

IN THE FEDERAL HIGH COURT OF NIGERIA  
IN THE ABUJA JUDICIAL DIVISION  
HOLDEN AT ABUJA  
ON WEDNESDAY THE 29<sup>th</sup> DAY OF JUNE, 2016  
BEFORE HIS LORDSHIP, THE HON. JUSTICE O. E. ABANG  
JUDGE

SUIT NO: FHC/ABJ/CS/395/2016

**BETWEEN:**

1. FRINCE BITE FORUTE
  2. ADEMOI AGENTY  
(FOR THEMSELVES AND ON BEHALF OF THE ONDO STATE EXECUTIVE COMMITTEE OF THE PEOPLE'S DEMOCRATIC PARTY)
  3. **HON. OLASOJI ADAGUNODO**
  4. **BOLA AJAO LATEEF**  
(FOR THEMSELVES AND ON BEHALF OF THE OSUN STATE EXECUTIVE COMMITTEE OF THE PEOPLE'S DEMOCRATIC PARTY)
  5. **HON. TAIWO AKEEM**
  6. **HON. ALABA ADELABU**  
(FOR THEMSELVES AND ON BEHALF OF THE OYO STATE EXECUTIVE COMMITTEE OF THE PEOPLE'S DEMOCRATIC PARTY)
  7. **HON. BOWALE SOLAJA**
  8. **OTUNBA ADEWALE SEGUN**
  9. **OGUNBIYI ADELEKE OLASUKANMI**
- AND**

1. **INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC) =====**
2. **PEOPLE'S DEMOCRATIC PARTY (PDP)**

**PLAINTIFFS**

FEDERAL HIGH COURT  
ABUJA  
CASHIER'S OFFICE

Signature.....

Date.....

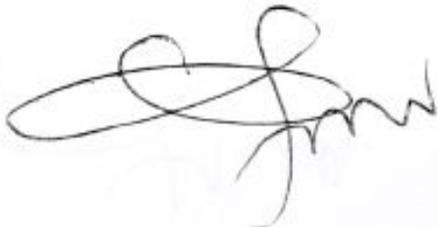
**DEFENDANTS**

**ENROLLMENT OF JUDGMENT**  
**ORDER**

UPON THIS ORIGINATING SUMMONS dated and filed on the 7<sup>th</sup> day of June, 2016

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA

7/15/16  
8/4/16



Constitution of the People's Democratic Party along with the letter dated 9<sup>th</sup> May 2016 issued under the hand of the National Chairman and National Secretary of the People's Democratic Party on behalf of the National Working Committee of the 2<sup>nd</sup> Defendant recognising that the tenure of the South West Zonal Executive Committee elected at the special South West Zonal congress held in October 2014 is still subsisting, the Defendants cannot refuse to accord recognition to the said officers of the South West Zonal Executive Committee of the party until their tenure expires in October 2018 or in any manner side-line them during the subsistence of their said term of office.



3. A declaration that the 1<sup>st</sup> Defendant ought to be restrained from dealing in any way or manner or otherwise according any recognition whatsoever to any person(s) claiming to be the officers of the People's Democratic Party in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States and the South West Zone except the authentic officers of the states and zonal executive committees of the party duly recognised by the 2<sup>nd</sup> Defendant in its letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> May 2016 (listed in the exhibits attached to the affidavit in support of this originating summons).

4. A declaration that having regard to section 223(1) of the Constitution of the Federal Republic of Nigeria as amended, section 85(3) of the Electoral Act 2010 as amended, Articles 47(1) and 49(1) of the constitution of the People's Democratic Party and the letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> May 2016 respectively issued under the hand of the National Chairman and National Secretary of the Peoples Democratic Party on behalf of the National Working Committee of the 2<sup>nd</sup> Defendant, the 1<sup>st</sup> Defendant is obliged to amend its records to reflect the names of the authentic officers of the state and zonal executive committees of the 2<sup>nd</sup> Defendant in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States and the South West zone.

5. A declaration that the 1<sup>st</sup> Defendant ought to restrain the 2<sup>nd</sup> Defendant from accepting and or according recognition to any other person who claim to represent the 2<sup>nd</sup> Defendant as officers of the executive committees of the party in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States and the South west Zone except the authentic executive committees recognised by the 2<sup>nd</sup> Defendant in its letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> May 2016.

6. An order of this honourable Court directing the Defendants to accept and accord exclusive recognition to only the officers of



24/11/16

the People's Democratic Party that emerged from the state congresses of the party conducted on the 10th of May 2016 in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States (listed in the exhibits attached to the affidavit in support of this originating summons) as the authentic state executive committees of the People's Democratic Party in the respective states.

7. An Order directing the Defendants to accord exclusive recognition to and deal with only the officers of the South West Zonal congress of the party held in October 2014 until their tenure expires in October 2018 as listed in the exhibits attached to the affidavit in support of this originating summons.

8. An Order directing the 1<sup>st</sup> Defendants to deal exclusively with the officers of the 2<sup>nd</sup> Defendant that emerged from the state congresses of the party conducted on the 10<sup>th</sup> of May 2016 in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos states (listed in the exhibits attached to the affidavit in support of this originating summons) in the conduct of the 2<sup>nd</sup> Defendant's events and programmes in their respective states including (i) the conduct of congresses for the election of their successors (ii) issuing nomination forms for the conduct of party primaries for 2019 general election to them, acceptance of the completed forms,



29/11/16

processing and publication of the list of candidates submitted by them; and (iv) the use of only the list of candidates of the People's Democratic Party in the respective states that emerged through primaries conducted by the aforesaid officers for purposes of the 2019 general elections.

