

WOLE OLANIPEKUN & CO

WOC HORIZON

ISSUE 01 | 2026

INSIGHT. INNOVATION. IMPACT

Magazine Highlight

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Shaping the Law

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Editorial



Akintola Makinde
Partner

The transition from Q4 – 2025 to the first half of 2026 came unnoticed for those of us at Wole Olanipekun & Co. This was largely due to the spillover of a number of the corporate endeavours and challenging assignments from the previous year. Being accustomed to dealing with complex legal issues across our practice areas, as a team, we confront each of these challenges with the determination to enrich the jurisprudence and the desire to provide quality satisfaction for our clients within legally permissible ambits. Expectedly, some of these processes eventually morphed into defining decisions of the appellate courts within the first half of the year.

On 20th February, 2026, the **Supreme Court delivered judgment in SC/CV/374/2023 – 11 Plc v. Milan Industries Limited**, where it examined the provision of sections 222, 224 and 227 of the **Companies and Allied Matters Act, 2020** and came to a conclusion that insofar as the obligation of compliance with registration of a charge falls on a debtor – company in line with section 224 of CAMA, the non-registration of a charge to the full sum secured will not absolve the company of its liability to repayment of the full sum. In the same case, the apex court also analyzed the provisions of sections 33A and 34 of the **Assets Management Corporation of Nigeria (AMCON) Act**, in coming to a decision that the jurisdiction of the courts is ousted from granting injunctive orders against the exercise or intended exercise of AMCON's powers. It accordingly held that the extent of the available remedy is limited to monetary compensation.

On 10th April, 2026, the **Supreme Court in SC/CV/48/2026 - Neconde v. FBNQuest Merchant Bank Limited**, delivered judgement which significantly amplified the extent of the residual powers of a director in the event of a receivership, while asserting the limitation to the powers of a receiver, particularly, when the appointment is in issue. The judgment was largely an examination of the intent and purport of section 556(3) of the CAMA and the Eleventh Schedule to CAMA. Their lordships of the Supreme Court held the firm view that it would be absurd for a receiver whose appointment is a subject matter of litigation, to be conferred with the power of determining the legal representation for his challengers.

A few days after the decision of the Supreme Court in **Neconde v. FBNQuest (supra)**, the **Court of Appeal on 13th April, 2026**, toed a similar path, in **Appeal No. CA/LAG/CV/1031/2025 – Ecobank v. Kepco Energy Resources Limited**, in reaffirming the scope of the residual powers of the directors of a company under receivership and the limitation to the powers of the receiver, particularly, in the event of a challenge to his appointment.

On 24th April, 2026, the Supreme Court in **SC/682/2018 – Apapa Bulk Terminal Limited & Ors. V. Nigerian Shippers' Council & Anor.**, delivered a Ruling which further redefined the jurisprudence on juristic personality. It considered the propriety or otherwise of substitution of a juristic person for a non-juristic person at the appellate stage of litigation, particularly, by an applicant who was an intervener and successful counter – claimant at the trial court. The apex court was of the opinion that since the party before the trial court was a non-juristic person, it implies that there was no party ab initio, hence, no substitution could be effected in the circumstances.

On 1st June, 2026, the Supreme Court in **SC/CV/1130/2025 – Neconde Energy Limited v. FBNQuest Merchant Bank Ltd. & Ors. (Neconde 2)** by its judgment, addressed one of the most concerning procedural albatrosses within the Nigerian litigation sphere – the issue of ex – parte orders. The court deprecated, in very stern words, the application of ex -parte orders by litigants for dilatory and malevolent purposes. While highlighting the dangers inherent in such unwholesome practices, it observed that allowing the menace of abuse of ex-parte orders to infiltrate the appellate process portends a grave misfortune and judicial tragedy for the system of administration of justice.

Barely a week after Neconde 2, the Court of Appeal in **Appeal No. CA/A/383/2020 – The Registered Trustees of St. Paul Anglican Church, Okengwe & Anor. v. Daniyan Yakubu Rasheed & Anor.**, pronounced on the potency and binding effect of terms of settlement duly entered between parties, even in the absence of adoption by the court as a consent judgment.

The above decisions which bear significant redefining impacts on company and corporate law practice, insolvency, secured credit transactions, law of contract, as well as practice and procedure, are in their individual rights, watersheds in the annals of our laws. Coincidentally, the WOC team was significantly involved in each of those cases, and in fact, had the privilege of acting for the successful parties. This corroborates the prefatory remarks on the eventfulness of the first half of 2026.

While WOC Horizon features detailed commentaries on some of these cases, it also addresses critical legal issues on a few of the firm's other practice areas, like Constitutional Law, Data Privacy and Digital Rights, Energy, Oil and Gas, etc. With the lighthearted conversations and features which showcase our culture of well-roundedness as a team, this issue indeed promises to be a valuable addition to the shelves of our clients and readers at large.

WOC CASE RADAR

**Spotting the decisions
Shaping the Law**



INTRODUCTION

Year 2026 has witnessed significant and landmark decisions across the Nigerian Court system, from the trial Court to the highest Court of the land. These decisions, which border on various areas of the law, have served to deepen Nigeria's growing jurisprudence.

Some of them have unexpectedly elicited controversy and in the process, attracted informed analysis which will only enrich Nigeria's legal system. In testament to WOC's hard earned reputation as one of the leading litigation law firms in Nigeria, some of these cases were actively prosecuted by members of our Legal Team, demonstrating WOC's consistent leadership of the dispute resolution landscape in Nigeria, through the involvement of members of its Team in some of the most consequential cases that have shaped the Nigerian legal sphere.

In this maiden edition of WOC Case Radar, our Team reviews some of these decisions highlighting their jurisprudential import through incisive legal commentary. Whilst this maiden edition features cases decided over the course of the first two quarters of year-2026, subsequent editions will be limited to quarterly reviews of judicial decisions and other significant developments in the Nigerian, nay global dispute resolution space. It is hoped that this maiden edition and subsequent editions will help stimulate legal debate and potentially be an authentic source of legal commentary on the judicial decisions shaping Nigeria's dispute resolution landscape.



CASES REVIEWED AT A GLANCE

- **SC/CV/48/2026- NECONDE ENERGY LIMITED V FBN QUEST MERCHANT BANK LIMITED & ORS**
- **SC/CV/1130/2025-NECONDE ENERGY LIMITED & ANOR V FBN QUEST MERCHANT BANK LIMITED & ORS**
- **11 PLC V. MILAN INDUSTRIES & ANOR**
- **MAXWELL NOSAKHARE UWAIFO V. INSPECTOR GENERAL OF POLICE & 3 ORS – SUIT NO: FHC/ WR/CS/87/2025**
- **DR. (MRS) ANTHONIA CHIEBONAM EKWO V. INDEPENDENT NATIONAL ELECTORAL COMMISSION & ANOR. (2025)**
- **FEMI FALANA, SAN V. META PLATFORMS INC. – SUIT NO. LD/17783MFHR/2025 (LAGOS STATE HIGH COURT, 13 JANUARY 2026).**
- **HRH, OBONG DAVID EDU & 31 ORS. V. MOBIL PRODUCING NIGERIA UNLIMITED & 2 ORS. (2026)**
- **SUIT NO: FHC/CS/2389/2026- SUNBETH ENERGIES LIMITED V DEPUTY SHERIFF, FEDERAL HIGH COURT & ANOR**
- **JOKOLO V GOV. KEBBI STATE & ORS (2026) 12 NWLR (PT. 2054) 317**

11 PLC V. MILAN INDUSTRIES & ANOR

SUIT NO: SC/CV/374/2023

Ewaoluwa Fagbolade (Associate)

BRIEF FACTS OF THE CASE

The 1st and 2nd Respondents were in a banker-customer relationship pursuant to which multiple loan facilities were granted to the 1st Respondent by the 2nd Respondent. As part of security for the loan, a Deed of Legal Mortgage was registered in favour of the 2nd Respondent as a continuing security by the 1st Respondent. The facility was perfected with the Lagos State Land Registry also registered with the Corporate Affairs Commission (CAC) in line with the relevant provisions of the Companies and Allied Matters. However, the loan was stamped up to the sum of N2 billion



Upon failure of the 1st Respondent to liquidate the credit at its due dates despite several demands, and whose interest had risen beyond N15 Billion, the 2nd Respondent appointed a Receiver/Manager in line with clause 6.05 of the Deed of Legal Mortgage. The credit facilities ultimately became a non-performing loan, rendering it an eligible bank asset pursuant to the AMCON Act, sequel to which it was purchased by AMCON as a collateralized and secured loan, and eventually sold to the Appellant including the collateralized assets. After sale of the property, the 1st Respondent filed an action before the Federal High Court seeking to reverse the sale of the collateralized property on the basis that although the credit liability had risen beyond 15 billion Naira, it had discharged the debt obligation of N2 billion for which the instrument was assessed and stamped.

