

**PEOPLES DEMOCRATIC PARTY (PDP)**

**V.**

- 1. HON (DR.) DAKUKU ADOL PETERSIDE**
- 2. ALL PROGRESSIVE CONGRESS (APC)**
- 3. INDEPENDENT NATIONAL ELECTORAL  
COMMISSION (INEC)**
- 4. WIKE EZENWO NYESOM**

*SUPREME COURT OF NIGERIA*

SC. 1001/2015

MAHMUD MOHAMMED, C.J.N. (*Presided*)

IBRAHIM TANKO MUHAMMAD, J.S.C.

NWALI SYLVESTER NGWUTA, J.S.C.

KUMAI BAYANG AKA' AHS, J.S.C.

KUDIRAT MOTONMORI OLATOKUNBO KEKERE-EKUN.

*.J.S.C. (Read the Leading Judgment)*

JOHN INYANG OKORO, .J.S.C

AMIRU SANUSI,

FRIDAY, 12<sup>TH</sup> FEBRUARY 2016

*ACTION - Parties to an action - Parties having same interest in  
suit - Where dissatisfied with decision of court and desirous  
of appealing against same - Need for to file joint appeal.*

*APPEAL - Appellants - Appellants having same interest in suit -  
Need for to file joint appeal.*

*APPEAL - Parties to an appeal - Parties having same interest in suit- Where dissatisfied with decision of court and desirous of appealing against same - Need for to file joint appeal.*

*JUDICIAL PRECEDENT - Supreme Court - Previous decision of - When Supreme Court will follow and apply in subsequent case.*

*PRACTICE AND PROCEDURE - Appeal - Appellants - Appellants having same interest in suit - Need for to file joint appeal.*

*PRACTICE AND PROCEDURE - Parties to an action - Parties having same interest in suit - Where dissatisfied with decision of court and desirous of appealing against same - Need for to file joint appeal.*

*STARE DECISIS - Previous decision of Supreme Court - When Supreme Court will follow and apply in subsequent case.*

**Issue:**

Whether the appellant's appeal ought to be allowed having regard to the decision of the Supreme Court in *Nyesom v. Peterside* (2016) 7 NWLR (Pt. 1512) 452 which was based on the same facts and issues as in this case.

**Facts:**

The 3<sup>rd</sup> respondent conducted Governorship election for Rivers State on 11<sup>th</sup> and 12<sup>th</sup> April 2015. At the end of the election, the 3<sup>rd</sup> respondent declared the 4<sup>th</sup> respondent as the winner of the election and the duly elected Governor of Rivers State.

The 1<sup>st</sup> and 2<sup>nd</sup> respondents, a candidate at the election and the political party which sponsored him respectively, were dissatisfied with the return of the 4<sup>th</sup> respondent as the Governor of Rivers State. So they filed a petition at the Election Tribunal on the following grounds that:

- (a) the 4<sup>th</sup> respondent was not duly elected by majority or highest number of lawful votes cast at the election;
- (b) the election of the 4<sup>th</sup> respondent was invalid and unlawful by reason of substantial non-compliance with the provisions of the Electoral Act, 2010 (as amended), the Manual for Election Officials 2015 and the 1<sup>st</sup> respondent's (INEC) 2015 General Elections approved guidelines and regulations; and
- (c) that the election was invalid by reason of corrupt practices.

The 1<sup>st</sup> and 2<sup>nd</sup> respondents sought, among other reliefs, the nullification of the results of the election declared and announced by the 3<sup>rd</sup> respondent, and the conduct of fresh elections in Rivers State.

At the conclusion of hearing, the tribunal allowed the petition and nullified the election and return of the 4<sup>th</sup> respondent on grounds of substantial non-compliance with the Electoral Act.

The 4<sup>th</sup> respondent appealed to the Court of Appeal, which dismissed the appeal and affirmed the judgment of the tribunal.

The appellant, the political party which sponsored the 4<sup>th</sup> respondent at the election, appealed to the Supreme Court. The 3<sup>rd</sup> and 4<sup>th</sup> respondents also separately appealed against the judgment of the Court of Appeal.