9. An Order directing the 1<sup>st</sup> Defendant to amend its records to reflect the names of the authentic officers of the state and zonal executive committees of the 2<sup>nd</sup> Defendant in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos states and the south West zone as listed in the exhibits attached the affidavit in support of this originating summons and recognised by the in its letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> May 2016.
10. An Order restraining the 1<sup>st</sup> Defendant from dealing in anyway or manner or otherwise according any recognition whatsoever to any person(s) claiming to be the officers of the People's Democratic Party in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos states and the South West zone except the authentic officers of the states and zonal executive committees of the party (listed in the exhibits attached to the affidavit in support of this originating summons) recognised by the 2<sup>nd</sup> Defendant in its letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> day May, 2016.



CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA

6

8/16/16

**THE COURT** having heard F. O. Izinyori argued the originating summons dated 7<sup>th</sup> June, 2016,

**THE COURT** having also heard T. M. Inuwa with him R. A. Ugbane, Mrs. Abdulaziz Sani of Counsel for INEC the 1<sup>st</sup> Respondent herein not opposed to the originating summons having not filed a counter affidavit.

**THE COURT** having heard from O. Fakunle (SAN) for the 2<sup>nd</sup> Respondent of Counsel for People's Democratic Party not really opposed to the originating summons having filed an affidavit in support dated 23<sup>rd</sup> June, 2016 of 21 paragraphs and indeed canvassed argument in support of the Plaintiff's originating summons.

**THE COURT** having considered that Defendants before it are not opposed to the originating summons and having again been satisfied that the Plaintiffs have adduced facts that support their case and the law is on their side and it is deserving and compelling to grant their claims.

**AND THE COURT** having delivered Judgment in the open Court, its reasoning and conclusion are as contained in the body of the Judgment.

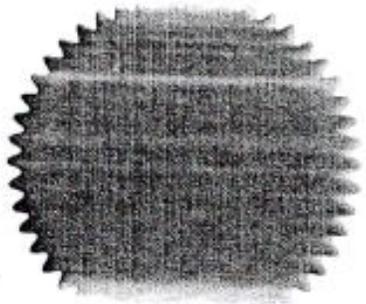
**IT IS HEREBY ORDERED AS FOLLOWS:**

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA

7  
S. A. B. H. K.

1) It is declared that upon a community interpretation of Section 223 (1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 85(3) of the Electoral Act 2010 as amended, Articles 47(1) and 49(1) of the Constitution of the People's Democratic Party along with the letters dated 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> May 2016 issued under the hands of the National Chairman and National Secretary of the People's Democratic Party on behalf of the National Working Committee of the 2<sup>nd</sup> Defendant, the Defendants cannot refuse to accept and accord recognition to the officers of the People's Democratic Party that emerged from the state congresses of the party conducted on the 10<sup>th</sup> of May 2016 in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States as the authentic state Executive Committees of the People's Democratic Party in the respective states.

2) It is declared that upon a community interpretation of the provisions of section 223(1) of the Constitution of the Federal Republic of Nigeria 1999 as amended, section 85(3) of the Electoral Act 2010 as amended, Articles 47(1) and 49(1) of the constitution of the People's Democratic Party along with the letter dated 9<sup>th</sup> May 2016 issued under the hands of the National Chairman and National Secretary of the People's Democratic Party on behalf of the National Working Committee of the 2<sup>nd</sup>



**HON. JUSTICE O. E. ABANG  
PRESIDING JUDGE**

Defendant recognising that the tenure of the South West Zonal Executive Committee elected at the special South West Zonal congress held in October 2014 is still subsisting, the Defendants cannot refuse to accord recognition to the said officers of the South West Zonal Executive Committee of the party until their tenure expires in October 2018 or in any manner side-line them during the subsistence of their said term of office.

- 3) It is also declared that the 1<sup>st</sup> Defendant ought to be restrained from dealing in any way or manner or otherwise according any recognition whatsoever to any person(s) claiming to be the officers of the People's Democratic Party in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States and the South West Zone except the authentic officers of the states and zonal executive committees of the party duly recognised by the 2<sup>nd</sup> Defendant in its letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> May 2016.
- 4) It is also declared that having regard to section 223(1) of the Constitution of the Federal Republic of Nigeria as amended, section 85(3) of the Electoral Act 2010 as amended, Articles 47(1) and 49(1) of the constitution of the People's Democratic Party and the letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> May 2016 respectively issued under the hand of the National Chairman and National Secretary of the People's Democratic Party



on behalf of the National Working Committee of the 2<sup>nd</sup> Defendant, the 1<sup>st</sup> Defendant is obliged to amend its records to reflect the names of the authentic officers of the state and zonal executive committees of the 2<sup>nd</sup> Defendant in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States and the South West zone.

5) It is also declared that the 1<sup>st</sup> Defendant ought to restrain the 2<sup>nd</sup> Defendant from accepting and or according recognition to any other person who claim to represent the 2<sup>nd</sup> Defendant as officers of the executive committees of the party in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States and the South west Zone except the authentic executive committees recognised by the 2<sup>nd</sup> Defendant in its letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> May 2016.

