Body of Benchers.

The law is settled that where a statute provides for a means of doing a thing, it must be done in accordance with the express provision of the statute. *Mao v. Hember* (2018) 5 NWLR (Pt. 1612) 258, *Orubu v. N.E.C* (1988) 5 NWLR (Pt. 94) 323, *Mobil Producing (Nig.) Unltd. v. Johnson* (2018) 14 NWLR (Pt. 1639) 329, *1.G.P v. Mobil Producing (Nig.) Unltd.* (2018) 14NWLR (Pt. 1639) 379.

The Appellant lodged the instant appeal against the direction of the Legal Practitioners Disciplinary Committee, without first appealing to the Appeal Committee of the Body of Benchers as mandated by section 11(7) of the Legal Practitioners Act. In other words, the instant appeal is not against the decision of the Appeal Committee of the Body of Benchers, established under section 12(1) of the Legal Practitioners Act, but against the decision of the Legal Practitioners Disciplinary Committee established under section 10(1) of the Legal Practitioners Act. The instant appeal, having been instituted against the direction of the Legal Practitioners Disciplinary Committee, without first appealing to the Appeal Committee of the Body of Benchers, renders the appeal/Notice of Appeal incompetent and deprives this court of its jurisdiction to entertain same.

The cases of *Aladejobi v. NBA* (2013) 15 NWLR (Pt. 1376) 66 and *Akintokun v. LPDC* (2014) 13 NWLR (Pt. 1423) 1, are apposite to the facts of the instant case. In both cases, as in the instant case, the Legal Practitioners Disciplinary Committee found the Appellants culpable of infamous conduct in the course of performance of their duties as legal practitioners. Dissatisfied with the direction of the Respondents in both appeals, they appealed directly to the Supreme Court.

In *Aladejobi v. NBA* (supra), Fabiyi, J.S.C (as he then was), struck out the appeal on ground of incompetence. At pages 83-84, paras. G-D he stated, among others, as follows:

“... The word shall as employed in the law denotes obligation or a command and gives no room for discretion. It imposes a duty.

A peremptory mandate is enjoined. .. From a clear reading of the above reproduced section 12(1) of the Act, it is basic that there must be in place the Appeal Committee of the Body of Benchers which is charged with the duty of hearing appeals from any direction given by the Disciplinary Committee. It is clear to me that the appellant herein cannot appeal directly to this court against the direction handed out on 22nd February, 2011 by the Disciplinary Committee without first appealing to the Appeal Committee of the Body of Benchers. It hardly needs any gainsaying that the appeal of the appellant direct in this court without going through the Appeal Committee of the Body of Benchers is incompetent. This court has no jurisdiction to entertain same. Furthermore, it is the law that where a statute prescribes a legal line of action for initiating court process, all remedies in the statute should be duly followed to the letter... The law provides that the appellant should appeal to the Appeal Committee of the Body of Benchers. He must exhaust all the remedies by filing his appeal at the Appeal Committee from where he may have a lee-way, to imbue this court with jurisdiction. Perhaps, it should be further stated that the failure of the appellant to file his appeal before the Appeal Committee of the Body of Benchers against the direction of the Legal Practitioners Disciplinary Committee before filing appeal in this court engenders incompetence which cannot be cured. This is because the condition precedent to confer jurisdiction on this court has not been fulfilled.”

Gala(lima, J.S.C, concurring with the leading judgment, on where lie: appeals from the direction of the Legal Practitioners Disciplinary Committee, at page 96, paras. C-E, stated thus:

“By a combined reading of the provisions of section 11(7) and 12(1) it is clear that the appellant cannot appeal against the direction of the Legal Practitioners Disciplinary Committee of the Body of Benchers dated 22/2/2011, without first appealing to the Appeal Committee of the Body of Benchers. The present appeal filed by the appellant at the Supreme Court, for this reason is incompetent and this court has no jurisdiction to entertain this appeal.”

Per Alagoa J.S.C, at page 101, paras. C-D:

“For now this court lacks the jurisdiction to hear such appeals from the directions of the Legal Practitioners Disciplinary Committee of the Body of Benchers.”