In its judgment, the trial Federal High Court dismissed the action. However, on appeal to the Court of Appeal, the Court agreed with the 1st Respondent and held that insofar as the maximum amount secured was N2Billion, the creditor-bank cannot use the property charged to liquidate any amount in excess of the maximum amount secured and where the maximum amount secured is paid, the security is discharged. Consequently, the Court set aside the sale of the property to the Appellant. Aggrieved by this decision, the Appellant appealed to the Supreme Court and challenged the decision of the Court of Appeal on two broad grounds to with the jurisdiction of the court to interfere with AMCON's power of sale and the interpretation by the lower Court of implicated provisions of the AMCON Act.

DECISION OF THE COURT

In a landmark decision, the Supreme Court allowed the appeal and queried the exercise of jurisdiction by the trial Court over the subject matter of the suit in view of the mandatory provisions of Section 34(6) of the AMCON Act which ousts jurisdiction of courts to pry into AMCON's exercise of power of sale of properties collateralized in an eligible bank asset.

The apex Court concluded that by the combined provisions of sections 33A, 34(1)(a), 34(2), 34(3) and 34(6) of the AMCON Act, the intention of the draftsman was to extinguish the right of action of anyone to challenge and seek the setting aside of the purchase of an eligible bank asset by AMCON. The Court went on to denote that the remedy available to anyone that has a grievance against the purchase of an eligible bank asset by AMCON, lies in a claim in monetary compensation only as the provisions were given retrospective effect and made applicable to all eligible bank assets including but not restricted to assets acquired by AMCON before May 2015 when the cause of action in the case arose.

COMMENTARY

The decision is a watershed as it underscores the power and finality of AMCON's power of sale of assets collateralized in an eligible bank asset. Thus, where AMCON acquires a non-performing loan, the debt and its associated security are treated as an indivisible bundle of rights, title, and interests. Consequently, a debtor cannot "surgically excise" the security from the eligible bank asset, as the entirety of the asset package vests in AMCON upon acquisition. A key jurisprudential contribution of the decision also lies in its clarification of the effect of Section 34(6) of the AMCON Act. The Court held that although the provision does not operate as an outright ouster of jurisdiction, it nonetheless restricts the courts from granting restorative or preservative reliefs in respect of eligible bank assets.

More broadly, the decision reinforces AMCON's strong proprietary and enforcement authority over acquired assets by affirming the vesting of both legal and equitable interests. However, it raises concerns regarding balancing statutory debt recovery mechanisms with constitutional safeguards, especially access to court, fair hearing, and the permissible limits on restricting judicial remedies in a constitutional democracy.



MAXWELL NOSAKHARE UWAIFO V. INSPECTOR GENERAL OF POLICE & 3 ORS

SUIT NO: FHC/WR/CS/87/2025

BRIEF FACTS OF THE CASE

The Applicant, a legal practitioner, commenced the suit as a public interest action for himself and in the interest of the Nigerian public, challenging the actions of operatives of the Nigerian Police Force (Nigerian Police) whom he said had flagged him down during a trip from Benin, Edo State to Warri in Delta State on 10th May, 2025. It was the Applicant's case that the men blocked the road with an unmarked Toyota Sienna vehicle purporting to be conducting a stop-and-search operation whereas they were not dressed in police fatigues nor were they wearing name tags.



The Applicant claimed that these men who turned out to be operatives of the Nigerian Police spoke harshly to him and when he brought out his phone to record the incident, one of the men threatened to arrest him. The Applicant stated that the act repeated itself on a subsequent trip sometime in June, 2025 around Effurun roundabout in Warri, Delta State where he was stopped by some police men in uniform, but who had no name tag, badge or force number on their uniforms. The Applicant claimed that these acts caused him emotional trauma, fear and psychological distress and also recounted instances where police officers intimidate, harass and assault Nigerian citizens for recording them or questioning their unlawful acts at checkpoints.

The Applicant thus submitted five questions for determination vide an Originating Summons relating to the constitutionality of recording police officers during official duties as well as the imperative of police officers to be properly dressed in displayed name tags during the course of their duties, amongst other questions. He also sought a total of 10 reliefs. The Inspector General of Police, the Nigerian Police Force and the Police Service Commission sued as 1st to 3rd Respondents, however, did not file a defence to the action nor enter an appearance. The Attorney General of the Federation, sued as 4th Defendant, did not file a defence to the action but merely contended that he is not a necessary party to the suit.

DECISION OF THE COURT

In resolving the sole issue distilled by the Court on the merit of the case, the Court upheld the constitutional right of the Applicant as well as Nigerian citizens at large to record police officers performing their duties, including during a road search or traffic stop, in order to document and subsequently disseminate the information as a measure of instilling accountability in policing provided the citizen does not obstruct or interfere with the police physically.

The Court further held this right to be a derivative of citizens' right to privacy under the Constitution which envisages right of citizens to record acts of police officers as it relates to the search of their vehicle or property. The Court also held the practice of operatives of the Nigerian Police conducting operations without being formally dressed as inconsistent with the mandatory provisions of Sections 49(1) and 50(4) of the Police Act, 2020 which provide that for any police officer to exercise the power to stop and search, he must be in uniform or wear visibly a valid police identity card. The Court consequently found the actions of the police to be in violation of the fundamental rights of the Applicant and accordingly entered judgment in his favour.

COMMENTARY

This decision is not only timely in light of the persistent reports of extortion and harassment by law enforcement officials, but also significant in clarifying the scope and limits of the right to privacy. The decision draws a clear distinction between private conduct and the performance of public duties, by holding that police officers engaged in stop-and-search operations cannot invoke privacy to shield their actions from scrutiny.

In affirming the right of citizens to record such incidents, provided there is no physical obstruction to the performance of the duty of the police officer in question, the decision denotes this right as a measure of ensuring accountability in policing as it helps to document reliable evidence that citizens can use to challenge and seek redress in cases of abuse by police officers in the line of duty. Six years after the #EndSARS protest which put to global consciousness the menace of police brutality in Nigeria, the decision confers legitimacy to the circumstances that led to the protest and also provides a welcome judicial affirmation of the right of citizens to provide safeguards for effective policing through electronic documentation of encounters with operatives of the force, and indeed, other law enforcement agencies.



DR. (MRS) ANTHONIA CHIEBONAM EKWO V. INDEPENDENT NATIONAL ELECTORAL COMMISSION & ANOR (2025)

SUIT NO: NICN/EN/04/2024

Mustapha Toheeb (Trainee Associate)

BRIEF FACTS OF THE CASE

The Claimant, a retired employee of the Independent National Electoral Commission (INEC), instituted the action following the Defendants' failure to process and pay her retirement benefits, particularly her pension and gratuity sequel to her retirement from the Commission in 2020. Central to her grievance was the disappearance of her official employment file whilst in the custody of INEC.



Consequently, she alleged that the unexplained loss of this vital document made it impossible for the Defendants to compute and pay her retirement benefits since her retirement. She further alleged that the disappearance of the file was not merely accidental but suggestive of administrative recklessness. Following the non-resolution of the issue despite repeated follow-ups and subsequent issuance of a pre-action notice, she approached the Enugu Judicial Division of the National Industrial Court (NIC) seeking declaratory reliefs affirming her entitlement to retirement benefits, as well as orders compelling the production of her employment file and damages for the hardship occasioned by the experience.