6) An Order is hereby made directing the Defendants to accept and accord exclusive recognition to only the officers of the People's Democratic Party that emerged from the state congresses of the party conducted on the 10<sup>th</sup> May 2016 in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States as the authentic state executive committees of the Peoples Democratic Party in the respective states

7) An Order is made directing the Defendants to accord exclusive recognition to and deal with only the officers of the South West Zonal congress of the party held in October



2014 until their tenure expires in October 2018 as listed in the exhibits attached to the affidavit in support of this originating summons.

- 8) An Order is hereby made directing the 1<sup>st</sup> Defendants to deal exclusively with the officers of the 2<sup>nd</sup> Defendant that emerged from the state congresses of the party conducted on the 10<sup>th</sup> May 2016 in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos states in the conduct of the 2<sup>nd</sup> Defendant's events and programmes in their respective states including (i) the conduct of congresses for the election of their successors (ii) issuing nomination forms for the conduct of party primaries for 2019 general election to them acceptance of the completed forms, processing and publication of the list of candidates submitted by them; and (iv) the use of only the list of candidates of the People's Democratic Party in the respective states that emerged through primaries conducted by the aforesaid officers for purposes of the 2019 general elections.
- 9) An Order is hereby made directing the 1<sup>st</sup> Defendant to amend its records to reflect the names of the authentic officers of the state and zonal executive committees of the 2<sup>nd</sup> Defendant in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos states and the south West zone as and recognised by the in its letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> May 2016.





10) An Order is hereby made restraining the 1<sup>st</sup> Defendant from dealing in anyway or manner or otherwise according any recognition whatsoever to any person(s) claiming to be the officers of the People's Democratic Party in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos states and the South West zone except the authentic officers of the states and zonal executive committees of the party recognised by the 2<sup>nd</sup> Defendant in its letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> day May, 2016.

**ISSUED AT ABUJA** under the Seal of the Court and in the Hand of the Presiding Judge this 29<sup>th</sup> day of June, 2016.



**Olawale M. Oladoyin**  
**Registrar**

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA

29/7/16 (A.S.I.)  


**IN THE FEDERAL HIGH COURT OF NIGERIA**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT ABUJA**  
**ON WEDNESDAY THE 29<sup>th</sup> DAY OF JUNE, 2016**  
**BEFORE HIS LORDSHIP, THE HON. JUSTICE O. E. ABANG**  
**JUDGE**

**SUIT NO: FHC/ABJ/CS/395/2016**

**BETWEEN:**

- 1. PRINCE BIYI POROYE**
- 2. ADEMOLA GENTY**  
(FOR THEMSELVES AND ON BEHALF OF THE ONDO STATE EXECUTIVE COMMITTEE OF THE PEOPLE'S DEMOCRATIC PARTY)
- 3. HON. OLASOJI ADAGUNODO**
- 4. BOLA AJAO LATEEF**  
(FOR THEMSELVES AND ON BEHALF OF THE OSUN STATE EXECUTIVE COMMITTEE OF THE PEOPLE'S DEMOCRATIC PARTY)
- 5. HON. TAIWO AKEEM**
- 6. HON. ALABA ADELABU**  
(FOR THEMSELVES AND ON BEHALF OF THE OYO STATE EXECUTIVE COMMITTEE OF THE PEOPLE'S DEMOCRATIC PARTY)
- 7. HON. BOWALE SOLAJA**
- 8. OTUNBA ADEWALE SEGUN**
- 9. OGUNBIYI ADELEKE OLASUKANMI**

**PLAINTIFFS**

**AND**

- 1. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC) =====**
- 2. PEOPLE'S DEMOCRATIC PARTY (PDP)**

**DEFENDANTS**

FEDERAL HIGH COURT  
ABUJA  
CASHIER'S OFFICE  
Signature: *[Handwritten Signature]*

TJ 504 2328

**JUDGMENT**

The Plaintiffs in their originating summons dated 7<sup>th</sup> day of June, 2016 claims against the Defendants the following reliefs: -

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA

*[Handwritten Signature]*  
8/4/16

*[Handwritten Signature]*

6

1. A declaration that upon a community interpretation of Section 223 (1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended), Section 85(3) of the Electoral Act 2010 as amended, Articles 47(1) and 49(1) of the Constitution of the People's Democratic Party along with the letters dated 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> May 2016 respectively under the hand of the National Chairman and National secretary of the People's Democratic Party on behalf of the National Working Committee of the 2<sup>nd</sup> Defendant, the Defendants cannot refuse to accept and accord recognition to the officers of the People's Democratic party that emerged from the state congresses of the party conducted on the 10<sup>th</sup> May 2016 in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States (listed in the exhibits attached to the affidavit in support of this originating summons) as the authentic state Executive Committees of the People's Democratic Party in the respective states.
2. A declaration that upon a community interpretation of the provisions of section 223(1) of the Constitution of the

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA



Federal Republic of Nigeria 1999 as amended, Section 85(3) of the Electoral Act 2010 as amended, Articles 47(1) and 49(1) of the Constitution of the People's Democratic Party along with the letter dated 9<sup>th</sup> May 2016 issued under the hand of the National Chairman and National Secretary of the People's Democratic Party on behalf of the National Working Committee of the 2<sup>nd</sup> Defendant recognising that the tenure of the South West Zonal Executive Committee elected at the special South West Zonal congress held in October 2014 is still subsisting, the Defendants cannot refuse to accord recognition to the said officers of the South West Zonal Executive Committee of the party until their tenure expires in October 2018 or in any manner side-line them during the subsistence of their said term of office.