In *Akintokun v. LPDC* (supra), Muhammad J.S.C. at page 89, paragraph F said that “the failure by the appellant to first channel his appeal through the Appeal Committee as established by the Legal Practitioners Act is defective and affects the competence of the court. At page 91, paras. C-F, he said thus:

“... I still hold the view that the provisions in the 2004 Laws of the Federation relating to the disciplining of erring Legal Practitioners as contained in Cap. LII, LIN, 2004 are the ones that will regulate appeals from the directions of the Legal Practitioners’ Disciplinary Committee of the Body of Benchers... I still hold that this court lacks jurisdiction to entertain appeals direct from the directions of the LPDC. The issue raised suo motu by this court on 22nd October, 2013, and now fully addressed by learned counsel for the respective parties and the amici curiae, in relation to whether it has jurisdiction to entertain appeals direct from the directions of the LPDC in view of its earlier decision in the case of *Jide Aladejobi v. Nigerian Bar Association*, decided on 12th July, 2013, now reported in (2013) 15 NWL11 (Pt. 1376) 66, and in some other Law Reports, is resolved, in line with the decision taken in *Aladejobi’s* case, i.e. this court lacks jurisdiction to entertain appeals direct from the Directions of the Legal Practitioners’ Disciplinary Committee (LPDC), pursuant to the provision of the Legal Practitioners’ Act, Cap LII, Laws of the Federation of Nigeria, (LFN), 2004.”

Odili J.S.C, at page 110, paragraph D-F stated thus :

“The law in operation, controlling all appeals from the direction of the LPDC is the Constitution 1999 (as amended) and the re-enacted Legal Practitioners Act as contained in Cap. LII of the 2004 LFN. The Act mandates an aspiring appellant to go through the Appeal Committee of the Body of Benchers first before approaching the Supreme Court. If that has not been complied with, then any attempt to lodge an appeal direct to this court would be futile ...Thus, failure by the appellant to first channel his appeal through the Appeal Committee as established by the Act is defective and affects the competence of the court. See: *Madukolu v. Nkerndilim* (1962) 1 All NLR 587 at 594, (1962) 2 SCNLR 341 . . . It has now been found that the appeal is not competent having failed to exhaust the statutory remedies laid by the Act before filing the appeal before this court. The appeal, certainly, is incompetent as it stands now. This court, by virtue of sections 11 (7), 12(1) and (5) of the Legal Practitioners Act, Cap. 1,11, LFN, 2004 lacks jurisdiction to entertain the appeal.”

The above restatements of the extant law were re-affirmed by this court in the later case of *Obiajulu Nwalutu v. N.BA and LPDC* (2019) 2 ACF (Pt. 1) 121 @ 148, (2019) LPELR- 46916 (SC).

In the above premises of the law, the instant Notice of Appeal/appeal is incompetent. A Notice of Appeal is the foundation and substratum of every appeal. It is the court process that initiates and sustains an appeal to this court. Any defect in a Notice of Appeal affects its competence and goes to the root of the jurisdiction of the court, because an incompetent Notice of Appeal cannot validly invoke a court's jurisdiction. Any defect thereto will render the whole appeal incompetent and the appellate court will lack the requisite jurisdiction to entertain it. *Uwazurike v. A.G., Federation* (2007) 8 NWLR (Pt. 1035) 1, *L.G.C Ltd. v. Stanbic IBTC Bank Plc. (No. 2)* (2022) 14 NWLR (Pt. 1851) 551.

In other words, an incompetent Notice of Appeal means the nonexistence of a valid appeal. An incompetent Notice of Appeal deprives an appellate court of jurisdiction to hear the appeal. This is because, a competent notice of appeal is a condition precedent to a valid exercise of appellate jurisdiction. *AultWilborg (Nig.) Ltd. v. Nibel Ind. Ltd.* (2010) 16 NWLR (Pt. 1220) 486, *Ani v. Otu* (2017) 12 NWLFt (Pt. 1578) 30, *Ikponmwen v. Asemota* (2022) 8 NWLR (Pt. 1833) 559, *Ibrahim v. State* (2021) 11 NWLIt (Pt. 1786) 152.