The Supreme Court, in a unanimous decision, allowed the 4<sup>th</sup> respondent's appeal, set aside the judgment of the Court of

Appeal, dismissed the 1<sup>st</sup> and 2<sup>nd</sup> respondents' petition, and restored the return of the 4<sup>th</sup> respondent as the duly elected Governor of Rivers State. That judgment of the Supreme Court is reported as *Nyesom v. Peterside* (2016) 7 NWLR (Pt. 1512) 452 and the Supreme Court adopted the reason for its decision in the 4<sup>th</sup> respondent's appeal as the basis for deciding the appellant's appeal in this case.

**Held** (Unanimously allowing the appeal):

1. *On When Supreme Court will follow and apply its previous decision -*

Per KEKERE-EKUN, J.S.C. at pages 583-584, paras. H-B:

"It is pertinent to note that the present appellant, which is the party that sponsored the 4<sup>th</sup> respondent, and the 3<sup>rd</sup> respondent (INEC) all appealed against the judgment. The appeal filed in the 4<sup>th</sup> respondent bears appeal No. SC.1002/2015, while the appeal filed by the 3<sup>rd</sup> respondent bears appeal No.SC.1003/2015. The issues raised in this appeal, which is between the same parties and against the same judgment are substantially similar as in the sister appeals. I have given comprehensive reasons in SC. 1002/2015 for allowing the appeal. I adopt the reasoning in the instant appeal and accordingly allow the appeal."

Per AKA'AHS, J.S.C. at page 586, paras. B-C:

"It is observed that the appellant in SC. 1002/2015 briefed a different counsel from this appeal, hence the two separate appeal Nos. Since issues in appeal No. SC. 1002/2015 have been determined in favour

of the appellant, this appeal also succeeds and it is hereby allowed."

2. *On Need for joint appeal by appellants having same interest in suit -*

Per MOHAMMED, C.J.N. at page 584, paras. F-H:

"This appeal has the same base as in the decision of the judgment of the Governorship Election Tribunal of 24<sup>th</sup> October 2015 as the appeal number SC.1002/2015 between the same parties. Since the appellant in this appeal is the political party which sponsored the 4<sup>th</sup> respondent as its candidate to contest the Gubernatorial election in Rivers State whose interests are the same in the election, there is no reason whatsoever in my view, that the parties would file and pursue separate appeals in this matter. This is because as far as the interest of the candidate and the political party sponsoring him are concerned, their interests in the election are not separate to justify filing and pursuing separate processes in courts."

Per AKA' AHS, J.S.C. at page 586, paras. A-B:

"As already slated in my judgment in SC. 1002/2015 this appeal is unnecessary in view of the fact that the appellant here had the same interests to protect with those of the appellant in SC. 1002/2015. Since this appeal was first in time, the appellant's notice of appeal in SC.1002/2015 should have been subsumed under this one."

**Appeal:**

This was an appeal against the decision of the Court of Appeal which affirmed the judgment of the Rivers State Governorship Election Tribunal, which nullified the election and return of the 4<sup>th</sup> respondent as Governor of Rivers State and ordered the conduct of a fresh election. The Supreme Court, in a unanimous decision, allowed the appeal and restored the return of the 4<sup>th</sup> respondent as the duly elected Governor of Rivers State by the 3<sup>rd</sup> respondent.

### **History of the Case:**

#### *Supreme Court:*

Names of Justices that sat on the appeal: Mahmud Mohammed, C.J.N. (Presided); Ibrahim Tanko Muhammad, J.S.C.; Nwali Sylvester Ngwuta, J.S.C.; Kumai Bayaug Aka'ahs, J.S.C.; Kudirat Motonmori Olatokunbo Kekere-Ekun, J.S.C. (*Read the leading Judgment*): John Inyang Okoro, J.S.C; Amiru Sanusi, J.S.C.