3. A declaration that the 1<sup>st</sup> Defendant ought to be restrained from dealing in any way or manner or otherwise according any recognition whatsoever to any person(s) claiming to be the officers of the People's Democratic Party in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States and the South West

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA 3  
2/16/16



Zone except the authentic officers of the states and zonal executive committees of the party duly recognised by the 2<sup>nd</sup> Defendant in its letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> May 2016 (listed in the exhibits attached to the affidavit in support of this originating summons).

4. A declaration that having regard to section 223(1) of the Constitution of the Federal Republic of Nigeria as amended, section 85(3) of the Electoral Act 2010 as amended, Articles 47(1) and 49(1) of the constitution of the People's Democratic Party and the letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> May 2016 respectively issued under the hand of the National Chairman and National Secretary of the People's Democratic Party on behalf of the National Working committee of the 2<sup>nd</sup> Defendant, the 1<sup>st</sup> Defendant is obliged to amend its records to reflect the names of the authentic officers of the state and zonal Executive Committees of the 2<sup>nd</sup> Defendant in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States and the South West zone.

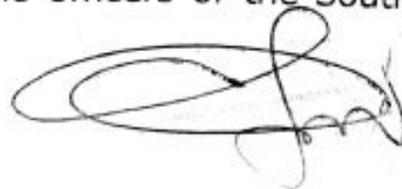
CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA

*[Handwritten signature]*  
4/11/16

*[Handwritten signature]*

5. A declaration that the 1<sup>st</sup> Defendant ought to restrain the 2<sup>nd</sup> Defendant from accepting and or according recognition to any other person who claim to represent the 2<sup>nd</sup> Defendant as officers of the Executive Committees of the party in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States and the South west Zone except the authentic executive committees recognised by the 2<sup>nd</sup> Defendant in its letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> May, 2016.
6. An Order of this honourable Court directing the Defendants to accept and accord exclusive recognition to only the officers of the People's Democratic Party that emerged from the state congresses of the party conducted on the 10<sup>th</sup> of May 2016 in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States (listed in the exhibits attached to the affidavit in support of this originating summons) as the authentic state executive committees of the People's Democratic Party in the respective states
7. An Order directing the Defendants to accord exclusive recognition to and deal with only the officers of the South

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA 24/11/16 5



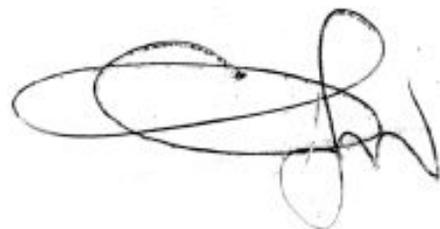
West Zonal congress of the party held in October 2014 until their tenure expires in October 2018 as listed in the exhibits attached to the affidavit in support of this originating summons.

8. An Order directing the 1<sup>st</sup> Defendants to deal exclusively with the officers of the 2<sup>nd</sup> Defendant that emerged from the state congresses of the party conducted on the 10<sup>th</sup> May 2016 in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos states (listed in the exhibits attached to the affidavit in support of this originating summons) in the conduct of the 2<sup>nd</sup> Defendant's events and programmes in their respective states including (i) the conduct of congresses for the election of their successors (ii) issuing nomination forms for the conduct of party primaries for 2019 general election to them, acceptance of the completed forms, processing and publication of the list of candidates submitted by them; and (iv) the use of only the list of candidates of the People's Democratic Party in the respective states that emerged

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA

4/7/16

6



through primaries conducted by the aforesaid officers for purposes of the 2019 general elections.

9. An Order directing the 1<sup>st</sup> Defendant to amend its records to reflect the names of the authentic officers of the state and zonal executive committees of the 2<sup>nd</sup> Defendant in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos states and the south West zone as listed in the exhibits attached the affidavit in support of this originating summons and recognised by the in its letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> May, 2016.

10. An Order restraining the 1<sup>st</sup> Defendant from dealing in anyway or manner or otherwise according any recognition whatsoever to any person(s) claiming to be the officers of the People's Democratic Party in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos states and the South West zone except the authentic officers of the states and zonal executive committees of the party (listed in the exhibits attached to the affidavit in support of this originating summons) recognised by the 2<sup>nd</sup> Defendant in its letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> day May, 2016.

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA 7  
24/11/16

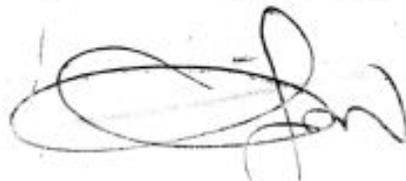


The originating summons is supported by 46 paragraph affidavit in support to which various documents are attached and marked exhibits AS1 to AS15 A&B.

There is also a written address in support dated 7<sup>th</sup> June, 2016.

The Plaintiff also formulated five issues for determination which are set out as follows: -

1. Whether upon a community interpretation of Section 223(1) of the Constitution of the Federal Republic of Nigeria 1999 (as amended). Section 85(3) of the Electoral Act 2010 as amended Articles 47(1) and 49 (10) of the Constitution of the People's Democratic Party along with the letters dated 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> May, 2016 respectively issued under the hand of the National Chairman and National Secretary of the People's Democratic Party on behalf of the National Working Committee of the 2<sup>nd</sup> Defendant, the Defendants can refuse to accept and accord recognition to the officers of the People's Democratic Party that emerge from the state congresses of the party conducted on the 10<sup>th</sup> day of May, 2016 in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States

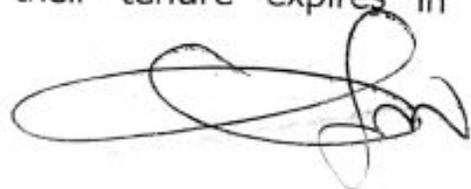


(listed in the exhibits attached to the affidavit in support of this originating summons) as the authentic state Executive Committees of the People's Democratic Party in the respective States.

