

IN THE HIGH COURT OF JUSTICE OF TARABA STATE
IN THE JALINGO JUDICIAL DIVISION
HOLDEN AT JALINGO

SUIT NO: TRSJ/73/2025

MOTION NO:

TRSJ/604m/2025

BETWEEN:

BARRISTER ISA BUBA -----

PLAINTIFF/RESPONDENT

AND

1. THE REGISTERED TRUSTEES OF PROPERTY AGENTS & LANDLORDS ASSOCIATION OF NIGERIA (PALDAN)
2. MURI ESTATE AGENTS NIG. LTD
3. THE ATTORNEY GENERAL OF TARABA STATE
4. TARABA STATE BUREAU FOR LOCAL GOVERNMENT AND CHIEFTENCY AFFAIRS
5. THE COMMISSIONER OF POLICE, TARABA STATE

DEFENDANTS/RESPONDENTS

AND

THE REGISTERED TRUSTEES OF THE
NIGERIAN BAR ASSOCIATION (NBA) }

APPLICANT/PARTY SEEKING TO
BE JOINED AS CO-PLAINTIFF

MOTION ON NOTICE

BROUGHT PURSUANT TO ORDER 13 RULE 1 & 2 OF THE HIGH COURT OF
TARABA STATE (CIVIL PROCEDURE RULES); SECTION 6(6) OF THE 1999
CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS AMENDED)
AND UNDER THE INHERENT JURISDICTION OF THIS HONORABLE COURT

TAKE NOTICE that this Honourable Court shall be moved on the
day of September, 2025, at the hour of 9.0' Clock in the forenoon or so soon
thereafter as Counsel may be heard on behalf of the Applicant herein praying
this Honourable Court for the following;

1. AN ORDER of this Honourable Court granting leave to the Applicant herein i.e. The Registered Trustees of the Nigerian Bar Association,

RCR NO - A000520075.

Dated - 15/9/2025

(NBA) to be joined as Co-Plaintiff in Suit No. TRSJ/73/2025 between BARRISTER ISA BUBA v. THE REGISTERED TRUSTEES OF PROPERTY AGENTS & LANDLORDS ASSOCIATION OF NIGERIA (PALDAN) & 3ORS.

2. AN ORDER of this Honourable Court granting leave to the Applicant herein i.e. The Registered Trustees of the Nigerian Bar Association to file and serve an Amended Originating Summons and accompanying processes to reflect the joinder in Suit No. TRSJ/73/2025 between BARRISTER ISA BUBA v. THE REGISTERED TRUSTEES OF PROPERTY AGENTS & LANDLORDS ASSOCIATION OF NIGERIA (PALDAN) & 3ORS.

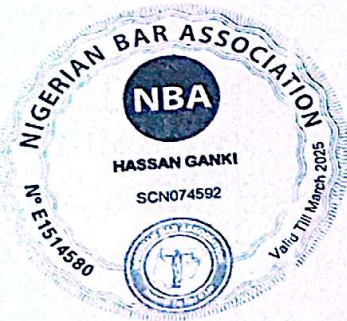
AND for such further order or other orders as this Honourable Court may deem fit to make in the circumstance.


TAKE FURTHER NOTICE that the grounds for the application are as follows;

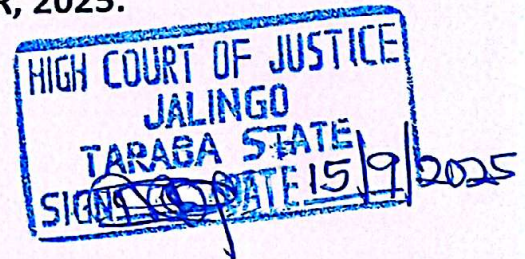
1. The Registered Trustees of the Nigerian Bar Association (NBA) is a juristic person established under the laws of the Federal Republic of Nigeria. It is a body corporate with perpetual succession and a common seal, duly incorporated pursuant to the provisions of the Companies and Allied Matters Act, 2020 (CAMA 2020). By virtue of that Act, the Registered Trustees possess legal personality and have the capacity to sue and be sued in their corporate name.
2. The subject matter of this suit concerns the validity of instruments affecting title to land in Taraba State, and the lawful authority of persons entitled to draw or prepare such instruments.
3. By virtue of Sections 5 and 6 of the Land Instruments (Preparation) Law, Cap. 74, Laws of Taraba State 1997, only legal practitioners duly called to the Nigerian Bar have statutory competence to prepare instruments affecting land.
4. The interpretation and enforcement of these provisions directly affects the legal rights, duties, and professional practice of members of the Nigerian Bar Association being legal practitioners in Nigeria inclusive of Taraba State, which the Registered Trustees of the Nigerian Bar Association is statutorily mandated to protect pursuant to its Constitution.
5. The joinder of the Registered Trustees of the Nigerian Bar Association as Co-Plaintiff in this suit is necessary to ensure that the interests of the legal profession, legal practitioners and the public are adequately protected, and to avoid a multiplicity of suits on the same subject matter.