Appeal No.: SC. 1001/2015

Date of Judgment: Friday, 12<sup>th</sup> February 2016

Names of Counsel: Chief Wole Olanipckun SAN, Chief Chris Uche SAN, Chief Ifedayo Adedipe SAN, Joe Agi, SAN. Gordy Uche, SAN (*with them*, U.sman O. Side. Esq.. Ustnan A. Side, Esq., Raymond Anyawata, Esq., Aderemi A. Abimbola, Olabodc Olanipckun, Kanayo Okafor. Aisha Aliyu (Mrs.), Uchenna Ugonabo [Miss], Bolarinwa Awujoola, I. E. Briggs (Miss), Vanessa Onyemauwa [Miss], Adebayo Majckolagbc, Olakunle Lawal, Blessing Akinschinwa, James

Ebbi, Chukwudifu Mbamali, Francis Nsiegbunam, Nacemah Goji, Emmanuel Rukari, Uzoma Nwosu-Iheme, Ibisio Elimira Briggs, J. Obla) - *for the Appellant*

Chief Akin Olujinmi, SAN, Chief Adeniyi Akintola, SAN, Alhaji Easun Sanusi SAN, Eunkc Aboyade, SAN (*with them*, Ifeanyi Egwuasi, Esq., Olumide Olujinmi, Esq., Akinyemi Olujinmi, Esq., Olufemi Atetedaiye, Esq., Anne Achu [Mrs.], Ayodele Akisauya, Esq., Yusuf Anikulapo, Esq., Kemi Odegbami-Fatogbe [Mrs.], Oluwole Ilori, Esq., Oluseyi Adelanmi, Esq., Olajide Loye, Esq., Abayomi Abdulwahab, Esq., Olukayode Ariwoola Jnr. Esq., Christian Okoh, Esq., Antonia Omoyemi Balogun [Mrs.], Ricardo Ebikade, Esq., Ifeoluwa Ajani [Miss], Ifedolapo Yejide Esan [Ms], Ademola O. Owolabi, Esq., Tolulope Adebayo [Miss], Oladele Oyelami, Esq., Levi Nwoye, Esq., Henry Odili, H. A. Bello, E.N. Ebete, Saheed Smart Akingbade) – for the 1<sup>st</sup> Respondent

Yusuf Ali, SAN, Emeka Ngige, SAN. K.K. Eleja, SAN (*with them*, Alh. A. K. Adey. Esq., Prof. Wahab Egbewole, Ayo Olanrewaju, Esq., M. I. Hanafi, Esq., Mas’ud Alabelewe. Esq., Lawrence John, Esq., S.A. Oke, Esq., Alex Akoja. Esq., Onyeka Obiajulu. Esq., P. I. Ipkegbu [Mrs.], K O. Lawal. Esq., H. O. Sulaiman [Miss], Emeka Okeakpu. Esq., A. O. Usman. Esq., A. B. Eleburuike. Esq., Tejumola Opejin [Miss], Musa Ahmed, Esq.) - *for the 2<sup>nd</sup> Respondent*

Dr. Onyechi Ikpeazu SAN, Ighodalo Imadegbelo,

SAN, Ken Njemanze, SAN (*with them*, Alex Ejcsienie, Esq., Wale Balogun, Esq, Obumneme Ezeonu, Esq., A.O. Adeyemi, Esq., Onyinye Anumonye, Esq., Emeka Nri-Ezedi, Esq., Nkiru Frank MMegwa, Tobechukwu Nweke, Esq., Martin Nwokeocha, Esq., Nwachukwu Ibegbu, Esq., Obinna Onya, Esq., Obiora Aduba, Esq., Julius Mba, Esq, Emeka Eze, Esq, Jideofo Onuoha. Esq., D.O. Agboola, Esq., Nwamaka Ofoegbu [Miss], Jennifer Adike [Miss], C.K. Emma-Duru [Miss], Ogechi Ogbonna, Esq.) - for the 3<sup>rd</sup> Respondent  
Emmanuel C. Ukala SAN, Prof. Epiphany C. Azinge SAN, D. C. Denwigwe SAN (*with them*. Dr. Z. Adango, Esq., Emeka Ichokwu, Esq., NeIson Worgu, Esq., Edmund Mark, Esq., Mark S. Agwu, Esq., Erastus Awortu, Esq., Vitalis Ajoku, Esq., Osima Ginah, Esq., O. J. Iheko [Miss], Dike Udenna, Esq., Yunusa Akanbi Esq., William Atanbi, Esq., Somoni Daopu, Esq., Afam Okeke, Esq., Emmanuel Mark. Esq.) - *for the 4<sup>th</sup> Respondent*