The Defendants filed a preliminary objection challenging the jurisdiction of the Court on the grounds that the suit was statute barred having not been filed within the three-month period nominated by the Public Officers Protection Act (POPA). Whereas they filed a statement of defence out of time, a motion to regularise same was not taken by the Defendants who appeared convinced as to the merit of their objection to the competence of the suit.

DECISION OF THE COURT

In a very jurisprudential and well considered Ruling, the Court dismissed the Preliminary Objection and held that the POPA does not apply to cases of contracts with statutory flavour and indeed contracts at large. The Court traced the history of the POPA from England where it originated and the modifications it has received in its 71-year history. Whilst acknowledging the inconsistency that has trailed the principle in the Nigerian legal milieu, the Court deployed the judicial tool of distinguishing precedent to reach a decision that runs counter to earlier decisions of the appellate court which had taken conflicting positions on the application of the POPA to contractual cases such as *Aba v. Board of Directors, Nigerian Postal Services (NIPOST) & Anor* (2023) 5 NWLR (Pt. 1878) 475 (SC); *Rector Kwara State Polytechnic & Ors v. Adefila & Ors* (2024) 9 NWLR (Pt. 1944) 529 (SC) and even more recently, *Anolam v. The Federal University of Technology Owerri (FUTO) & Ors* (2025) LPELR-80027 (SC).

COMMENTARY

This decision represents a landmark development in Nigerian labour and constitutional jurisprudence, particularly in relation to the scope and applicability of the POPA. One of its most profound contributions lies in its firm rejection of the application of POPA to employment disputes, especially those involving terminal benefits: pension and gratuity. By holding that such entitlements are earned rights rather than discretionary benefits, the Court reinforces the principle that workers must not be denied the fruits of their labour through technical defences.

The judgment also strengthens the doctrine of constitutional supremacy by affirming that statutory limitation laws cannot override constitutionally guaranteed rights. In particular, the Court elevated the right to pension and gratuity under Section 173(2) to the status of a fundamental right, thereby insulating it from statutory bars such as POPA. This approach significantly enhances the protection of retired public servants and ensures that their livelihood is not defeated by procedural technicalities.

Furthermore, the Court's reliance on international labour standards and best practices which are anchored on Section 254C of the Constitution aligns with its progressive shift in Nigerian labour jurisprudence. By incorporating global principles of fairness, proportionality, and access to justice, the decision, once again aligns domestic law with international norms and underscores the continuing evolving role of the National Industrial Court as a custodian of equitable labour practices. Also, the broader historical and policy critique of POPA, by characterising it as a colonial relic designed to restrict access to justice and questioning its continued relevance in modern Nigeria, effectively opens the door for a re-evaluation of the Statute's place within the legal system. It is hoped that appellate review of the decision would eventually restore sanity in such a violently conflicted area of the law.



FEMI FALANA, SAN V. META PLATFORMS INC. SUIT NO. LD/17783MFHR/2025

Ikenna Nwana (Trainee Associate)

BRIEF FACTS OF THE CASE

Following a video posted on Facebook which falsely attributed a medical condition known as prostatitis to the Claimant, a prominent Human Rights activist, the Claimant commenced the action at the High Court of Lagos State against Meta Platforms Inc, owners and operators of the platform alleging breach of his privacy and claiming damages against the social media giant. The Claimant's contention was that the publication was false, unauthorised, damaging and violated his right to privacy through dissemination of false medical information.



The Defendant, Meta Platforms Inc., however, denied liability stating that it neither authored nor directed the creation of the video post (which was subsequently removed upon notice) but was merely a hosting platform.

DECISION OF THE COURT

In a considered judgment delivered on 13th January, 2026 the Court found for the claimant and held Meta liable for invasion of the Claimant's privacy under Section 37 of the Constitution of the Federal Republic of Nigeria 1999 and breach of the accuracy principle under Sections 24(1)(a) and (e) of the Nigeria Data Protection Act 2023 (NDPA). The Court classified Meta as a joint data controller, found it vicariously liable as an agent of the uploader, and awarded general damages of US \$25,000,000, an amount five times the sum claimed by the Claimant.

The basis for which the Court found Meta as a joint controller was that it operates algorithmic distribution mechanisms and monetizes user engagement. The Court's reasoning was on the footing that since Meta derives commercial benefit from content amplification, it bears a correlating responsibility for ensuring that publications on its platform do not violate the privacy rights of others.

COMMENTARY

The decision represents a novelty in the domain of Nigeria's growing jurisprudence on privacy law. It instructively clarified a grey area of law relating to the difference between proximity and agency. Unlike *X v. Russmedia Digital SRL*¹ decided on 2 December 2025, six weeks before the decision and wherein the CJEU held that a marketplace operator could be a controller for user-published content, but only because its own contractual terms granted it rights to exploit that content independently of the user-advertiser, and because it exercised identifiable operational control over specific parameters of dissemination, the Court held that

Meta, as an intermediary hosting provider that claimed the publication was made by an “unidentified” third party, is presumed to be acting on behalf of an unnamed or undisclosed principal, and that the aggrieved party may elect to proceed against the agent.² The import of this is that the relationship between a user and a hosting platform is not ordinarily one of agency, in that while users generate and publish content in their own capacity, the platform supplies infrastructure governed by terms of service. Thus, the user does not authorize Meta to act on its behalf in making communicative representations; the user acts on Meta's platform, thereby making it the identifiable party institutionally closest to the harm. Thus, in this connection, the law treats Meta as legally responsible for the act of the party who caused it.

In fidelity to the statutory provision that mandates the violation of the Act for the recovery of damages, the Court awarded substantial damages after declaring that the violation was actionable *per se* without proof of actual damage or injury. The actionable *per se* principle was imported from the constitutional analysis under Section 37, which the Court treated as carrying its own normative force sufficient to ground liability without requiring proof of harm, thus differentiating false medical claims as being in the realm of constitutional privacy rather than solely a defamation issue.

By framing the claim as a fundamental rights enforcement proceeding under Section 37, the Court effectively set aside the injury threshold that Section 51 of the NDPA expressly requires, with the result that liability attaches to the structural position of the platform rather than to a demonstrated causal link between a specific breach and harm.

The judgment arrives at a formative moment for Nigerian data protection law. When a court treats the act of hosting content as equivalent to authoring it, and institutional proximity as equivalent to legal agency, the NDPA no longer operates as the structured framework its drafters designed. It becomes instead a general instrument of platform liability whose reach is determined by how close a party stands to the harm rather than by what that party actually decided or did.

On the practical side, where liability may attach by reason of structural participation in the digital ecosystem rather than by reason of knowledge of specific unlawful content and failure to act, the incentive is to suppress content prophylactically to manage litigation risk rather than to assess it against defined standards.

We must note that this decision has been subjected to appellate scrutiny by Meta, vide a Notice of Appeal dated 10th April, 2026. It will be interesting to see how the Court of Appeal treats the very novel issues of law thrown up by the decision which can only inure to the benefit of our growing jurisprudence in this area of law that has not been blessed by sufficient home-grown judicial decisions.

1. Case C-492/23, X v Russmedia Digital SRL and Inform Media Press SRL, ECLI:EU:C:2025:964 (CJEU, 2 December 2025), analysed in Matheson LLP, 'GDPR liability of online marketplaces for user-published advertisements' (December 2025) <<https://www.matheson.com/insights/gdpr-liability-of-online-marketplaces-for-user-published-advertisements>>.

2. Judgment, p 14.

HRH, OBONG DAVID EDU & 31 ORS. V. MOBIL PRODUCING NIGERIA UNLIMITED & 2 ORS. (2026) 12 NWLR (Pt. 2053) 97

Mariam Oyede (Associate)

BRIEF FACTS OF THE CASE

Delivered on 30th January 2026, the apex Court's decision brought an end to a dispute that had spanned nearly three decades, having started in 1997, while emphasizing the consequences of commencing an action before a wrong court, and the decisive role of jurisdiction in adjudication.