6. The NBA as the umbrella body of Lawyers in Nigeria is the body directly affected by the outcome of this suit and is responsible for protecting the interest of all Lawyers and the Legal Profession in Nigeria.
7. The joinder of the Registered Trustees of the Nigerian Bar Association as Co-Plaintiff will not prejudice the Defendants but will enable this Honourable Court to effectively and conclusively determine all issues in controversy.
8. This Honourable Court, being a superior court of record, is vested with inherent jurisdiction to make such orders as are necessary to give effect to its powers, to prevent abuse of its processes, and to ensure that justice is done in every matter before it. It is in the exercise of this inherent power that the Court can grant this application for joinder, so as to bring before it all necessary and proper parties whose presence will enable the Court to effectually and completely adjudicate upon and settle all the questions in controversy in this suit.

DATED THIS 15TH DAY OF SEPTEMBER, 2025.




AMA ETUWEWE, SAN.
EKO EJEMBI EKO SAN.
ALIYU NASARAWA, ESQ.



GANKI HASSAN, ESQ. [Signed]
APPLICANT'S COUNSEL

NBA NATIONAL LITIGATION COMMITTEE
NIGERIAN BAR ASSOCIATION
NATIONAL SECRETARIAT

NBA HOUSE, PLOT 1101 MOHAMMADU BUHARI WAY
CENTRAL BUSINESS DISTRICT, ABUJA,
TEL: +234 800 333 1111
+23408033136059
www.nigerianbar.org.ng

WHOSE ADDRESS FOR SERVICE WITHIN JURISDICTION IS
GANKI HASSAN & CO., (CITY-HILL CHAMBERS),

NBA NATIONAL LITIGATION COMMITTEE- MOTION ON NOTICE

PHARM. DANBABA SUNTAI WAY,
MILE 6 BYPASS, JALINGO, TARABA STATE
Legal mail: gankihassan@nigerianbar.org
Mobile: 08034995144

FOR SERVICE ON:

THE 1ST DEFENDANT:

TARABA STATE SPECIALIST
HOSPITAL ROAD, JALINGO,
TARABA STATE.

2ND DEFENDANT:

NO: 131 HAMMANRUWA WAY,
JALINGO, TARABA STATE.

3RD DEFENDANT

TARABA STATE SECRETARIAT,
JALINGO, TARABA STATE.

4TH DEFENDANT

MINISTRY OF JUSTICE, JALINGO,
TARABA STATE.

5TH DEFENDANT

TARABA STATE POLICE COMMAND
HEADQUARTERS, JALINGO, TARABA STATE.

IN THE HIGH COURT OF JUSTICE OF TARABA STATE
IN THE JALINGO JUDICIAL DIVISION
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SUIT NO: TRSJ/73/2025
MOTION NO:

BETWEEN:

BARRISTER ISA BUBA -----

PLAINTIFF/RESPONDENT

AND

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2. MURI ESTATE AGENTS NIG. LTD
3. THE ATTORNEY GENERAL OF TARABA STATE
4. TARABA STATE BUREAU FOR LOCAL GOVERNMENT AND CHIEFTENCY AFFAIRS
5. THE COMMISSIONER OF POLICE, TARABA STATE

DEFENDANTS/RESPONDENTS

AND

**THE REGISTERED TRUSTEES OF THE
NIGERIAN BAR ASSOCIATION (NBA) }**

**APPLICANT/PARTY SEEKING TO
BE JOINED AS CO-PLAINTIFF**

AFFIDAVIT IN SUPPORT OF MOTION ON NOTICE

I, **ISAH ALIYU**, Adult Male, Nigerian, of NBA House, Plot 1101 Mohammadu Buhari Way Central Business District, Abuja, do hereby make Oath and state as follows, THAT:

1. I am the Coordinating Secretary of the Litigation Committee of the Nigerian Bar Association (NBA), and by virtue of my position coupled with the relevant documents, I am conversant with the facts and circumstances of this application and I am competent to depose to this affidavit.
2. I am conversant with the objects, aims and purposes of the Nigerian Bar Association as enshrined in its Constitution; I am also familiar with its governance structure, administrative organs, and the activities it routinely undertakes in the fulfillment of its mandate, including the protection of the interests of legal practitioners, the promotion of

the rule of law, the defence of human rights, and the advancement of the cause of justice in Nigeria.