2. Whether upon a community interpretation of the provisions of Section 223 (1) of the Constitution of the Federal Republic of Nigeria 1999 as amended, Section 85 (3) of the Electoral Act 2010 as amended, Articles 47 (1) and 59 (1) of the Constitution of the People's Democratic Party along with the letter dated 9<sup>th</sup> May, 2016 issued under the hand of the National Chairman and National Secretary of the People's Democratic Party on behalf of the National Working Committee of the 2<sup>nd</sup> Defendant recognising that the tenure of the South West zonal Executive Committee elected at the special South West zonal congress held in October 2014 is still subsisting, the Defendants can refuse to accord recognition to the said officers of the South West zonal Executive Committee of the party or in any way side-line the said Executive Committee until their tenure expires in

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA

9  
8/12/16

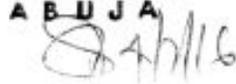


October 2018 or in any manner side-line them during the subsistence of their said term of office.

3. Whether in the circumstances of negative answer to the first two questions above the 1<sup>st</sup> Defendant ought not to be restrained from dealing in any way or manner or otherwise according any recognition whatsoever to any person(s) claiming to be the officers of the People's Democratic Party in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States and the South West zone except the authentic officers of the states and zonal Executive Committees of the party (listed in the exhibits attached to the affidavit in support of this originating summons) as recognised by the 2<sup>nd</sup> Defendant in its letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> May, 2016.

4. Whether having regard to Section 223 (1) of the Constitution of the Federal Republic of Nigeria as amended, Section 85(3) of the Electoral Act 2010 as amended, Articles 47 (1) and 49 (1) of the Constitution of the People's Democratic Party and the letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup> and 18<sup>th</sup> May, 2016 respectively issued under the hand of the

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA





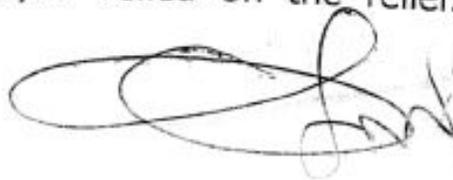
National Chairman and National Secretary of the People's Democratic Party on behalf of the National Working Committee of the 2<sup>nd</sup> Defendant, the 1<sup>st</sup> Defendant is not obliged to amend its records to reflect the names of the authentic officers of the state and zonal Executive Committees of the 2<sup>nd</sup> Defendant in Fkiti, Ogun, Ondo, Osun, Oyo and Lagos States and the South West zone.

5. Whether in any event the 1<sup>st</sup> Defendant ought not to restrain the 2<sup>nd</sup> Defendant from accepting and or according recognition to any other person who claim to represent the 2<sup>nd</sup> Defendant as officers of the Executive Committees of the party in Ekiti, Ogun, Ondo, Osun, Oyo and Lagos States and the South West zone except the authentic officers of the states and zonal Executive Committees of the party (listed in the exhibits attached to the affidavit in support of this originating summons) as recognised by the 2<sup>nd</sup> Defendant in its letters of 9<sup>th</sup>, 12<sup>th</sup>, 13<sup>th</sup>, 16<sup>th</sup>, and 18<sup>th</sup> May, 2016.

Arguing the application on the 24<sup>th</sup> June, 2016 Learned Counsel for the Plaintiff F. O. Izinyon relied on the reliefs

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA

11

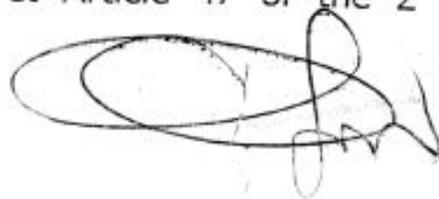


endorsed on the originating summons. He also relied on the facts deposed to in the affidavit in support, the attached exhibits. Learned Counsel adopted his written address in support as his argument in the matter. Learned Counsel then urged the Court to resolve the five issues for determination set out on the face of originating summons in favour of the Plaintiff. Learned Counsel submitted that they have perused the affidavit of the 2<sup>nd</sup> Defendant that the said affidavit confirms that there was a South West executive committee congress held on October, 2014 and also state congress of the party were also held in Ekiti, Ogun, Ondo, Osun and Lagos States in May, 2016 in compliance with the 2<sup>nd</sup> Defendant's notice of zonal congresses and the state executive congresses that their tenure of office is for 4 years term. That the National Working Committee of the 2<sup>nd</sup> Defendant recognises the said state and zonal executive as officers elected and sworn in. Learned Counsel made reference to exhibits 8A to F attached to their originating summons. In the circumstances Learned Counsel urged the Court to interpret Article 47 of the 2<sup>nd</sup>

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT

12

24/1/16



Defendant's Constitution in line with the Plaintiff's claim and then urged the Court to grant the reliefs sought.

On his part Learned Counsel representing Independent National Electoral Commission the 3<sup>rd</sup> Defendant herein. T. M. Inuwa did not oppose the application. Learned Counsel submitted that as an umpire they are neutral to the originating summons.