The Appellants, as Claimants before the Federal High Court, Uyo Judicial division, sought compensation for alleged compulsory acquisition of their land and unexhausted improvements (initially quantified at ₦379,988,000, with accruing interest from 1997) against the Respondents. The 1st and 3rd Respondents raised a preliminary objection challenging the jurisdiction of the Federal High Court to adjudicate the matter.



It was their contention that the claim for compensation on the unexhausted improvement on the land acquired under the Land Use Act can only be made at the State High Court and not the Federal High Court. In 2014, the Federal High Court, delivered judgment in favour of the Claimants, and awarded the claimed sum with interest at 10% per annum from 1998, until the judgment debt is settled. Aggrieved by the decision, the respondents appealed separately to the Court of Appeal which, in 2018, set aside the trial Court's decision on the ground that the Federal High Court lacked jurisdiction over land dispute and compensation arising therefrom. Dissatisfied, the Appellants appealed to the Supreme Court. There, the appeal turned on whether the Federal High Court has jurisdiction to entertain claims relating to compensation for compulsory acquisition of land and unexhausted improvements.

DECISION OF THE COURT

In a unanimous decision, the apex Court, answering in the negative, held that claims relating to compulsory acquisition of land, including compensation arising therefrom, fall exclusively within the jurisdiction of State High Courts, irrespective of the involvement of federal agencies or oil companies. Consequently, the appeal was dismissed and the decision of the Court of Appeal affirmed.

COMMENTARY

Central to the Court's reasoning was its reaffirmation of the constitutional and statutory provisions governing jurisdiction over land disputes in Nigeria. The Court relied on S. 39 of the Land Use Act, 1978, which vests jurisdiction over land disputes, including compensation for compulsory acquisition, in State High Courts. This position is further anchored in S. 272 of the Constitution of the Federal Republic of Nigeria, 1999, which confers State High Courts with jurisdiction on civil matters, including land disputes.

From a jurisprudential standpoint, the judgment accentuated one of the classical ingredients of jurisdiction as laid down in the locus classicus of *Madukolu v. Nkemdilim* (1962) 1 All NLR (Pt.4) 581 at 595, to the effect that, for a court to be competent, the subject matter of the case must fall within its jurisdiction. By nullifying the damages, the judgment also echoed the timeless dictum in *Macfoy v. UAC* (1961) 3 All ER 1169, as reiterated in *Yegede v. Othman* (2025) 18 NWLR (Pt. 2017) 369 at 404, that one cannot place something on nothing and expect it to stand. In reinforcing these principles, the decision aligns with a more recent pronouncement in *Jega v. Ekpenyong* (2025) 11 NWLR (Pt. 2018) 33 at 101, wherein the apex Court reaffirmed that where a statute or the Constitution does not confer jurisdiction on a court, any attempt to exercise such jurisdiction is a nullity. Ultimately, the judgment strengthens existing legal principles and sends a strong message to legal practitioners and litigants alike that jurisdictional competence is not a mere technicality but a substantive prerequisite that can determine the fate of a case, even after decades of litigation.



NECONDE ENERGY LIMITED V. FBN QUEST MERCHANT LIMITED & ORS

Suit No. SC/CV/48/2026

BRIEF FACTS OF THE CASE

Following a disputed receivership arising from a banker-customer relationship in Suit No: FHC/L/CS/2127/2025 – FBNQUEST MERCHANT BANK LIMITED & ANOR V NESTOIL LIMITED & ORS at the Federal High Court, Lagos Judicial Division, Hon. Justice D.E. Osiagor of the Federal High Court, upon reassignment of the case file to him at the instance of the Chief Judge of the Federal High Court, set aside the interim Mareva orders of Dipeolu J before whom the matter had been pending. Aggrieved by this decision, the Respondents appealed to the Court of Appeal.



Olatide Omotimirin (Trainee Associate)

During the course of the proceedings, counsel appointed by the Receiver Manager challenged the right of the Appellant to appoint counsel for it on the premise that the power to do resided in the Receive Manager as an incident of his powers under Section 556(3) of the Companies and Allied Matters Act, 2020 and its Eleventh Schedule thereof. Issues were joined on this point. On the 23rd of January, 2026, the Court of Appeal allowed the application of the counsel appointed by the Receiver Manager and held that the Appellant lacked the powers to appoint counsel having gone under receivership, with the effect that the powers of the directors became paralysed. Consequently, the Appellant appealed to the Supreme Court.

DECISION OF THE COURT

In a landmark decision which resolved a jurisprudential controversy that had spanned at least forty years the Supreme Court allowed the appeal as well as those filed by the Appellant's sister company, Nestoil Limited. The Court held with finality that where the appointment of a receiver is disputed by the debtor-company, it would be preposterous to suggest that the company cannot appoint its own counsel to represent it in the proceeding. The Court further noted that during receivership, a company does not lose its legal personality and the powers of directors of the company do not become completely idle. Rather, it retains the residual powers to take certain steps, namely, the appointment of counsel to represent it in a proceeding that is at the threshold of the receivership action.

COMMENTARY

The decision brings to a final closure the dispute that had engulfed this area of the law and created a lot of confusion in insolvency proceedings particularly where a receiver or receiver manager is in the mix.

The Court has afforded much clarity has been afforded by the decision particularly to insolvency practitioners and creditor-companies who had exploited the lacunae in the law to perpetuate all manner of unwholesome practices that often brought debtor-companies to their knees. The decision reinforces the primacy of the constitutional right to counsel of choice as an element of the fundamental rights guaranteed under Chapter IV of the Constitution. However, it remains to be seen whether this new legal regime would not be exploited by chronic debtor companies to defeat or frustrate legitimate and genuine debt enforcement proceedings by embarking on frivolous challenges to the appointment of receiver managers, with a view to stalling judicial proceedings geared towards legitimate exercise of creditor's right of enforcement. It is something of personal pride that our Founding Partner, Chief Wole Olanipekun, CFR, SAN, led the star-studded Legal Team for the Appellant, whose advocacy precipitated this jurisprudential milestone.



NECONDE ENERGY LIMITED V. FBN QUEST MERCHANT LIMITED & ORS

Suit No. SC/CV/1130/2025

Olatide Omotimirin (Trainee Associate)

BRIEF FACTS OF THE CASE

Following the orders of Hon. Justice D.E. Osiagor of the Federal High Court, which set aside the interim Mareva orders of injunction against the Appellant, the 1st and 2nd Respondents, as creditors of the Appellant, appealed to the Court of Appeal vide a Notice of Appeal dated 20th November, 2025. Subsequent to filing the Notice of Appeal, the 1st and 2nd Respondents, on 21st November, 2025 filed a Motion on Notice seeking suspension of the trial Court's orders and injunctive relief.



Five days later, the 1st and 2nd Respondents filed another Motion on Notice as well as a Motion Ex-Parte seeking similar reliefs as in the earlier filed Motion on Notice. When the matter came up for hearing before the Court on 27th November, 2025, the 1st and 2nd Respondents' counsel withdrew the earlier filed Motion on Notice and relied on the latter ex-parte application filed on 26th November, 2025. The Court of Appeal struck out the withdrawn Motion on Notice, granted the reliefs sought on the ex-parte application and adjourned the appeal to a later date for hearing of the Motion on Notice. The referenced hearing was conducted at a time when the record of appeal from the trial Court had not been compiled and transmitted to the Court. Through its orders, the Court set aside the orders of Osiagor J and restored the interim orders of Dipeolu J before whom the matter was pending until it was reassigned to Osiagor J. The Court also ordered a stay of the proceedings of the trial Court. Aggrieved by this decision, the Appellant appealed to the Supreme Court.