3. I depose to this affidavit on the authority of the Registered Trustees of the Nigerian Bar Association, the President of the NBA and by virtue of the authority conferred upon the Litigation Committee to institute or join proceedings in the public interest and to protect the professional rights of members.
4. The Applicant in this application is THE REGISTERED TRUSTEES OF THE NIGERIAN BAR ASSOCIATION (hereinafter referred to as the 'NBA'), a body corporate with perpetual succession and a common seal, duly incorporated pursuant to the Companies and Allied Matters Act, 2020 (CAMA 2020) and which, by virtue of the said Act, possesses legal personality and the capacity to sue and be sued in its corporate name. **A certified true copy of the Applicant's Certificate of Incorporation is annexed hereto and marked as EXHIBIT NBA1.**
5. The NBA is the professional association entrusted with the protection, promotion and regulation (insofar as the Constitution of the NBA permits) of the interests, privileges and professional standards of legal practitioners in Nigeria; the NBA's mandate in this regard is set out in its Constitution and related governance instruments which define, among other things, the duty to protect the interests of its members and to promote the administration of justice. **A certified true copy of the NBA Constitution is annexed hereto and marked as EXHIBIT NBA2.**
6. I know as a fact that the Nigerian Bar Association has established a National Litigation Committee whose terms of reference include, amongst others:
 - a. to engage in public interest litigation aimed at addressing systemic issues affecting the legal profession and the administration of justice in Nigeria;
 - b. to institute legal actions to challenge and rectify violations of the rights of lawyers to perform their duties without intimidation or harassment; and
 - c. to advocate for the enactment or enforcement of laws that safeguard the independence of the legal profession and prevent interference by law enforcement agents.

7. I am aware that these express Terms of Reference demonstrate that the Nigerian Bar Association, acting through its National Litigation Committee, has a statutory and institutional mandate to participate in litigation of this nature, where the independence, protection, and professional scope of legal practice is directly in issue.
8. I verily believe the Applicant has locus standi to be joined in these proceedings for the protection of the collective rights and privileges of legal practitioners in Taraba State and Nigeria at large and to vindicate matters of public and professional interest affecting the administration of land law in Taraba State.
9. I know as a fact that the Nigerian Bar Association, Jalingo Branch (Equity Bar), upon becoming aware of the pendency of this suit and the issues raised therein, vide a letter dated September 3, 2025, addressed to the National Secretariat of the Nigerian Bar Association, in which the Litigation Committee of the NBA was in copy, notifying the national body of Suit No. TRSJ/73/2025: Barrister Isa Buba v. The Registered Trustees of Property Agents and Landlords Association of Nigeria (PALDA) & Ors., and requesting for directives from the Association, given its grave implications on the professional rights and functions of legal practitioners in Tarawa State and Nigeria in general. A copy of the said letter, is herewith and marked as Exhibit NBA3.
10. The letter referred to in paragraph 9 hereof was duly signed by the Chairman and Secretary of the Jalingo Branch of the Nigerian Bar Association and expressly chronicled the activities of the 1st Defendant (PALDA) and their usurpation of the duties and functions reserved exclusively for legal practitioners under the Legal Practitioners Act and other extant laws.
11. The President of the NBA has officially given the approval of the Litigation Committee to apply to be joined as Co-Plaintiff in this suit.

12. I have read the Originating Summons and the affidavit in support filed by the Plaintiff herein and I verily believe that the principal questions for determination raised therein concern the interpretation and application of Sections 5 and 6 of the Land Instrument (Preparation) Law, Cap. 74, Laws of Taraba State 1997 (hereinafter "the Land Instrument Law") and whether those provisions restrict the preparation, drawing and signing of instruments affecting land in Taraba State to persons who are legal practitioners entitled to practice as barristers and solicitors.
13. I know as a fact that the specific questions for determination raised in the Originating Summons (including but not limited to whether non-legal practitioners such as registered estate agents, ward heads, village heads, district heads, traditional rulers or members of associations may draw, prepare or sign instruments affecting land in Taraba State and whether instruments so prepared are void) fall squarely within the scope of functions, rights and privileges of legal practitioners; they touch and concern the scope of work that only legal practitioners are ordinarily permitted to carry out under the relevant laws and Professional Rules.
14. I know as a fact that the reliefs sought in the Originating Summons, will directly affect the professional rights, duties, privileges and livelihood of legal practitioners in Taraba State and therefore directly affect the collective interest of members of the NBA at large; the NBA, through its Registered Trustees therefore have both a legal and public interest in the proper construction and enforcement of the Land Instrument Law and in the vindication of the proper scope of legal practice in Taraba State and Nigeria as a whole.
15. By reason of the foregoing, the Applicant is a person whose presence before this Honourable Court as Co-Plaintiff is both necessary and desirable to enable the Court to effectually and completely adjudicate upon and settle all the questions in controversy between the parties.