*Court of Appeal:*

*Division of the Court of Appeal from which the appeal was brought: Court of Appeal, Abuja*

*Names of Justices that sat on the appeal: Monica Boln'an Dongban-Mensem. J.C.A. (Presided): Chidi Nwaoma Uwa, J.C.A.; Adamu Jauro, J.C.A.; Peter Olabisi Ige, J.C.A. (Read the Leading Judgment); Hama Akawu Barka, J.C.A.*

*Appeal No.: CA/A/EPT/659A/2015*



*Date of Judgment:* Wednesday, 16<sup>th</sup> December 2015

*Names of Counsel:* E.C. Ukala, SAN; D.C. Denwigwe, SAN *with them*, Osima Ginah, Esq., O.J. Iheko [Mrs.], Dike Ndenna, Esq. and Daopu Somoni, Esq.) - *for the Appellant*

Chief Akin Olubimi, SAN, Chief Adeniyi Akinola, SAN; Funke Aboyade, SAN (*with them*, Akinsola Olujinmi, Esq., Akinyemi Olujinmi; Olawale Ilori, Esq., Oluseyi Adetanmi, Esq.; Olajide Loye, Esq., Abayomi Abdulwahab, Esq.; Christian Okoh, Esq., Ricardo Ebikade, Esq. Ifedolapo Yejide Esan [Ms], Emeka Okeakpu, Esq.: Ademola O. Owolabi, Esq. and Mathew Wilson Opukukuna - *for the 1<sup>st</sup> Respondent*

Yusuf Ali, SAN; Emeke Ngige, SAN (*with them*, Prof. Wahab Egbewole) - *for the 2<sup>nd</sup> Respondent* Dr. Onyechi Ikpeazu, SAN, Ighodalo Imadegbelo SAN, A.O. Okeaya-Inneh, SAN (*with them*, D. Dinienfe [Mrs.], Alex Ejiesieme, Esq., Tobechukwu Nweke, K.M. Momoh, Esq.; Obinna Onya, Esq., D.O. Agboola, Esq., Obiora Aduba, Esq., Julius Okosun, Esq. and Ighedosa Imadegbelo, Esq.) - *for the 3<sup>rd</sup> Respondent*

Chief Wole Olanipekun, SAN, Chris Uehe, SAN, Chief Ifedayo Adedipe, SAN, Chief Godwin Odedire, SAN, Fedinard Orbih, SAN, Gordy Uche, SAN (*with them*, Emeka Okoro, Esq., James Odiba, Esq., Kanayo Okafor, Esq., Olubukola Araromi, Esq., Bolarinwa Awujoola, Esq., Aisha Aliyu [Mrs], Adaobi Eziokwu [Mrs], Uzoma Nwosu-Iheme, Esq., Chukwudi Maduka, Esq., Vanessa

Onyemauwa [Miss], Emike Imuekere [Miss],  
Adebayo Majekolagbe, Blessing Akinsehinwa, Esq  
and Isaac Nwachukwu, Esq.) - *for the 4<sup>th</sup>  
Respondent*

*Tribunal:*

*Name of the Tribunal:* Rivers State Governorship  
Election Tribunal, Asusa

Members of the Tribunal: S.M. Ambursa, J.  
(*Chairman*); Wesley Ibrahim Leha, J. (*Member*);  
Bayo Taiwo. J. (*Member*)

*Petition No.:* EPT/RV/GOV/04/2015

*Date of Judgment:* Saturday, 24<sup>th</sup> October 2015

**Counsel:**

Chief Wole Olanipekun, SAN, Chief Chris Uche. SAN,  
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Olabode Olanipekun, Kanayo Okafor, Aisha Aliyu [Mrs.],  
Uchenna Ugonabo [Miss], Bolarinwa Awujoola. I. E.  
Briggs [Miss], Vanessa Onyemauwa [Miss], Adebayo  
Majekolagbe, Olakunle Lawal, Blessing Akinsehinwa,  
James Ebbe, Chukwudifu Mbamali, Francis Nsiegbunam,  
Naeemah Goji, Emmanuel Rukari, Uzoma Nwosu-Iheme,  
Ibiso Elimira Briggs, J. Obla) - *for the Appellant*

