

23/07/2026

IN THE COURT OF APPEAL OF NIGERIA
IN THE PORT HARCOURT JUDICIAL DIVISION
HOLDEN AT PORT HARCOURT

APPEAL NO.: CA/PH/751/2026

SUIT NO.: PHC/2580/CS/2026

BETWEEN:

1. THE INCORPORATED TRUSTEES OF THE
NIGERIAN BAR ASSOCIATION
2. MAZI AFAM OSIGWE SAN (PRESIDENT
NIGERIAN BAR ASSOCIATION)

∴ APPELLANTS/
APPLICANTS

AND

1. ERIC NYENKE ESQ.
2. TAMUNODIEPIRIYE EDWARD BAMSON ESQ.
(For themselves and as representing
Concerned and aggrieved members of the
Nigerian Bar Association, Port Harcourt
Branch)
3. IDRIS ABAYOMI SHEHU ESQ.
4. AZUBUIKE FRIDAY ESQ.
5. DR. MRS HILDA DESMOND-IHIKARE
(For themselves and members of the newly
Constituted caretaker and Electoral Committee
Members of the NBA Port Harcourt Branch)

**COURT OF APPEAL
PORT HARCOURT DIVISION
RECEIVED**

Sign:.....

Date: 23/7/26

RESPONDENTS

NOTICE OF MOTION

**BROUGHT PURSUANT TO ORDER 6 RULE 1 OF THE COURT OF APPEAL
RULES, 2021 AND UNDER THE INHERENT JURISDICTION OF THIS
HONOURABLE COURT**

TAKE NOTICE that this Honourable Court will be moved on the day of
....., 2026 at the hour of 9 0' clock in the forenoon, or so soon thereafter as
Counsel may be heard on behalf of the Appellants/Applicants praying for:

1. **AN ORDER OF THIS HONOURABLE COURT** for departure from the rules of this honourable court and allowing the Appellants to rely on the Records of Appeal compiled and transmitted by the Appellants while the time of the Registry of the lower court to compile and transmit the said Records of Appeal was still running.
2. **AN ORDER OF STAY OF EXECUTION** of the Ruling of the High Court of Rivers State sitting in Port Harcourt delivered by Hon. Justice P. C. Mini in **SUIT NO.: PHC/2580/CS/2026 BETWEEN ERIC NYENKE ESQ. & ANOR V. IDRIS ABAYOMI SHEHU ESQ. & 4 ORS** on the 17th day of July, 2026, pending the hearing and determination of the Applicants' appeal with **Appeal No. CA/PH/751/2026 THE INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ANOR V. ERIC NYENKE ESQ & 4 ORS** before the Court of Appeal.
3. **AN ORDER OF INJUNCTION PENDING APPEAL** against the Respondents herein from giving effect or life to the said order made on the 17th day of July, 2026 by the lower court coram Hon. Justice P. C. Mini of the Rivers State High Court sitting in Port Harcourt in suit number **PHC/2580/CS/2026**.
4. **AN ORDER OF STAY OF PROCEEDINGS** in **SUIT NO.: PHC/2580/CS/2026 BETWEEN ERIC NYENKE ESQ. & ANOR V. IDRIS ABAYOMI SHEHU ESQ. & 4 ORS** pending the hearing and determination of this appeal.
5. **AND FOR SUCH FURTHER OR OTHER ORDER(S)** as this Honourable Court may deem fit to make in the circumstances.

GROUND UPON WHICH THIS APPLICATION IS BROUGHT ARE THUS:

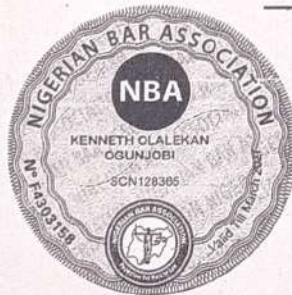
1. On the 17th day of July, 2026, the High Court of Rivers State sitting in Port Harcourt per Hon. Justice P. C. Mini granted an Interim Order in **SUIT NO.: PHC/2580/CS/2026 BETWEEN ERIC NYENKE ESQ. & ANOR V. IDRIS**

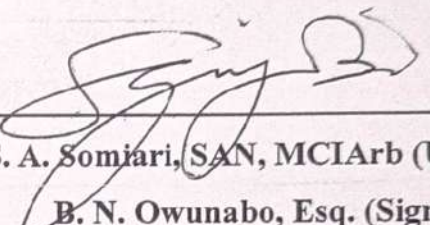
ABAYOMI SHEHU ESQ. & 4 ORS restraining the 3rd to 5th Respondents from taking any steps preparatory to the conduct of, or conducting the Branch Elections into various executive offices of the Nigerian Bar Association, Port Harcourt Branch, pending the hearing and determination of the 1st & 2nd Respondents' Motion on Notice for Interlocutory Injunction.

2. The Appellants, being dissatisfied with the decision of the High Court of Rivers State sitting in Port Harcourt per Hon. Justice P. C. Mini granted an Interim Order in **SUIT NO.: PHC/2580/CS/2026 BETWEEN ERIC NYENKE ESQ. & ANOR V. IDRIS ABAYOMI SHEHU ESQ. & 4 ORS** have filed a Notice of Appeal to the Court of Appeal, as well as the instant application for a Stay of Execution before this Honourable Court.
3. The Honourable Court has the inherent jurisdiction and power under the Rules of this Honourable Court to grant an application for Stay of Execution and Stay of Proceedings of **SUIT NO.: PHC/2580/CS/2026 BETWEEN ERIC NYENKE ESQ. & ANOR V. IDRIS ABAYOMI SHEHU ESQ. & 4 ORS** pending the hearing and determination of an appeal.
4. The Applicants have filed a Notice of Appeal and have taken steps to compile and transmit the Records of Appeal in **Appeal No.: CA/PH/751/2026- THE INCORPORATED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION & ANOR V. ERIC NYENKE ESQ & 4 ORS**
5. The Applicants' Notice of Appeal contains grounds of appeal which have raised recondite points of law that are arguable, particularly the jurisdiction of the Lower Court to entertain the 1st & 2nd Respondents' application.
6. This application is brought before this Honourable Court in the first instance because the appeal has already been entered.

7. It is in the interest of justice to stay proceedings in this suit to await the outcome of the appeal, so as not to impose a *fait accompli* on the Honourable Court.
8. The Appellants will be prejudiced if proceedings are not stayed in the suit before the Lower Court, as the decision of the Honourable Court will be rendered nugatory in the very likely event that Appellants' appeal succeeds.
9. The Appellants compiled and transmitted the Records of Appeal by themselves within the timeframe allowed for the registrar of the court below to do so.
10. This Honourable Court has the vires to grant the application.

Dated this 23RD day of July, 2026.




S. A. Somiari, SAN, MCI Arb (UK)

B. N. Owunabo, Esq. (Signed)

L. U. Ozojideofor, Esq.

✓ K. O. Ogunjobi, Esq.

B. S. Orupabo, Esq.

O. J. Ifejika, Esq.

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Appellants/Applicants' Counsel

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