DECISION OF THE COURT

In a unanimous and landmark decision, the Court allowed the appeal and deprecated the Court of Appeal for the manner in which it exercised its discretion in granting the interim orders at a time when the appeal was not competent before it. The Court held that the orders of the Court of Appeal were ultra vires its jurisdiction and ought not to have been made. The apex Court also held that the ex-parte application was not predicated on any urgency to warrant its being granted, but rather a ploy by the 1st and 2nd Respondents to elongate the proceedings at the trial Court and perpetuate the interim orders. The Court also embarked on a jurisprudential dissection of the ex-parte orders of the Court of Appeal and found that it went far beyond the recognised purpose of interim ex-parte reliefs as they were neither confined to the preservation of the res nor the maintenance of status quo pending hearing of the parties. Finally, the Court held that there was no compelling or justifiable ground for the grant of order of stay of proceedings of the trial Court and concluded that it was not sought in "furtherance of the due administration of justice but for an ulterior purpose".

COMMENTARY

The decision brings to the fore once more, the menace of ex-parte orders in the Nigerian legal sphere and the obnoxious ends to which it has often been deployed by too many an unscrupulous litigant. The Supreme Court's firm decision as seen in the Leading Judgment of Stephen Adah, JSC, brings into sharp focus the pivotal role of the Court in sanitising Nigeria's jurisprudence and clarifies the procedural manner of activating appellate jurisdiction, namely upon due compilation and transmission of record of appeal. It reiterates settled principles of appellate practice on the need for an appellate court not to delve into the merits of the case at the court below whilst considering an interlocutory appeal, as the orders the Court of Appeal made had the effect of resolving or interfering with live issues which were yet to be tried at the trial Court. Again, our Dispute Resolution Team, led by Chief Wole Olanipekun, CFR, SAN, was privileged to have represented the Appellant across the three levels of the Nigerian Court system throughout the process leading to the historic judgment.



SUNBETH ENERGIES LIMITED V DEPUTY SHERIFF, FEDERAL HIGH COURT (LAGOS JUDICIAL DIVISION) & ANOR³

Raymond Nkannebe (Senior Associate)

Suit No. FHC/L/CS/384/2026

BRIEF FACTS OF THE CASE

In purported execution of the orders of the Federal High Court, Coram. Dipeolu J in Suit No: FHC/L/CS/1402/2025- Ardova Plc v Quest Oil & Engineering Services Ltd, which had made restraining orders pending the determination of a pending arbitration between the parties in the suit, the 1st Respondent, at the instance of the 2nd Respondent, the Plaintiff in Suit No: FHC/L/CS/1402/2025 sealed up the assets of the Plaintiff, i.e. various fueling stations within Lagos metropolis, with locks and chains and made inscriptions to the effect that possession of the properties has been taken by “Order of Court”.



The said assets were the subject matter of the pending arbitration in Suit No: FHC/L/CS/1402/2025. Alarmed by this development, the Plaintiff, which was not a party to the suit applied for and obtained a CTC of the judgment in the suit. After studying the judgment, it became evident that no order of possession of the properties was made in favour of the 2nd Respondent. Consequently, the Plaintiff commenced an action against the Deputy Sheriff of the Federal High Court, Lagos Judicial Division, challenging the legality of the purported execution and as well as declaratory and injunctive reliefs. The 2nd Respondent – Ardova Plc, applied to be joined as a party to the Suit and was accordingly joined. The 1st Respondent, Deputy Sheriff, challenged the jurisdiction of the Court on the basis that his official actions and/or omissions cannot be subjected to judicial inquiry. On the merit, it was contended that the purported execution as well as lawfully done. The 2nd Respondent equally contended that the action was geared at inviting the Court to interpret its own decision, an act which it was alleged was ultra vires the Court. In a rather contradictory tone, the Respondent acknowledged that the orders of the Court in Suit No: FHC/L/CS/1402 were preservatory and did not determine the rights of the parties which begged the question why it proceeded to procure its execution in the manner it did.

DECISION OF THE COURT

In dismissing the preliminary objection, the Court held that whereas Section 63 of the Federal High Court Act serves as a shield against unnecessary litigation against the Deputy Sheriff in his capacity as an officer of the Court, the provision is however not without exception and will not serve its protective effect where the act or omission complained against borders on breach of authority and/or abuse of office to which the action relates.

³ Unreported Judgment of the Federal High Court delivered on 20th May, 2026

On the merit of the suit, the Court held that its orders in Suit No: FHC/L/CS/1402/2025 did not confer any possessory rights to any of the parties but merely preserved the res of the suit pending arbitration. It therefore held the sealing and occupation of assets of the plaintiff by the 1st and 2nd Respondents as wrongful, unconstitutional and null and void.

COMMENTARY

The decision is a welcome addition to Nigeria's administrative law jurisprudence as it clarifies the extent to which official acts and/or omission of officers of court may be subjected to judicial inquiry. Again, it reiterates the well settled principle of law that orders of Court cannot be subject to arbitrary enforcement or execution but must be executed in line with the express tenor of the judgment or order. A situation where a mere preservative order of a court was made to operate as a positive order declaring possessory rights in favour of a party, and against a party who is/was not a party to the suit, offends all known canons of natural justice which postulate that a man's head cannot be shaved in his absence. Further, the decision appears to have clarified the popular misconception that a judgment or order of Court can never be put in evidence for the purpose of determining whether its orders were carried out in the manner ordered by the judex. The acknowledgment of such a position in the circumstances of this case, would have meant that the court would lack jurisdiction to entertain the matter since it turns on an evidential evaluation of a judgment or Court for the purpose of declaring a right. Whilst it remains the decision of a court of first instance, subject to two layers of appeal, it will be interesting to see how the appellate courts view the trial Court's judgment if an appeal against same comes before them. Led by Bode Olanipekun, SAN, for the Plaintiff, the decision is a further testament of WOC's track record in shaping Nigeria's growing adversarial jurisprudence.



JOKOLO V. GOV., KEBBI STATE & ORS (2026) 12 NWLR (PT. 2054) 317

Suit No. FHC/L/CS/384/2026

Ewaoluwa Fagbolade (Associate)

BRIEF FACTS OF THE CASE

This decision flows from a post-judgment application at the Supreme Court of Nigeria seeking to invoke the Court's powers to review its decision under Order 20 Rule 4 of the Supreme Court Rules, 2024. The Applicant was until his deposition in 2005, under controversial circumstances, the 19th Emir of Gwandu. Following his deposition, he beseeched the High Court of Kebbi State challenging same. The High Court entered judgment in his favour and set aside his deposition.



The 1st Respondent's appeal to the Court of Appeal was unsuccessful as the Court affirmed the judgment of the trial Court. Upon a further appeal to the Supreme Court in Appeal No: SC/260/2017 Gov. Kebbi State & Ors v Jokolo & Anor. reported as (2026) 12 NWLR (Pt. 2054) 191, the Supreme Court, in a 3-2 decision set aside the concurrent findings of the trial Court and the Court of Appeal. Following that decision, the Applicant filed a post-judgment motion on notice at the Supreme Court seeking an order reviewing and setting aside the decision of the Supreme Court, which he described as "fraudulent misrepresentation of law and violation of constitutional provisions". He also sought an order constituting a panel to hear and determine the appeal of the Respondents on the merit. At the heart of this contention was that the Supreme Court judgment was procured by fraud arising from the respondents' misrepresentation of section 4(3) of the Chiefs (Appointment & Deposition) Law, Cap. 21, Laws of Kebbi State, 1996 and that the Supreme Court subordinated justice to "absurdity" which resulted in its decision being reached *per incuriam*; and that the judgment in the main appeal was predicated on an unlawful barrier to the court's jurisdiction which allegedly constituted a fundamental denial of the applicant's right to court and fair hearing.

DECISION OF THE COURT

Unanimously dismissing the application, the Supreme Court held that it did not meet the threshold upon which the court can revisit its previous decision under Order 20 Rule 4 of the Supreme Court's Rules, as the application is not predicated on the slip rule doctrine, nor did it invite the Court to clarify a position in the substantive judgment. The Court acknowledged its inherent power to set aside its judgment in appropriate cases but noted that the exercise of that inherent jurisdiction cannot be converted into an appellate jurisdiction as though the matter before it is yet another appeal, intended to afford a losing litigant another opportunity to re-state or re-argue his appeal.