Chief Akin Olujinmi, SAN, Chief Adeniyi Akintola, SAN.  
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them*, Ifeanyi Egwuasi, Esq., Olumide Olujinmi, Esq.,  
Akinyemi Olujinmi, Esq., Olufemi Atetedaiye, Esq., Anne  
Achu [Mrs.], Ayodele Akisanya, Esq., Yusuf Anikulapo,

Esq., Kemi Odegbami-Fatogbe [Mrs.], Oluwole Ilori, Esq., Oluseyi Adetanmi, Esq., Olajide Loye, Esq., Abayomi Abdulwahab, Esq., Olukayode Ariwoola Jnr. Esq., Christian Okoh, Esq., Antonia Omoyemi Balogun [Mrs.], Ricardo Ebikade, Esq., Ifeoluwa Ajani [Miss], Ifedolapo Yejide Esan [Ms.], Ademola O. Owolabi, Esq., Tolulope Adebayo [Miss], Oladele Oyelami, Esq., Levi Nwoye, Esq., Henry Odili, H.A. Bello, E.N. Ebete, Saheed Smart Akingbade) -for the 1<sup>st</sup> Respondent

Yusuf Ali. SAN, Emeka Ngige, SAN, K.K. Eleja, SAN (with them, Alh. A. K. Adey, Esq., Prof. Wahab Egbewole, Ayo Olanrewaju, Esq., M. I. Hanafi, Esq., Mas'ud Alabelewe, Esq., Lawrence John. Esq., S.A. Oke, Esq., Alex Akoja. Esq., Onyeka Obiajulu, Esq., P. I. Ipkegbu [Mrs.], K. O. Lawal, Esq., H. O. Sulaiman [Miss], Emeka Okeakpu, Esq., A. O. Usman, Esq., A. B. Eleburuike. Esq., Tejumola Opejin [Miss], Musa Ahmed, Esq.) - for the 2<sup>nd</sup> Respondent

Dr. Ouyechi Ikpeazu, SAN, Ighodalo Imadegbelo, SAN, Ken Njemanze, SAN (with them, Alex Ejiesieme, Esq., Wale Balogun, Esq, Obumneme Ezconu, Esq., A.O. Adeyemi, Esq., Onyinye Anumonye, Esq., Emeka Nri-Ezedi, Esq., Nkiru Frank MMegwa, Tobechukwu Nweke, Esq., Martin Nwokeocha, Esq., Nwachukvuu Ibegbu, Esq., Obinna Onya, Esq., Obiora Aduba, Esq., Julius Mba, Esq., Emeka Eze, Esq, Jidefo Onuoha, Esq., D.O. Agboola, Esq., Nwamaka Ofoegbu [Miss], Jennifer Adike [ Miss], C.K. Emma-Duru [Miss], Ogechi Ogbonna, Esq.) - for the 3<sup>rd</sup> Respondent

Emmanuel C. Ukala, SAN, Prof. Epiphany C. Azinge, SAN, D. C. Denwigwe, SAN (*with them*, Dr. Z. Adango, Esq., Emeka Ichokwu, Esq., Nelson Worgu, Esq., Edmund Mark, Esq., Mark S. Agwu, Esq., Erastus Awortu, Esq., Vitalis Ajoku, Esq., Osima Ginah, Esq., O. J. Iheko [Miss], Dike Udenna, Esq., Yunusa Akanbi, Esq., William Atanbi, Esq., Somoni Daopu, Esq., Afam Okeke, Esq., Emmanuel Mark, Esq.) - *for the 4<sup>th</sup> Respondent*

**KEKEKE-EKUN, J.S.C. (Delivering the leading judgment):**

This appeal was heard on 27<sup>th</sup> January 2016. Learned counsel for the parties adopted their respective briefs of argument and made some oral submissions therein. I pronounced my judgment on that day, allowing the appeal and undertook to give my reasons today.