Learned Counsel for the 1<sup>st</sup> Defendant Independent National Electoral Commission drew the Court's attention to the admonition of the Supreme Court in the case of **UZODINMA VS. OSITA UZONASO (2011) 17 NWLR PT. 1275 at P. 80.** Wherein the Supreme Court advised Independent National Electoral Commission to always maintain its neutrality in intra-party dispute. Learned Counsel for Independent National Electoral Commission informed the Court that it will abide by the decision of this Court in this case.

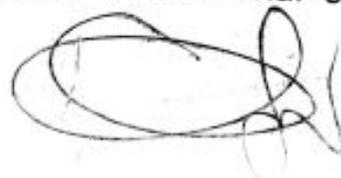
That the issue before the Court is an internal affair of the People's Democratic Party. That they will allow them to resolve their disputes. That INEC has submitted to the jurisdiction of

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA

13



the Court. That for the second time Learned Counsel for Independent National Electoral Commission submitted that as an umpire they will abide by the decision of the Court. On his part Learned Counsel for the 2<sup>nd</sup> Defendant People's Democratic Party O. Fakunle (SAN) referred the Court to the affidavit of the National Secretary of the party in support of the application filed on 23th June, 2016. That it is a 21 paragraph affidavit. Learned Counsel relied on all depositions therein and stated that in paragraphs 16 and 17 of the affidavit he made reference to certain documentary exhibits. That is exhibits AS 8A & F and exhibits AS 9A & B attached to the Plaintiff's originating summons. That the 2<sup>nd</sup> Defendant People's Democratic Party relies on those documents. That the crux of the case of the Plaintiff is the interpretation of 1999 Constitution and the Constitution of the People's Democratic Party in particular being the registered political party in Nigeria. Learned SAN made reference to paragraph 7 of the Plaintiff's affidavit in support and submitted that it forms a common ground with the Plaintiff's position that South West zonal of



executive committee was held in October, 2014. That People's Democratic Party also confirms that the other congresses and state executive committee of the party election were also held in May, 2010. Learned SAN referred the Court to exhibits A to F attached to the Plaintiffs' affidavit in support of the originating summons.

Learned SAN that submitted that having stated these facts that the Court is enjoined to look at Section 223(1) a and (2a) of 1999 Constitution. Learned SAN also made reference to Article 47(1) and Article 49(1) of People's Democratic Party's Constitution.

Learned SAN submitted that Section 223 (2a) of 1999 Constitution enjoins the election of officers or members of executive committee of a political party periodically but for a tenure not exceeding 4years. That Section 223 (2a) is a general law.

That Article 47(1) of the 2<sup>nd</sup> Defendant Constitution is a special law made by the 2<sup>nd</sup> Defendant which enjoins the party that at National, Zonal, State, Local, Ward officers of that party shall

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA



hold office for a term of 4 years and shall be eligible for re-election for another term and no more. That this a special law which can co exist with the general law, which according to Learned SAN is Section 223 (2a) of the Constitution. Learned SAN submitted that in so far as the tenure of office is concerned there is conflict in the tenure stated in People's Democratic Party Constitution and the tenure allowed by the Constitution that both can co-exist.

Learned SAN referred the Court to the case of **GOVERNOR KADUNA STATE VS. LAWAL KABOMA (1992) 6 SC P. 44** where the Supreme Court sitting as a full Court of seven justices held that were a law is made general and there is also specific law made in another legislation that once there is no conflict in the two laws both can stand side by side and co-exist.

That since the People's Democratic Party South West zonal elections were held in October, 2014 then the tenure being 4 years that no other election can be held until the expiration of the 4 years. Learned SAN then submitted that in view of this

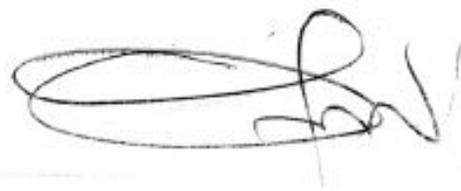
CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA 8/7/16 16



position and the fact that they have the honour to concede to the question raised by the Plaintiff in their originating summons here.

Learned SAN submitted again with great force that where facts of the case stare the 2<sup>nd</sup> Defendant on the face that it will be inappropriate for any office of the Court in particular Counsel to attempt to reconstruct the facts. That they cannot do that. He agreed with Independent National Electoral Commission's Counsel that the issue is an intra-parties affairs. That is the more reason that People's Democratic Party is before the Court for a correct interpretation by the Court of laws made for the people and in particular the law made by a political party which binds all members. Learned Counsel that urged the Court to give the interpretation of Section 223 in line with the wording of the statute that accords with justice based on the facts clearly laid down in the matter. Learned SAN then thanked the Court.

My lords, I have carefully considered the facts of the case as stated by the Plaintiffs in their affidavit in support and also the



facts as stated by the 2<sup>nd</sup> Defendant in their affidavit, I have again considered the reliefs sought by the Plaintiff as endorsed on the face of the originating summons, the documents attached as exhibits and issues formulated by the Plaintiffs for determination.

I also note that Independent National Electoral Commission is not opposed to the Plaintiffs' suit. Incidentally from the facts deposed to by the 2<sup>nd</sup> Defendant in their affidavit in support of the substantive suit, the 2<sup>nd</sup> Defendant herein the People's Democratic Party and the oral argument of Learned SAN O. Fakunle, the 2<sup>nd</sup> Defendant is not opposed to the Plaintiffs' suit.