16. The Applicant is desirous to be joined as Co-Plaintiff in order inter alia to:
- a. Assist this Honourable Court with authoritative and professional submissions on matters concerning legal practice and the interpretation of the Land Instrument Law as they affect the rights and duties of legal practitioners in Taraba State and Nigeria as a whole;
 - b. Protect the collective interests of legal practitioners in Taraba State and Nigeria as a whole;
 - c. Ensure that any declaration or injunction issued by this Honourable Court is comprehensive in its effect and practical in its enforcement; and
 - d. Prevent multiplicity of proceedings and conflicting decisions on the same subject matter.
17. I know as a fact that the Applicant's joinder is appropriate because the questions for determination are not purely private to the original Plaintiff and will have a wider impact on the legal profession and the public generally; More so, the Applicant's presence will assist the Court in arriving at a just and final determination of all issues in controversy and will promote convenience, avoid multiplicity and ensure that the interests of the legal profession are adequately represented.
18. I know as a fact that the Applicant does not seek joinder for any collateral or improper purpose nor to cause delay or prejudice to any of the Defendants; rather, the application is bona fide and is brought in the public interest and in the interest of the administration of justice.
19. I verily believe that the Applicant's joinder will not occasion any undue prejudice to any of the Defendants; to the contrary, the joinder will ensure that the proceedings comprehensively resolve the legal questions raised and thereby bring finality to disputes arising from instruments affecting land in Taraba State viz a viz the Legal Practitioners Act.

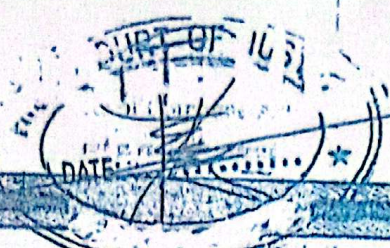
20. I know as a fact that the Applicant will be able to adduce evidence and make submissions which will be relevant to the proper determination of the issues in this suit, including (but not limited to) expert or professional evidence on the established scope of work of legal practitioners in relation to the preparation of land instruments, customary or customary-adapted practices which may vary across localities, and established professional standards.
21. The Applicant is prepared, if this Honourable Court grants this application, to file and serve an Amended Originating Summons, Amended Affidavit and other amended processes reflecting its joinder within such time as the Court may direct.
22. I know as a fact that the NBA, in the exercise of its duties under its Constitution and governance instruments has consistently intervened or supported litigation where legal practice, the rule of law or the administration of justice are in issue; the present matter similarly attracts the Applicant's intervention as it concerns the lawful preparation of land instruments and the preservation of professional standards.
23. The NBA's participation as a Co-Plaintiff in this suit is therefore necessary to ensure that the issues raised are effectively, completely, and conclusively determined by this Honourable Court, and that the judgment will bind the collective body legally recognized to safeguard the interests of lawyers in Nigeria.
24. By reason of the facts deposed to herein the Applicant seeks the reliefs set out in the extant application.
25. I, **ISAH ALIYU**, hereby depose to this affidavit conscientiously believing the same to be true and in accordance with the Oaths Act.


DEPONENT

Sworn to at the High Court Registry, Jalingo, this ^{15th}..... day of September, 2025.



EXHIBIT "NBA1"



FEDERAL REPUBLIC OF NIGERIA
CERTIFICATE OF INCORPORATION

REGISTRATION NUMBER 2368

The Registrar - General of Corporate Affairs Commission

hereby certifies that

HTAO 809 8301022MMCO

The Trustees of NIGERIAN BAR ASSOCIATION incorporated on the 8th day of April, 1983 have been changed by resolution dated 25th day of August, 2022 as follows:

OBAFEMI ADEWALE, MRS. FATIMA KWAKU (MFR), AUGUSTINE ALEGHE, SAN,
OLISA AGBAKOBA, BODUNRIN DAUDU (SAN), GODWIN AGABI, GEORGE
ETOMI, PATRICIA IGWEBUIKE, YUNUS USMAN

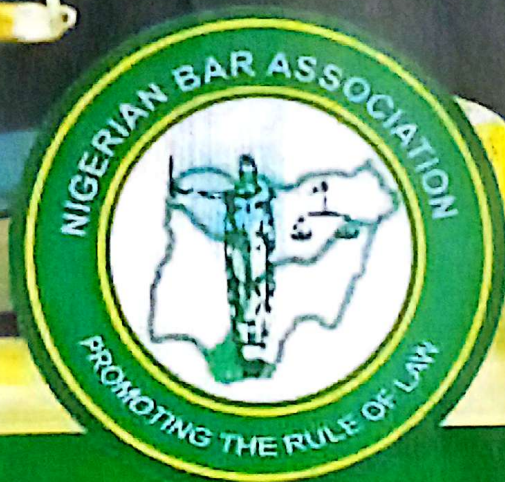
Given under my hand at Abuja this 20th day of September, 2023