This appeal is against the judgment of the Court of Appeal, Abuja Division delivered on 10<sup>th</sup> December 2015 affirming the judgment of the Rivers State Governorship Election Tribunal delivered on 24<sup>th</sup> October, 2015, which nullified the election and return of the 4<sup>th</sup> respondent as Governor of Rivers State and ordered the conduct of a fresh election.

The 1<sup>st</sup> and 2<sup>nd</sup> respondents were dissatisfied with the return of 4<sup>th</sup> respondent and filed a petition before the Tribunal on the following grounds:

- "(i) That the 2<sup>nd</sup> respondent was not duly elected by majority or highest number of lawful votes cast at the election;
- (ii) That the election of the 2<sup>nd</sup> respondent was invalid and unlawful by reason of substantial non-compliance with the provisions of the Electoral Act, 2010 (as amended). Manual for Election Officials

2015 as well as the 1<sup>st</sup> respondent's 2015 General Elections approved guidelines and regulations.

- (ii) The election was invalid by reason of corrupt practices."

They sought among other reliefs a declaration that the results of the Governorship election for Rivers State held on 11<sup>th</sup> and 12<sup>th</sup> April 2015 for the entire Rivers State, save Eleme Local Government Area, Wards 1, 2, 3, 8, 9, 11 and 19 of Port Harcourt Area as declared and announced by the 3<sup>rd</sup> respondent, be nullified and a fresh election be conducted in all the polling units and wards of Rivers State be conducted by the 3<sup>rd</sup> respondent.

At the conclusion of hearing, the Tribunal allowed the petition and nullified the election and return of the appellant on grounds of substantial non-compliance with the Electoral Act. On appeal to the court below by the 4<sup>th</sup> respondent, the appeal was dismissed on 16/12/2015 and the judgment of the Tribunal was affirmed.

It is pertinent to note that the present appellant, which is the party that sponsored the 4<sup>th</sup> respondent, and the 3<sup>rd</sup> respondent (INEC), all appealed against the judgment. The appeal filed by the 4<sup>th</sup> respondent bears appeal No. SC.1002/2015, while the appeal filed by the 3<sup>rd</sup> respondent bears appeal No. SC.1003/2015.

The issues raised in this appeal, which is between the same parties and against the same judgment are substantially similar as in the sister appeals. I have given comprehensive reasons in SC.1002/2015 for allowing the appeal. I adopt the reasoning in the instant appeal and accordingly allow the appeal.

The judgment of the Court of Appeal, Abuja Division delivered on 16/12/2015 which affirmed the judgment of the Rivers State Governorship Election Tribunal delivered on 24/10/2015 is hereby set aside. The petition of the 1<sup>st</sup> and 2<sup>nd</sup>

respondents is hereby dismissed.

The return of the 4<sup>th</sup> respondent as the duly elected Governor of Rivers State by the 3<sup>rd</sup> respondent (INEC) is hereby restored. Parties shall bear their costs.

**MOHAMMED, C.J.N.:** When this appeal was heard on Wednesday 27<sup>th</sup> January 2016, I delivered my own judgment agreeing with the lead judgment of my learned brother Kekere-Ekun, J.S.C. in allowing the appeal and setting aside the judgment of the Court of Appeal which affirmed the judgment of the Governorship Election Tribunal and substituting therefore a judgment dismissing the 1<sup>st</sup> and 2<sup>nd</sup> respondents/ petitioners petition.

On that day I gave an undertaking to state my own reasons for allowing the appeal today Friday 12<sup>th</sup> February, 2016.

This appeal has the same base as in the decision of the judgment of the Governorship Election Tribunal of 24<sup>th</sup> October 2015 as the appeal number SC. 1002/2015 between the same parties. Since the appellant in this appeal is the political party which sponsored the 4<sup>th</sup> respondent as its candidate to contest the Gubernatorial election in Rivers State whose interests are the same in the election, there is no reason whatsoever in my view, that the parties would file and pursue separate appeals in this matter. This is because as far as the interest of the candidate and the political party sponsoring him are concerned, their interests in the election are not separate to justify filing and pursuing separate processes in courts.