A defective/incompetent Notice of Appeal suffers only one fate, which is that, it must be struck out. *Stephen v. State* (2023) 2 NWLR (Pt. 1868) 395, *F.B.N Plc. v. T.S.A Ind. Ltd.* (2010) 15 NWLR (Pt. 1216) 247, *Baba v. Muhammad* (2022) 9 NWLFt (Pt. 1835) 301, *Idahosa v. State* (2022) 8 NWLR (Pt. 1833) 397, *FRN v. Dairo* (2015) 6 NWLR (Pt. 1454) 141, *Dingyadi v. INEC* (2010) 18 NWLR (Pt. 1224) 1, *Habu v. State* (2025) 1 NWLR (Pt. 1974) 569.

This Appeal is incompetent and this court lacks the requisite jurisdiction to hear and determine same on the merit.

Being the final court in the judicial hierarchy, the duty to deal with and make pronouncements on the issues raised by the parties on the merit, is obviated by the decision on the competence of the Notice of Appeal. The only appropriate order to enter is one striking out the incompetent Notice of Appeal. In consequence, wherefore, the Notice of Appeal dated and filed on the 11/02/21 is hereby struck out for being Incompetent.

ABUBAKAR, JSC. : I had the privilege of reading a draft copy of the lead judgment just delivered by my learned brother, **Mohammed Lawal Garba, JSC.** I agree entirely with his reasoning and conclusion that this court lacks the jurisdiction to entertain and determine this appeal. Consequently, I hereby strike out the appeal for want of competence and it is so struck out.

OBANDE, JSC. : I had, in advance, a thorough preview of the leading judgment delivered by my learned brother: Mohammed **Lawal Garba, JSC.**

I concur fully with the judicial reasoning and conclusion therein. It admits of no argument that the appellant's notice of appeal does not trace its paternity to a statutorily or constitutionally recognised court or body whence an appeal of this specie ought to germinate to this court. To this end, it is plagued by an indelible incompetence premised on the oracular and *ex cathedra* decisions of this court in *Al adejobi v. NBA* (supra); *Akintokun v. LPDC*; (supra). Since the notice of appeal is a flagrant defilement of the inelastic ingredients of jurisdiction, not initiated by due process of law and projection of a feature that ousts jurisdiction of court, this court is not clothed with the requisite jurisdiction to entertain it. Let me place on record, perforce, that jurisdiction is a threshold issue that polices the legality of every action or appeal from its cradle to *terminus ad quem*. On this score, a court, nay, apex court, has to be satisfied that the law showers it with the necessary jurisdiction that will compel and propel it to discuss an allegation of infraction *vel non* of a party's right to fair hearing which is the focus of the appellant's appeal and the *casus belli inter partes* in this appeal. Alas, whereas this court, like every other court in the legal firmament, husbands its jurisdiction jealously, it does not hunger for jurisdiction where none exists as in this instant appeal. The appeal is disabled by law *ab initio* .

It is for this brief reason, coupled with the legal expositions marshalled in the leading judgment, that I, too, strike out the notice of appeal for being incompetent.

ASEIMO, JSC. : I had a preview of the lead judgment just delivered by my brother, Mohammed Lawal Garba, JSC; who has advanced thorough explanations for striking out this appeal. I completely agree with my learned brother that the notice of appeal, upon which the appeal is anchored, is fundamentally defective as it is a challenge to the Direction of the Legal Practitioner Disciplinary Committee instead of a decision of the Appeal Committee as provided by the Legal Practitioners Act (as amended); and as settled by this in its earlier judgments. As a general principle, the law is that a procedure laid down in a statute for doing a thing must be followed – a party should not apply any other method of doing it. See **Co-operative & Commerce Bank (Nig.) PLC. v. Attorney-General of Anambra State (1992) 8 NWLR (Pt. 261) 528** and **Dr. Arthur Agwuncha Nwankwo & 2 Ors. v. Alhaji Umaru Yar'Adua & 40 Ors. (2010) 12 NWLR (Pt. 1209) 518.**

I also resolve the live issue against the appellant. I abide by the consequential order made in the lead judgment.

JAURO, JSC. : I had the privilege of reading a draft copy of the lead judgment just delivered by my learned brother, Mohammed Lawal

Garba, JSC. I agree entirely with his sound reasoning and conclusion that this court lacks the jurisdiction to entertain and determine this appeal. Accordingly, I shall also strike out the appeal for want of competence and it is so struck out.