The Court reiterated the position that it can correct clerical errors in its judgment so as to give proper meaning to an otherwise obscure sentence or order and drew a fine distinction between correction of clerical mistake or error and review of judgment and the power of the Court with respect to each. Finally, the Court described the invitation by the applicant to reconstitute another panel to hear the appeal on the merit as a disturbing lack of respect for the finality of its decisions and an attempt to repudiate its own authority and descend into an endless cycle of self-review. The Court described the application as bordering on professional misconduct and slammed a heavy cost of N50,000,000.00 (Fifty Million Naira) against the Applicant's counsel, S.M. Danyaro.

COMMENTARY

The decision once again demonstrates the high standards that have been set by the Court over the years before it can be led to revisit its previous decision. At a theoretical level, it may be argued that this conservative posture helps to preserve the Court's stature as the final Court of the land and conforms to the policy proposition that there must be an end to litigation. However, it would appear that the Court was irritated by the manner in which the application was framed by the use of language that imputed fraud on the part of the Justices of the Court, thereby, making it difficult for the issues of law agitated by the decision to be jurisprudentially considered. The fact that the main judgment was delivered by a tiny majority of 3-2 justices, would suggest at the prima facie level, that the jurisprudential basis of the decision reached by the Court may not be watertight. Indeed, Agim, JSC in the main judgment, had acknowledged the absurdity of section 4(3) of the Chief's Law which required a person that had been deposed by an authority, to approach the same authority in a fence-mending effort before ventilating his grievances in a Court. Against this backdrop, the jury is still out as to whether the application was of itself unmeritorious or whether whatever merit it might have was not obscured by the manner the application was framed and the competence of the reliefs, particularly the one that sought a reconstitution of another panel of the Court to consider the appeal again on the merit. This must be so because, the Supreme Court in recent years has been seen to revisit some of its prior decisions on the back of post judgment applications, the latest of which is its decision in *Fidelity Bank v Sagecom* (2026) 10 NWLR (Pt. 2049) 199 at 256- 257. However, in each of those cases where the Court had reason to revisit its decision, it was able to situate those applications within the ambit of Order 20 Rule 4 of the Supreme Court Rules. Thus, in *Fidelity Bank v Sagecom*, the basis for the exercise of the jurisdiction was to bring the earlier judgment of the Court, in line with the intentions manifest on the face of the judgment of the trial Court which was affirmed by the Court of Appeal and the Supreme Court. To that extent, it can be safely contended that the Court has not exercised the jurisdiction arbitrarily for the purpose of certainty in the law. For legal practitioners, the decision raises various ethical issues, not least the imperative of not approaching the Court or any Court at all with frivolous applications or applications framed in a manner that could draw the ire of the Court as happened in this case. Again, the jury is still out on whether the cost slammed on the applicant's counsel was not so punitive such as to dissuade other counsel or litigants who might have a valid need to invoke the court's jurisdiction to revisit its decision in the future, for fear of not being met by the same judicial sledgehammer.

CONCLUSION

The first half of the year has no doubt, seen significant developments in the dispute resolution space. Across the various levels of our Court system, pivotal judgments and orders have emerged within the period on varying areas of law. It is admittedly difficult, nay, impossible for a lean publication such as this, to capture all the cases. The cases which feature in this edition have been selected at random with little emphasis on those widely discussed and/or subjected to public opinion in the legal community as well as those where WOC played a direct role such as the Neconde cases, arguably one of the most controversial commercial disputes of the last decade in Nigeria. Each of these decisions nonetheless embodies landmarks which will only serve to deepen Nigeria's jurisprudence. Whilst the decisions of the Supreme Court reviewed would constitute a binding precedent on the Court and other Courts throughout the land, it will be interesting to see how the decisions of the courts of first instance reviewed will fare upon appellate scrutiny. In the meantime, the WOC Case Radar will continue to track and monitor these cases through their appellate journey and will provide further commentary on them in due course.



WOLE OLANIPEKUN & CO

WOC

NEWS AND EVENTS

Honouring Five Decades of Excellence at the Bar

Well-wishers, friends, colleagues at the Bar, and distinguished institutions have joined in felicitating our foremost Patriarch and Doyen of the Bar, our esteemed Principal Partner, Chief Wole Olanipekun, CFR, SAN, LL.D., D.Litt., FICMC, FCI Arb., FNIALS, on the auspicious occasion of his Golden Jubilee at the Bar.

The occasion, commemorating five remarkable decades of distinguished service and unparalleled excellence at the Bar, has attracted heartfelt tributes and felicitations from legal practitioners, academics, institutions, and friends whose lives and careers have been positively impacted by his remarkable journey.

Chief Wole Olanipekun's enduring legacy is reflected in the generations of legal practitioners he has mentored with uncommon generosity, wisdom, and vision. Countless members of the Bar, both in Nigeria and across international jurisdictions, have benefited from his tutelage, with many rising to the distinguished rank of Senior Advocate of Nigeria and other positions of eminence under his exemplary guidance.

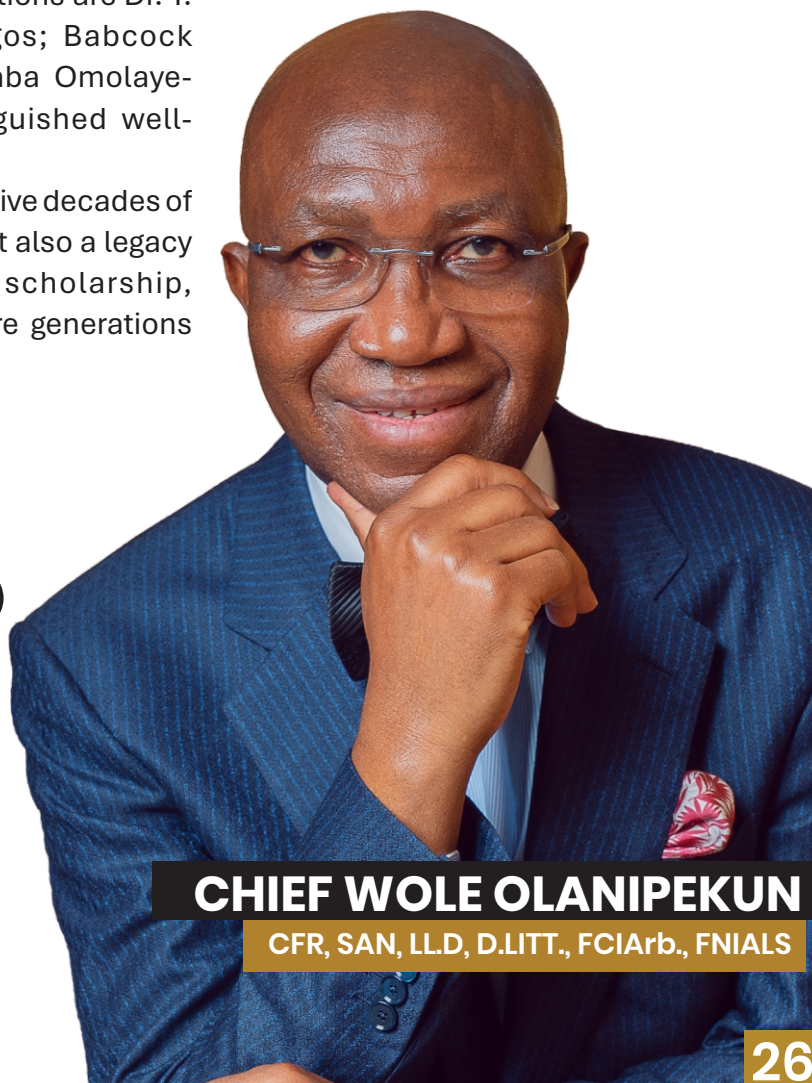
Among those who have extended their felicitations are Dr. T. Kayode Ajulo, SAN; the University of Lagos; Babcock University; and Hon. Justice [Professor] Alaba Omolaye-Ajileye (Rtd.), among several other distinguished well-wishers.