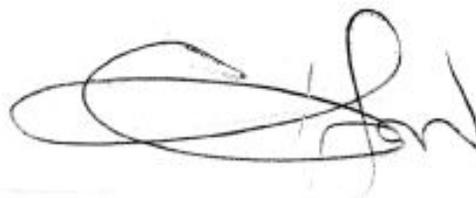
My lords from the facts of the case placed before me by the parties, the current South West zonal committee was elected at the special South West zonal congress held in October 2014 while the current state People's Democratic Party chapter executive committee in Ekiti, Ogun, Osun, Oyo and Lagos were elected and inaugurated in May 2016 for a term of 4 year term.

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT

ABUJA

4/1/16

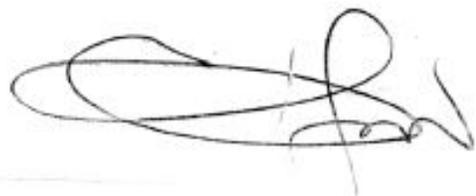
18



It is clear that from exhibits ASA, ASB, ASC, ASD, ASE, ASF, AS9A, AS9B, that the National Working Committee of the People's Democratic Party issued letters recognizing those state and zonal executive committee as the authentic organs of the People's Democratic Party to implement all events and programmes of the party in their respective states and zones.

Also placed before the Court are preservative Orders made by this Court differently constituted by Baba J. of the Lagos division of this Court in **SUIT NO. FHC/L/CS/605/2016 CHIEF PEGBA OTEMOLO VS. INEC** pending the determination of the substantive suit restraining the 1<sup>st</sup> and 2<sup>nd</sup> Defendants herein from conducting or permitting or recognizing any election into the offices of the South West zonal executive committee pending the hearing and determination of the originating summons therein.

It has not been drawn to my attention that there is an appeal against the said decision of this Court so the Order of Court subsists and it is uncompromising binding on parties until set aside.



Section 223 (1a) of 1999 Constitution provides: -

***"the Constitution and rules of a political party shall provide for the periodical election on a democratic basis of the principal officers and members of the executive committee or other governing body of the political party."***

Article 47 (1) of People's Democratic Party Constitution provides:

***"All National, Zonal, State, Local Government Area and Ward officers of the party shall hold office for a term of 4 years and shall be for re-election for another term and no more."***

My lords, it is my view the Section 223 (1) of 1999 Constitution as amended having made provisions for periodical election of the principal officers of a political party and the People's Democratic



Party having stated in chapter 47 (1) of its Constitution that members of executive committee at National, Zonal, State, Local Government, Ward level shall remain in office for a term of 4 years it is the duty of the 2<sup>nd</sup> Defendant to abide by the provision of its Constitution which was made pursuant to Section 223(1) of 1999 Constitution.

Therefore Independent National Electoral Commission has an uncompromising duty here to ensure that the People's Democratic Party complies with the provisions of its Constitution with a democratic tenet the cornerstone of the rule of law. See paragraph 15 (c) and (f) of the 3<sup>rd</sup> Schedule to 1999 Constitution and Section 86 of the Electoral Act 2010 as amended.

***Paragraph 15 (c) and (f) of 3<sup>rd</sup> Schedule to 1999 Constitution provides:***

***That INEC shall have the power to –***

***A. -***

***B. -***

***C. Monitor the organization and operation of political parties***



*including their finances, convention, congresses, and party primaries."*

**D. –**

**E. –**

**F. Monitor political parties and provide rules and regulations which shall govern the political parties."**

Section 86(1) of the Electoral Act provides –

*"That INEC shall monitor and keep records of the activities of all registered political parties.*

Section 86(2) of the Electoral Act provides: -

*"INEC is empowered to seek information of clarification in connection with any activity of a political party which may be contrary to the provisions of the Constitution at any other law, guidelines, rules or*

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA

*S. Abba*

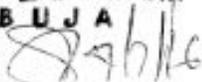
*[Signature]*

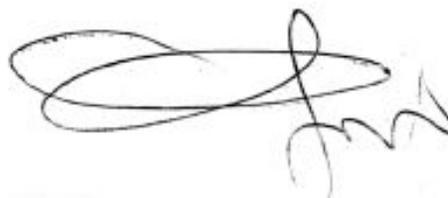
*regulations made pursuant to an Act of  
the National Assembly."*

My lords, having regards to Section 223 (1) of 1999 Constitution, paragraph 15 (c) and (f) of the 3<sup>rd</sup> Schedule to 1999 Constitution, the Independent National Electoral Commission has the power to give directives to a political party to ensure compliance with the provisions of their own Constitution that members freely adopted. It is not the duty of the Court to rewrite People's Democratic Party Constitution for People's Democratic Party members. Where there is dispute amongst members within the party. It is the duty of the Court to compel Independent National Electoral Commission to ensure that the political party acts within the frame work or confine of their Constitutions. By Sections 223(1) and 224 of 1999 Constitution, periodic elections of offices of the principal organs of a political party is allowed. Article 47 (1) of the People's Democratic Party allows for 4 years tenure of executive officers at all level of the organs of the party, National, Zonal, State, Local Government and at Ward level. Those congresses were held at all level of the party organ in line with Article 49(1)



of the People's Democratic Party Constitution, the party gave notices of each congress. The congresses were conducted in accordance with the People's Democratic Party Electoral guidelines issued by the party and successful candidates emerged. The National Working Committee of the People's Democratic Party from exhibits AS8 to AS9 issued letters recognising the zonal and state executive committee members as the authentic organs of the People's Democratic Party in the South West Geopolitical zone in line with Section 223 (1) of 1999 Constitution and Article 47(1) of the People's Democratic Party Constitution. They shall remain in office for 4 years from the date the officers were elected into the office and inaugurated. In the case of South West zonal executive committee of People's Democratic Party in Ekiti, Ogun, Ondo, Osun, Oyo, Lagos shall remain in office for 4 years from May 2016. No person or group of persons shall take any action that shall affect their tenure in office for the 4years except in accordance with the provision of People's Democratic Party Constitution.

