

**IN THE SUPREME COURT OF NIGERIA**  
**HOLDEN IN ABUJA**  
**ON FRIDAY THE 16<sup>TH</sup> DAY OF MAY, 2025**  
**BEFORE THEIR LORDSHIPS:**

**HELEN M. OGUNWUMIJU**

**TIJJANI ABUBAKAR**

**CHIDIEBERE NWAOMA UWA**

**HABEEB ADEWALE O. ABIRU**

**MOHAMMED BABA IDRIS**

**JUSTICE, SUPREME COURT**

**JUSTICE, SUPREME COURT**

**JUSTICE, SUPREME COURT**

**JUSTICE, SUPREME COURT**

**JUSTICE, SUPREME COURT**

**SC/CV/796/2021**

**BETWEEN:**

**CHIEF SOLOMON OWONIYI ..... APPELLANT**

**AND**

- 1. CHIEF HENRY OLUWOLE  
AIYEWUMI**
- 2. CHIEF STEPHEN OJO BELEYI**  
(For himself and on behalf of  
Ajibohokun Ruling House of  
Ilajo Ruling family)
- 3. RAPHAEL AIYEGUNLE**  
(For himself and on behalf of  
Mokelu Ruling House of  
Ilajo Ruling family)
- 4. CHIEF OLORUNMOLA**

**RESPONDENTS**

**OLORUNTOBA**

(For himself and on behalf of  
Ajinuhi Ruling House of  
Ilajo Ruling family)

- 5. GOVERNOR, KOGI STATE**
- 6. ATTORNEY GENERAL  
OF KOGI STATE**

**JUDGMENT**

**(DELIVERED BY MOHAMMED BABA IDRIS, JSC)**

I had a preview of the judgment delivered by my learned brother, **Helen Moronkeji Ogunwumiju, JSC**. I completely agree with the reasoning, conclusions, decisions and orders therein. Let me however contribute my views on some of the issues.

The fourth issue relates to the *locus standi* of the 1<sup>st</sup> – 4<sup>th</sup> Respondents in the instant chieftaincy matter. The decision in **ADEWUMI & ANOR VS. ATTORNEY GENERAL OF EKITI STATE & ORS (2002) LPELR – 3160 (SC)**, provides guidance on this issue where this Court held that:

*"How does a plaintiff show locus standi in chieftaincy matters as in the case in hand? The plaintiff in such a case has the duty to show the court that he has locus standi in a claim relating to the filling of a vacancy in the chieftaincy. In particular, in a ruling house chieftaincy like that of Ewi of Ado-Ekiti, he must do more than relying on his membership to the chieftaincy, to wit:*

- 1. He belongs to a ruling house;*
- 2. That it is the turn of that ruling house to provide a candidate or candidates to fill the vacancy;*
- 3. That there is or ought to be a vacancy on the throne;*
- 4. That he is or was interested as an eligible candidate in the throne and;*
- 5. That he had taken part as a candidate for the throne."*

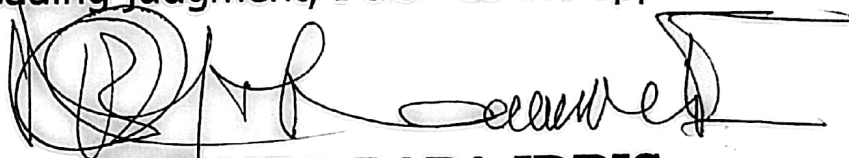
In the instant appeal, the 1<sup>st</sup> – 4<sup>th</sup> Respondents, in their statement of claim, have clearly averred their membership in

their respective ruling houses and their selection of the 1<sup>st</sup> Respondent as eligible to ascend the throne in tandem with their customs and traditions. There is no dispute as to the existence of a vacancy on the throne, which was subsequently filled by the provisions of Edict No. 12 of 1995, forming the basis of this suit. Additionally, the 1<sup>st</sup> Respondent has specifically pleaded his eligibility and nomination for the position of Obaro. These averments sufficiently establish the legal standing of the 1<sup>st</sup> – 4<sup>th</sup> Respondents to institute this action. The Court of Appeal rightly affirmed their *locus standi* and I see no justification to depart from that position.

On the fifth issue, a necessary party is one whose presence is essential for the fair, proper, and conclusive determination of the issues before the court, as their absence would hinder the effectual resolution of the dispute. Such a party must be joined in the action to ensure that the judgment binds all relevant parties and effectively settles the matter. See **LAGOS STATE BULK PURCHASE CORPORATION VS. PURIFICATION TECHNIQUES (NIG.) LTD (2012) LPELR – 20617 (SC)** and **OGBE VS. OJO & ANOR (2024) LPELR – 62587 (SC)**.

In the instant case, the issues in dispute can be effectively determined with or without the inclusion of the kingmakers/selectors as parties. This is because both the appointing authority and the appointed individual are already parties to the suit, and their actions form the basis of the claim. As correctly observed by the Court of Appeal, no specific relief has been sought against the kingmakers/selectors to necessitate their inclusion as proper parties in the proceedings.

For the above reasons and the more detailed ones brilliantly stated in the leading judgment, I dismiss the appeal.



**MOHAMMED BABA IDRIS**  
**JUSTICE, SUPREME COURT**

**APPEARANCES:**

**D. Akinlaja, SAN** with **K. Fadile, Esq** and **J. Akinlaja, Esq**  
for the Appellant

**R. A. Lawal Rabana, SAN** with **J. Fakado, Esq** and **C. Ojay, Esq**  
for the 1<sup>st</sup> – 4<sup>th</sup> Respondents

**M. M. Tseja, Esq** for the 5<sup>th</sup> and 6<sup>th</sup> Respondents