I have been privileged of reading the lead reasons for judgment in this appeal prepared and delivered by my learned brother, Kekere Ekun, J.S.C. and I completely agree with the way

and manner the issues arising for determination of the appeal were considered and resolved. I adopt those comprehensive reasons for the judgment in allowing the appeal and the consequential orders given including the order on costs as mine.

I have nothing useful to add.

**I. T. MUHAMMAD, J.S.C.:** My learned brother, Kekere-Ekun, JSC, delivered the conclusion on this appeal on Wednesday, 27<sup>th</sup> January, 2016. I too, delivered my conclusion and promised to deliver my reasons for allowing the appeal.

My learned brother Kekere-Ekun, JSC, has able proffered comprehensive reasoning for allowing the appeal, setting, aside the judgment of the court below. I had the benefit of reading those reasons before today. I entirely agree with my lord Kekere-Ekun, JSC.

I do not need to add anything. I adopt both the reasoning and all consequential orders made by my learned brother in allowing this appeal.

**NGWUTA, J.S.C.:** This appeal was heard, and judgment delivered, on Wednesday, the 27<sup>th</sup> day of January, 2016. I delivered my judgment concurring with the lead judgment of my learned brother, Kekere-Ekun, JSC.

I indicated that I would give my reasons for allowing the appeal, setting aside the judgment of the Court of Appeal which affirmed the judgment of the Governorship Election Petition Tribunal today, 12<sup>th</sup> February, 2016.

I read in draft the reasons given by my learned brother, Kekere-Ekun, JSC for allowing the appeal and I entirely agree

with, and adopt as mine, the reasons leading to the conclusion that the appeal has merit.

**AKA'AHS J.S.C.:** After hearing this appeal on 27<sup>th</sup> January, 2016, I agreed with the leading judgment delivered by my learned brother Kekere-Ekun and reserved my reasons for so doing to today, Friday 12<sup>th</sup> February, 2016.

As already stated in my judgment in SC.1002/2015, this appeal is unnecessary in view of the fact that the appellant here had the same interests to protect with those of the appellant in SC.1002/2015. Since this appeal was first in time, the appellant's notice of appeal in SC.1002/2015 should have been subsumed under this one. It is observed that the appellant in SC. 1002/2015 briefed a different counsel from this appeal, hence the two separate appeal Nos. Since issues in appeal No. SC1002/2015 have been determined in favour of the appellant, this appeal also succeeds and it is hereby allowed. I also adopt the reasoning of my learned brother, Kekere-Ekun JSC in allowing the appeal.

I make no order on costs.

**OKORO, J.S.C.:** It will be recalled that when this appeal came up for hearing on Wednesday, the 27<sup>th</sup> day of January, 2016, I gave judgment immediately allowing the appeal and promised to give reasons today. This was sequel to the lead judgment in the appeal delivered by my learned brother, Kekere-Ekun, JSC which also allowed the appeal of the appellant herein

My learned brother had availed me in draft a copy of the reasons for judgment which he has just delivered. I have nothing new to add. I therefore adopt those reasons as mine in allowing the



appeal. I also abide by all consequential orders made in the lead reasons for judgment, that relating to costs, inclusive.

**SANUSI, J.S.C.:** This court on Wednesday, 27<sup>th</sup> January 2016 heard this appeal and delivered its judgment immediately allowing this appeal. I also delivered my judgment allowing the appeal which I consider to be meritorious. I then promised to give reasons for my judgment in the appeal today, Friday 12<sup>th</sup> of February 2016.

After carefully perusing in advance, the lead reasons for judgment, delivered by my learned brother, Kudirat Motonmori Olatokunbo Kekere-Ekun, JSC. The reasons and conclusion ably and adequately given in the said reasons for judgment of my learned brother, Kudirat Motonmori Olatokunbo Kekere-Ekun, JSC agreeable to me. I adopt them as mine and have nothing useful to add. I too, accordingly allow the appeal which I find to be meritorious. I abide by the consequential orders made in the lead reasons for judgment including one on costs.

*Appeal allowed.*