Their messages collectively celebrate not only five decades of exceptional service to the legal profession, but also a legacy of unparalleled excellence, mentorship, scholarship, integrity, and service that continues to inspire generations within and beyond the Nigerian Bar.

CONGRATULATIONS ON YOUR

50th

YEARS AT THE BAR



CHIEF WOLE OLANIPEKUN

CFR, SAN, LL.D., D.LITT., FCI Arb., FNIALS



Shaping the Future of Business Law: Wole Olanipekun & Co. at NBA-SBL 2026

The NBA-SBL 20th Annual International Business Law Conference 2026 brought together leading legal practitioners, business professionals, policymakers, industry experts, and sector leaders at the Ladi Kwali Conference Centre, Abuja Continental Hotel, Abuja, under the theme, “Beyond Reforms: Measuring Policy Impact.” The landmark conference provided a platform for robust conversations on the effectiveness of policy reforms and their impact on Nigeria’s economic development.

Across various sessions, speakers and participants examined key sectors of the Nigerian economy, highlighting emerging opportunities, persistent challenges, and practical strategies for translating policy reforms into meaningful and sustainable outcomes. The discussions emphasised the need for stronger collaboration between government, the private sector, and legal professionals in shaping policies that support investment, innovation, and economic growth. The conference concluded with a lively and engaging debate on the motion, “The Nigerian Legal Profession Is Not Evolving Fast Enough to Lead Africa’s Business Law Market.”



Arguing against the motion, **our Managing Partner, Bode Olanipekun, SAN**, made a compelling case for the progress, adaptability, and growing competitiveness of the Nigerian legal profession within Africa and beyond. His insightful arguments, delivered alongside those of his teammate, ultimately secured victory for their side.

The conference was a fitting celebration of two decades of the NBA-SBL’s contribution to the development of business law discourse in Nigeria. **Wole Olanipekun & Co.** is proud to have sponsored this landmark event and to have contributed to meaningful conversations shaping the future of business law, commercial practice, and economic development in Nigeria.



Wole Olanipekun & Co. has been ranked as a leading firm in Dispute Resolution in the Chambers & Partners 2026 Rankings, reaffirming the firm's longstanding reputation for excellence in dispute resolution practice.

The 2026 rankings placed our firm prominently among Nigeria's foremost dispute resolution practices, recognising our depth of expertise and the exceptional quality of our litigation and arbitration teams.

Built on decades of focused advocacy at the highest levels, our litigation and arbitration practice continues to shape constitutional, commercial, and complex dispute resolution in Nigeria and beyond.

This recognition underscores our unwavering dedication to the standards of excellence that have consistently defined our work and strengthened the confidence reposed in us by our clients.

Our Principal Partner, Chief Wole Olanipekun, CFR, SAN, LL.D, D.Litt., FCI Arb, FNIALS, was recognised as a **Senior Statesman** in Dispute Resolution in the Chambers & Partners 2026 Rankings.

This distinction reflects his decades of sustained advocacy in complex litigation, constitutional law, electoral disputes, and high-stakes commercial matters. The Senior Statesman category recognises practitioners whose influence and contribution have significantly shaped legal practice over time.

His continued leadership and depth of experience remain foundational to the firm's dispute resolution practice, reinforcing our commitment to principled, strategic, and thorough representation.

His mastery of advocacy, deep understanding of constitutional law, and commitment to justice have earned him a place among the country's most respected legal minds.

As a firm, we acknowledge this recognition with gratitude and reaffirm our commitment to maintaining the standards of diligence, professionalism, and excellence that define our practice.





WOC SPOTLIGHT

In recognition of the outstanding contributions within our team, our **WOC Spotlight** features our Head of Human Resources & Admin Management, **Abimbola Victoria Akindiilete**. In this edition, she shares insights into her professional journey, her leadership role at **Wole Olanipekun & Co**, and a glimpse into the personal interests that shape her beyond the workplace.

Can we meet you?

My name is Abimbola Victoria Akindiilete. I currently serve as the Head, Human Resources & Administration Management at Wole Olanipekun & Co., where I oversee people management, operational structure, and administrative systems that support the firm's day-to-day effectiveness.

What has been your most defining moment so far in your career?

Earning my SPHRi certification, alongside two paralegal certifications, three other professional certifications and an international membership, all within the same year, was a significant milestone, as it validated years of experience with global best practices.

However, every time I successfully lead a digital transformation or a complex firm-wide project, like our recent performance management framework and our induction and onboarding automation, I feel a renewed sense of purpose.

Outside of work, what do you enjoy doing?

I really value my quiet time to recharge; my "me time" is essential for me to stay grounded. When I want to tap into something creative, I enjoy cooking and experimenting with new dishes, writing, whether it is purely for myself or something I hope to eventually share, along with getting lost in a good film.

Can you tell us a bit about your career journey and what led you into HR and administration?

Over the past 14 years, I have moved from supporting operations to designing the systems that drive people and organisational performance, and although my academic background is in English Language, I found my true calling in HR because I am fascinated by the intersection of people and performance. I enjoy the challenge of building systems that allow both the business and the individual to thrive simultaneously.

What part of your role do you find most fulfilling?

Seeing structure bring clarity. When processes improve, confusion reduces, and people are able to work more effectively, that is fulfilling for me. There is a particular kind of joy I feel whenever I crack a new automation or system that moves us ahead, like our recent onboarding automation. Even when no one else is aware of the work behind it, that quiet sense of accomplishment stays with me. It is the impact that comes from creating order where there was once complexity.

What makes a great team in your opinion?

A great team is built on mutual respect, psychological safety, clarity, trust, and radical accountability. It is a group where everyone understands the "why" behind the "what," and where different personalities collaborate seamlessly toward a shared goal without losing their individuality. When people respect each other's roles and take full responsibility without shifting blame, even the most complex challenges become easier to manage.

What's the funniest or most memorable moment you've had at work? And if you weren't Head of HR, which role in WOC would you try for a day?

I find that the most memorable parts of work are the everyday interactions, those unexpected moments that remind you we are all human first. Sometimes a situation starts off quite serious but ends in laughter, or the spontaneous office banter that helps you unwind and recalibrate.

If I weren't in HR, I'd probably try litigation for a day. Having spent years supporting legal operations, I already appreciate the discipline it demands, but I'd relish being on the other side of it for once, actually on my feet in court, testing that instinct for advocacy rather than just structuring the systems around it.

What advice would you give to young professionals just starting out?

Focus on building competence before chasing titles. Be reliable and take ownership of your growth. Learn how things work, ask questions, and be willing to do the work that others overlook. Do not shy away from difficult tasks or tight deadlines; hidden in every challenge is an experience that shapes your judgement, strengthens your resilience, and prepares you for the responsibilities ahead. Be respectful; it costs nothing. Be humble. You may need the same people on your way up as you do on your way down. Study your environment; it is not always about how you feel, but about what the situation requires. You are going to make mistakes, but make sure you learn from them. Document everything; if it is not documented, it does not exist.

A book, movie, or quote you love?

I have a particular fondness for the film *The Lincoln Lawyer* because of its tactical brilliance. Regarding a life quote, I firmly believe that "no one is indispensable." It serves as a constant reminder to stay humble and keep learning.



A 40-YEAR JURISPRUDENTIAL CONTROVERSY LAID TO REST

In a landmark judgement, the Supreme Court of Nigeria, has today, put to rest the over 40-year controversy on the right of a company in a disputed receivership, to appoint its own counsel to represent it in a proceeding against its creditors and where the subject of the dispute is the propriety or otherwise of the appointment of a receiver manager. Until now, decisions of the Court of Appeal have been sharply divided between two parallels.



Raymond Nkanebe

Senior Associate, Wole Olanipekun & Co.