Hussaini Ishaq Magajisan
Registrar - General

EXHIBIT "NBA 2"

NIGERIAN BAR ASSOCIATION



THE CONSTITUTION OF THE NIGERIAN BAR ASSOCIATION 2015 (as amended in 2021)

EXHIBIT "NBA3"



BRANCH OFFICERS

Martin Milkman Esq.
(Chairman)

M.U. Adam Esq.
(Vice Chairman)

Mohammad Yakubu Esq.
(Secretary)

Abubakar Hassan Esq.
(Asst. Secretary)

S.U. Yohanna Esq.
(Treasurer)

E.I. Yamsa Esq.
(Fin. Secretary)

M.D. Arosanyin Esq.
(Welfare Sec.)

D.A. Modibbo Esq.
(Publicity Sec.)

A. Muhammad Esq.
(Social Sec.)

S. Kadiri Esq.
(Provost)

NIGERIA BAR ASSOCIATION JALINGO BRANCH

Bankers
Access Bank Plc

Secretariat
Justice Adamu Aliyu (OF) Ptd Bar Centre
Chief Magistrate Court Premises
Jalingo, Taraba State
07036459054
08030825927
Email: nbajalingo@gmail.com

3rd September, 2025

The President,
Nigerian Bar Association
(NBA), National
Secretariat,
NBA House, Plot 1101 Mohammadu Buhari
Way, Central Business District, Abuja, FCT,
Nigeria.

Sir,

**NOTIFICATION OF THE PENDENCY OF SUIT NO:
TRSJ/73/2025 BETWEEN BARRISTER ISA BUBA V. THE
REGISTERED TRUSTEES OF PROPERTY AGENTS AND
LANDLORDS ASSOCIATION OF NIGERIA (PALDA) AND
OTHERS, AND**

**REQUEST FOR YOUR DIRECTIVE FOR THE NBA TO JOIN AS A
PARTY IN THE MATTER**

Nigerian Bar Association Jalingo Branch (Equity Bar) writes to notify your esteem office, of the activities of an association known as **Property Agents and Landlords Association of Nigeria (PALDA)**, which literally usurps the duties of Legal Practitioners, not only in Taraba State but nationwide. **PALDA**, which has National and branches cutting across various States of the Federation including Taraba State, is fully involved in drafting of documents transferring title, Sales agreements, amongst others, which automatically seeks to dislodge and replace documents drafted by Legal Practitioners.

PALDA is taking advantage of the strict compliance with the NBA Remuneration Order to provide an alternative to people in land documentation so as to dispense with lawyers. We have gathered that **PALDA** operates with the kinetic support from

IN THE HIGH COURT OF JUSTICE OF TARABA STATE
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APPLICANT/PARTY SEEKING TO
BE JOINED AS CO-PLAINTIFF

WRITTEN ADDRESS IN SUPPORT OF MOTION ON NOTICE

1. INTRODUCTION:

- 1.1. This Written Address is filed on behalf of the Applicant/Party seeking to be joined as Co-Plaintiff to wit- The Registered Trustees of the Nigerian Bar Association (NBA), in support of its Motion on Notice seeking to be joined in this suit. The subject matter of the Originating Summons squarely borders on the lawful scope of legal practice in Nigeria, particularly the preparation of instruments relating to land, which is a professional function reserved exclusively for legal practitioners pursuant to established laws and principles.
- 1.2. The NBA, being the statutory body charged with the protection of the interests of legal practitioners and the promotion of the rule of law, has a direct and substantial stake in the determination of

the questions raised in this suit. It is therefore imperative that the Association be joined as a Co-Plaintiff, so that this Honourable Court may effectually and completely adjudicate upon the issues in controversy and safeguard the professional mandate of the legal profession.

2.0 ISSUE(S) FOR DETERMINATION:

- 2.1. The Applicant/Proposed Co-Plaintiff respectfully submits a sole issue for determination by this Honourable Court thus:

Whether, in view of the questions raised in the Originating Summons which border on the scope of work reserved exclusively for legal practitioners under the Legal Practitioners Act and other extant laws, and having regard to the constitutional mandate of the Nigerian Bar Association to protect the interests of legal practitioners and uphold the rule of law, the Registered Trustees of the Nigerian Bar Association ought to be joined as a Co-Plaintiff in this suit as a necessary and proper party in order to enable this Honourable Court effectually and completely adjudicate upon and settle all the questions in controversy.