Whilst one school of thought holds that the appointment of a receiver over the affairs of a company or its assets freezes the powers of directors of the company, including the power to appoint counsel, the other creates an exception in cases where the company in question challenges the appointment of the receiver manager over it, and argues that in such a scenario, it would be preposterous for a receiver manager appointed by a Creditor company to appoint counsel for the debtor-company in a proceeding where the debtor company not only disputes the debt, but also challenges the appointment of the receiver.

This jurisprudential landmark finds enablement in the highly controversial dispute between Nestoil/Neconde and its junior lenders led by FBN Quest Merchant Bank Ltd. It may be recalled that in a considered Ruling of the Lagos Division of the Court of Appeal, on 23rd January, 2026, the intermediate appellate Court disqualified the legal team of Neconde Energy Ltd, holding that it is/was the Receiver Manager appointed by their creditors, that had the powers to appoint counsel and represent it in any proceeding, including those where the propriety or otherwise of the appointment is at issue. In other words, the Court re-enacted the position of the jurisprudential school of thought which posits that the appointment of a receiver manager cripples the powers of directors and leaves the company as it were, at the mercy of its Creditors and their appointed agents, qua receiver manager.

This state of affairs laid the foundation for today's historic judgement. Led by Chief Wole Olanipekun, SAN, the Neconde Legal Team approached the Supreme Court and urged it to set aside the judgment of the Court of Appeal which unwittingly compromised a fundamental pillar of Natural Justice, namely, *audi alteram partem*. It was a very contested appeal, lacking only in the invitation of amicus curiae by the Court.

However, in a unanimous decision of a 5-Member panel of the Court, their Lordships allowed the appeal holding, amongst others, that, the appointment of a receiver manager does not affect the company nor its legal personality and the rights that attach to it. Instructively, their Lordships clarified with oracular finality that where a debtor company challenges the validity of appointment of a receiver manager over it, it will be ultra vires the powers of the receiver manager to appoint counsel to represent the debtor company in the proceedings, in what is clearly an affirmation of the Court of Appeal's decision in *UBA Trustees Ltd v Nigergrob Ceramic Ltd* (1987) 3 NWLR (Pt.62) 600 delivered on 2nd June, 1987.

This decision represents a watershed moment for insolvency practice in Nigeria in particular, and Nigeria's adjectival jurisprudence in general. Certainly, it would be received with mixed feelings amongst a section of insolvency practitioners who had always relied on the lacunae in the Companies and Allied Matters Act, 2020 and the flux in the case law on the subject, to visit hardship on alleged debtor companies. Not anymore!

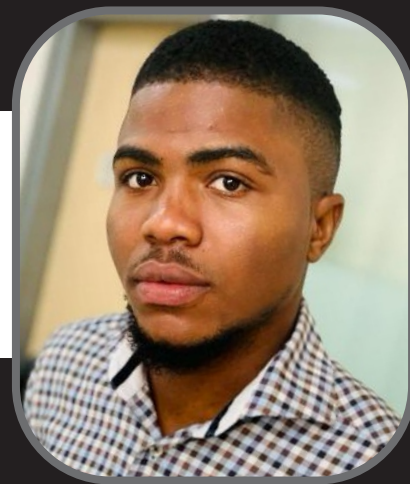


This is a triumphant moment for our much-criticised Supreme Court and I should add that it deserves commendation for the dispatch with which it attended to the matter given the far reaching consequences of the Court of Appeal's decision which operated to entrap Nestoil & Neconde in what may be described as a legal limbo. With the clarity afforded by this historic judgment, the coast is thus clear for the embattled companies to pursue their pending appeal at the self same Supreme Court seeking to set aside the crippling interim orders of the Court of Appeal of 27th November, 2025 which has operated not only to freeze their operational bank accounts but also the sealing of the iconic Nestoil Towers at the heart of Victoria Island. Indeed, the wheel of justice may be slow sometimes, but it surely arrives at its destination.

Writer's Ink

WHAT'S MORE IMPORTANT: TALENT OR CONSISTENCY?

by **Nnamdi Ezewudo**



Everywhere you turn, people are obsessed with the idea of talent, natural ability, raw skill and effortless brilliance. We rate it too highly because it is attractive, easy to celebrate, and even easier to excuse. Once someone is labelled “talented,” we lower the bar for them without even realising it. We assume success is only a matter of time, but reality does not operate on assumptions.

Talent gives you a head start. That is all it does. It opens doors, creates attention, and earns early praise. A talented person can walk into any space and look like they belong there. For a moment, it feels like they have an advantage others cannot match, but that moment does not last. After the first impression fades, after the applause dies down, what remains is the real work.

And talent does not sustain work; consistency does. Consistency is not exciting; it is not something people praise loudly. In fact, most times, it is boring, repetitive, and mentally exhausting. It is showing up every day, whether you feel like it or not. It is doing the work when there is no motivation, no applause, and no immediate reward.

That is where most talented people fall short. When things come easily, discipline becomes optional. You rely on ability instead of effort. You postpone hard work because you believe you can always catch up later. But life has a way of exposing that mind set. Eventually, you meet people who are not as gifted but far more disciplined. They show up daily, improve gradually, and stay focused.

And slowly, they overtake you. Not because they are more talented, but because they refused to stop.

Consistency builds what talent cannot; structure, resilience, and endurance. It forces growth, creates habits and develops mental toughness. A consistent person understands that progress is not loud or dramatic, it is steady, almost invisible at first, but powerful over time.

That is the difference. Talent shines early; consistency lasts.

This is not to dismiss talent. It matters. It gives you an edge, but it is unreliable without discipline. Talent without consistency is like a high-performance car without fuel. It looks impressive, but it delivers very little when it truly matters.

In the real world, winners are not defined by how fast they start. They are defined by how long they can keep going.

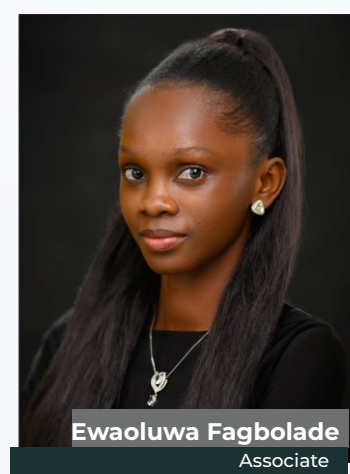
Across every field, sports, business, academics, legal, leadership, the pattern is clear. The most successful people are not always the most talented, they are the most consistent. They are the ones who keep showing up when others lose interest, get distracted, or become comfortable.

That is the real separator.

So, what is more important: talent or consistency?

The answer is simple. Consistency wins, every single time, without exception.

Meet our Editorial and Content Team



Fun Corner



Legal Word Hunt

C	A	R	B	I	T	R	A	T	I	O	N	P	L	X
M	J	U	R	I	S	D	I	C	T	I	O	N	A	V
T	Q	W	L	E	G	A	L	S	Y	P	R	O	F	Z
D	E	F	E	N	D	A	N	T	K	C	U	L	M	R
P	X	V	I	O	L	A	T	I	O	N	J	D	E	S
L	I	T	I	G	A	T	I	O	N	Q	F	B	N	Y
R	E	T	A	I	N	E	R	M	O	P	S	U	D	K
A	C	O	N	T	R	A	C	T	V	E	I	G	H	J
N	B	Q	U	D	O	W	E	R	T	Y	I	S	A	F
T	E	X	P	E	R	T	I	M	O	N	C	E	L	U
I	V	E	R	D	I	C	T	A	P	Q	R	S	T	B
F	K	L	M	N	O	P	Q	R	S	T	U	V	W	X
F	W	I	T	N	E	S	S	H	J	K	L	M	N	O
A	D	V	O	C	A	T	E	Q	R	S	T	U	V	W
I	J	U	D	G	E	K	L	M	N	O	P	Q	R	S
D	E	V	I	D	E	N	C	E	X	Y	Z	A	B	C

Your Legal Terms

- Arbitration
- Jurisdiction
- Defendant
- Litigation
- Contract
- Verdict
- Witness
- Advocate
- Judge
- Evidence
- Plaintiff
- Counsel
- Appeal
- Statute
- Liability

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