3.0 ARGUMENT IN SUPPORT OF SOLE ISSUE:

- 3.1. It is trite that the grant of an application for joinder is a matter within the discretion of this Honourable Court and any Court at all. The applicable provisions of the High Court of Taraba State (Civil Procedure) Rules 2011, particularly Order 13 Rule 1, make it abundantly clear that:

“All persons may be joined in one action as plaintiffs in whom any right to relief is alleged to exist whether jointly or severally and judgment may be given for such plaintiffs as may be found to be entitled to relief and for such relief as he or they may be entitled to, without any amendment.”

- 3.2. The spirit and intendment of this provision is that the Court, in the exercise of its discretionary powers, may allow parties with an identifiable right or interest in the subject matter of a suit to be joined so as to enable the Court to effectually and completely determine all questions involved in the matter. It is submitted that discretion of the Court, although unfettered, is never at large. It is not to be exercised in vacuo, neither is it to be exercised capriciously, but in accordance with established principles of law, fairness, and justice. As the Supreme Court held in **LOVEDAY v.**

COMPTROLLER OF PRISONS, FEDERAL PRISONS, ABA (2013) 18 NWLR (Pt. 1386) 379 at 408-409 H-A:

"Discretion of a court must at all times be exercised not only judicially but judiciously on sufficient materials placed before it."

- 3.3. Similarly, in **OKOROCHA v. PEOPLE'S DEMOCRATIC PARTY (2014) 7 NWLR PART 1406 PAGE 213 AT PAGE 225 PARAS B-C**, the Supreme Court re-affirmed this guiding principle in these words:

"Exercise of discretion should be done judicially, and judiciously as well. Discretion is the art of being discrete. In an exercise of discretion, it is expected of the court to act judicially by being guided by available relevant facts and within the precincts of law in doing what is just and proper."

- 3.4. It is significant to note that Order 13 Rule 1 of the High Court of Taraba State (Civil Procedure) Rules 2011, employs the word "may". The interpretation of this word in statutory instruments has been settled by judicial authorities. In **EKANEM v. REGISTERED TRUSTEES, CCGS (2023) 6 NWLR PART 1879 PAGE 43 AT PAGE 68 PARAGRAPH B-C**, the Supreme Court pronounced emphatically as follows:

"It is an established canon of statutory interpretation that the word 'may' is generally permissive and not mandatory. It does not foist on a party a legal duty which must be performed or which is not performed at the pain of punishment."

- 3.5. Similarly, in **WILSON v. OKEKE (2011) 3 NWLR PART 1235 PAGE 456 AT PAGE 473, PARAGRAPH D-H**, the Court of Appeal reiterated this position in these words thus:

"In construction of statutes and rules, 'may' as opposed to 'shall' is indicative of discretion or choice between two or more alternatives but the context in which the word appears must be the controlling factor..."

- 3.6. It is therefore beyond doubt that the use of the word "may" in Order 13 Rule 1 of the High Court of Taraba State (Civil Procedure) Rules 2011, clearly vests this Honorable Court with a discretion, rather than a duty, to allow a party to be joined. This discretion, as already demonstrated in **LOVEDAY v. COMPTROLLER OF PRISONS (supra)** and **OKOROCHA v.**

PDP (*supra*), is one which must be exercised judicially and judiciously, based on the facts placed before the Court. We humbly submit that the facts disclosed in the Applicant's affidavit have provided more than sufficient grounds for this Honourable Court to properly exercise that discretion in favour of the Applicant.

- 3.7. We submit first and foremost that in an application of this nature the Applicant must show by convincing affidavit and documentary evidence that it has sufficient interest in the subject matter in contention. The Supreme Court has emphasized that the inquiry that a Court must conduct is to decipher whether the applicant will suffer a legal injury or hardship if not heard and whether the interest is real and substantial Legal authority. In **JEGA v. EKPENYONG (2025) 11 NWLR PART 1998, PARTICULARLY AT PAGES 102 -103, PARAGRAPH H-C**, the Supreme Court held that

“For a party to show that he has Locus Standi, he has to establish that he has sufficient interest in the subject matter of the action and that his civil rights and obligations are in danger of being infringed upon”.

- 3.8. Similarly, in **NWORKA v. ONANEZE-MADU 2019 7 NWLR PART 1672, PAGE 422**, the Supreme Court held that for “a party to have locus standi, he must show sufficient interest in the suit”.
- 3.9. In this case, the Applicant is the professional body of Legal Practitioners otherwise referred to as the Bar tasked by statute and practice rules to protect the integrity of the profession, regulate professional conduct by reference to the Rules of Professional Conduct and to take steps to preserve the public's confidence in legal services. The Legal Practitioners Act and the Rules of Professional Conduct make clear that legal practice and the privileges of legal practitioners are matters of public regulation and professional discipline. The Applicant therefore has a direct and recognized interest in any law, policy, notice by public or the private sector that seeks to change or threatens the statutory and professional framework by which legal practitioners operate or do their work which includes the preparation and franking of instruments affecting transfer of interest in land.

3.10. We submit that the Applicant has placed before this Honourable Court cogent and sufficient materials in the affidavit deposed to by ISA ALIYU, the Coordinating Secretary of the NBA Litigation Committee. The affidavit establishes the proprietary rights, interests, and obligations of the Applicant in the subject matter of this suit, and demonstrates the necessity of its presence as a party for the just, effectual, and complete determination of the issues in controversy.

3.11. The Originating Summons filed by the sole Plaintiff in this matter inter alia, challenges the legality of the activities of the Property Agents and Landlords Association of Nigeria (PALDA), an association which, from the affidavit evidence before this Court, is deeply involved in acts that directly usurp the functions reserved exclusively for legal practitioners under the Land Instrument (preparation) Law, cap. 74 laws of Taraba State, 1997 and the Legal Practitioners Act and other extant laws. These activities include the drafting of conveyancing documents, sales agreements, transfers of title and other legal instruments; tasks which by law are within the exclusive domain of legal practitioners. The Plaintiff in the substantive suit contends that such conduct not only undermines the legal profession but also poses grave danger to the public and the rule of law.

3.12. We submit that the questions raised in the Originating Summons therefore touch at the very heart of the legal profession and practice in Nigeria. They call into question the scope of legal practice, the protection of the exclusive domain of lawyers, and the prevention of unauthorized persons and associations from carrying out reserved legal work. These are matters which go beyond the interest of the individual Plaintiff, Barrister Isa Buba; they directly affect the collective rights, duties, and professional mandate of all legal practitioners in Nigeria. In this regard, the Nigerian Bar Association, as the umbrella body of all legal practitioners in Nigeria and the statutory guardian of the profession's integrity, is vested with the constitutional and legal mandate to regulate, protect and defend the practice of law. Its constitution clearly charges it with

the duty of promoting the rule of law and ensuring that only those duly called to the Bar engage in legal practice.

- 3.13. It is trite law that a necessary party to an action is one whose presence is essential for the effectual and complete determination of the issues in controversy before the Court. The Supreme Court in *I.N.E.C. v. ACD* (2022) 12 NWLR PART 1844 PAGE 257 AT PAGE 304 PARAGRAPH F, held emphatically that:

“Necessary parties are those who are not only interested in the subject-matter of the proceedings but also who in their absence, the proceedings could not be fairly dealt with. In the instant case, the applicant did not qualify to be joined as a respondent.”

- 3.14. Similarly, in *ADESINA v. AIR FRANCE* (2022) 8 NWLR PART 1833 PAGE 523 AT PAGE 552, PARAGRAPH F–G, the Supreme Court restated the need for proper parties in litigation when it held that:

“Only proper parties can invoke the jurisdiction of the court. So, for an action to succeed, the parties to it must be shown to be the proper parties to whom rights and obligations arising from the cause of action attach. In other words, it is only a proper party that can sue and be sued, and it is only that party that can be bound by the outcome of the proceedings. It is the facts of the case that determines the proper parties to the suit. In the instant case, it is clear from the affidavit in support of the application that the respondent was not the proper party to be sued by the appellant for the alleged violation of his rights.”

- 3.15. Flowing from the foregoing authorities, it is clear that the Nigerian Bar Association, being the statutory and constitutional body vested with the mandate to regulate, protect, and defend the practice of law in Nigeria, is both a necessary and proper party in this suit. The gravamen of the originating summons touches directly on the scope of legal practice and the unauthorized intrusion of non-lawyers into that space. Without the NBA’s presence, this Honourable Court cannot fairly or effectively determine the issues in controversy, as any outcome would necessarily affect the rights, duties, and interests of the Association and its members.
- 3.16. It is submitted that the NBA’s presence in this suit is not only desirable but imperative, as the outcome of this case will directly affect the professional

scope, practice, and livelihood of its members nationwide. Without the joinder of the NBA, the suit would lack the representation of the collective body legally recognized to safeguard the interests of legal practitioners in Nigeria. The Supreme Court in **ONEMU v. COMMISSIONER FOR AGRICULTURE AND NATURAL RESOURCES (2019) 11 NWLR PART 1682 PAGE 1 AT PAGE 31–32, PARAGRAPH H–B**, clearly restated the principle guiding joinder of parties thus:

“Where the nature of the evidence before the court is such that the case of the parties before it can be determined in the absence of those not joined, it can proceed to do so. It is only in those cases where it will not be right and the court cannot properly determine the issues before it in the absence of the parties whose participation in the proceeding is essential for the proper, effectual, and complete determination of the issues before it, will it be necessary to insist on the joinder of such necessary parties.”

3.17. Similarly, in **OLUFEAGBA v. ABDUL-RAHEEM (2009) 18 NWLR PART 1173 PAGE 384 AT PAGE 458, PARAGRAPH F–G**, the Apex Court underscored the permissibility of joinder to avoid multiplicity of actions where parties have common interests and common questions of law:

“The rules of court permit joinder of parties within persons claiming jointly, severally or in the alternative as plaintiffs or defendants so as to avoid multiplicity of actions particularly where they have common interest and common questions of law and common demand. Judgment of court shall be given to one or more of the parties as may be found to be entitled to reliefs in the action. Such an action shall continue upon the death of any of the parties as long as there are survivors appearing in the matter before the court.”

3.18. Again, the Supreme Court in **RINCO CONSTRUCTION CO. v. VEEPEE INDUSTRIES LTD. (2005) 9 NWLR PART 929 PAGE 85 AT PAGE 100, PARAGRAPH A–B**, held as follows:

“Anyone whose presence is crucial and fundamental to the resolution of a matter before the court must be made a party to the proceedings. The only reason which makes it necessary to make a person a party to an action is so that he should be bound by the result of the action and the question to be settled therefore must be a

question in the action which cannot be effectively and completely settled unless he is a party.”

3.19. Guided by these binding pronouncements, we submit that the Nigerian Bar Association falls squarely within the category of parties whose presence is crucial, fundamental, and indeed indispensable to the effectual determination of the present suit. The very issues for resolution are directed at the practice of law itself, and no adjudication can be complete or just in the absence of the only corporate body legally empowered to protect, regulate, and defend the practice of law in Nigeria.

4.0. CONCLUSION:


- 4.1. We have, with utmost respect, demonstrated through both affidavit evidence and legal submissions that this application for joinder is meritorious and deserving of the favourable exercise of the Court's discretion. The affidavit in support, deposed to by Isah Aliyu, Esq., the Coordinating Secretary of the NBA Litigation Committee, has provided credible and sufficient materials establishing the NBA's direct and substantial interest in the subject matter of this suit.
- 4.2. The law is settled that the exercise of discretion in applications of this nature must be done judicially and judiciously, upon sufficient facts placed before the Court. We have shown that the present case is one where the participation of the Nigerian Bar Association is indispensable. The questions raised in the Originating Summons border directly on the statutory and constitutional duties of the NBA to safeguard the legal profession, protect the exclusive domain of legal practice, and defend the collective interest of its members across Nigeria.
- 4.3. We further submit that the binding pronouncements of the appellate courts, particularly in **INEC v. ACD (SUPRA)**, **ADESINA v. AIR FRANCE (SUPRA)**, **ONEMU V. COMMISSIONER FOR AGRICULTURE AND NATURAL RESOURCES (SUPRA)**, **OLUFEAGBA v. ABDUL-RAHEEM (SUPRA)**, **AND RINCO CONSTRUCTION CO. v. VEEPEE INDUSTRIES LTD. (SUPRA)**, have made it clear that a necessary party is one whose presence is essential for the fair, proper, and complete determination of the questions before the Court. The NBA fits this description without equivocation.
- 4.4. Also, the essence of joinder is to prevent multiplicity of actions and ensure that all questions in controversy are settled in a single proceeding. The joinder of the NBA in this case will not only avoid further litigation on the

same subject but will also ensure that the legal profession, whose interests are directly under attack by the activities of PALDA, as posited by the sole Plaintiff in the Originating Summons, is adequately represented in these proceedings.

- 4.5. Respectfully, we therefore urge this Honourable Court to hold that the Applicant/Proposed Co-Plaintiff being the Registered Trustees of the Nigerian Bar Association, is both a necessary and proper party to this action. Accordingly, we pray this Honourable Court to exercise its discretion in favour of the Applicant and grant the reliefs sought in the Motion on Notice by joining the NBA as a Co-Plaintiff in this suit, in the interest of justice, equity, and the complete and effectual determination of the issues in controversy.

We beg to urge your lordship.

DATED THIS 15TH DAY OF SEPTEMBER, 2025.



AMA ETUWEWE, SAN.
EKO EJEMBI EKO SAN.
ALIYU NASARAWA, ESQ.



GANKI HASSAN, ESQ. [Signed]
APPLICANT'S COUNSEL

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2ND DEFENDANT:

NO: 131 HAMMANRUWA WAY,
JALINGO, TARABA STATE.

3RD DEFENDANT

TARABA STATE SECRETARIAT,
JALINGO, TARABA STATE.

4TH DEFENDANT

MINISTRY OF JUSTICE, JALINGO,
TARABA STATE.

5TH DEFENDANT

TARABA STATE POLICE COMMAND
HEADQUARTERS, JALINGO,
TARABA STATE.