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA  




of the People's Democratic Party Constitution, the party gave notices of each congress. The congresses were conducted in accordance with the People's Democratic Party Electoral guidelines issued by the party and successful candidates emerged. The National Working Committee of the People's Democratic Party from exhibits AS8 to AS9 issued letters recognising the zonal and state executive committee members as the authentic organs of the People's Democratic Party in the South West Geopolitical zone in line with Section 223 (1) of 1999 Constitution and Article 47(1) of the People's Democratic Party Constitution. They shall remain in office for 4 years from the date the officers were elected into the office and inaugurated. In the case of South West zonal executive committee of People's Democratic Party in Ekiti, Ogun, Ondo, Osun, Oyo, Lagos shall remain in office for 4 years from May 2016. No person or group of persons shall take any action that shall affect their tenure in office for the 4years except in accordance with the provision of People's Democratic Party Constitution.

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA

8/12/16

24



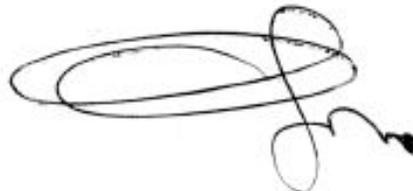
The five issues for determination are hereby resolved in favour of the Plaintiffs against the Defendants. The Plaintiffs suit deserve to succeed and it is accordingly granted as prayed in line with the reliefs endorsed on the originating summons. Put differently, I grant reliefs 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 as endorsed on the originating summons dated 7<sup>th</sup> June, 2016. I so hold.



**Hon. Justice O. E. Abang**  
**Judge**  
**29<sup>th</sup> June, 2016**

**Appearances:**

1. F. O. Izinyon with him E. O. Dina for the Plaintiffs.
2. T. M. Inuwa for the 1<sup>st</sup> Defendant with him are: -
  1. R. A. Ugbane (Mrs)
  2. C. Nnamah (Miss)
  3. Abdulaziz Sani
3. O. O. Fakunle SAN with him G. Mrakpor for the 2<sup>nd</sup> Defendant



**CERTIFIED TRUE COPY**  
**FEDERAL HIGH COURT**  
**ABUJA**



25

**IN THE FEDERAL HIGH COURT OF NIGERIA**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT ABUJA**  
**ON FRIDAY THE 14<sup>th</sup> DAY OF OCTOBER, 2016**  
**BEFORE HIS LORDSHIP, THE HON. JUSTICE O. E. ABANG**  
**JUDGE**

**SUIT NO: FHC/ABJ/CS/395/2016**

**BETWEEN:**

- 1. PRINCE BIYI POROYE**
- 2. ADEMOLA GENTY**  
(FOR THEMSELVES AND ON BEHALF OF THE ONDO STATE EXECUTIVE COMMITTEE OF THE PEOPLE'S DEMOCRATIC PARTY)
- 3. HON. OLASOJI ADAGUNODO**
- 4. BOLA AJAO LATEEF**  
(FOR THEMSELVES AND ON BEHALF OF THE OSUN STATE EXECUTIVE COMMITTEE OF THE PEOPLE'S DEMOCRATIC PARTY)
- 5. HON. TAIWO AKEEM**
- 6. HON. ALABA ADELABU**  
(FOR THEMSELVES AND ON BEHALF OF THE OYO STATE EXECUTIVE COMMITTEE OF THE PEOPLE'S DEMOCRATIC PARTY)
- 7. HON. BOWALE SOLAJA**
- 8. OTUNBA ADEWALE SEGUN**
- 9. OGUNBIYI ADELEKE OLASUKANMI**

**JUDGMENT  
CREDITORS/ APPLICANTS**



3501-3162-3487

**AND**

- 1. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC) ===== } 1<sup>ST</sup> RESPONDENT**
- 2. PEOPLE'S DEMOCRATIC PARTY (PDP) = } ALLEGED CONTEMPTOR**
- 2<sup>ND</sup> RESPONDENT**

**ENROLLMENT OF ORDER ON POST JUDGMENT APPLICATION**

**UPON THIS motion on notice** dated the 29<sup>th</sup> day of September, 2016 but filed on the 30<sup>th</sup> day of September, 2016 coming before the Court on 12<sup>th</sup> October, 2016 and praying for the following reliefs: -

  
CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA  
12/10/16 (AS)  
Kehinde Okpo

**1. An Order** enforcing the Judgment of this Honourable Court delivered in this action on the 29<sup>th</sup> day of June, 2016 by directing the 1<sup>st</sup> Respondent/Alleged contemptnor to accept and process for the purpose of its functions and activities in the organization and conduct of the Ondo State Governorship election only the nomination of Barrister Jimoh Ibrahim Folorunso who emerged from primary election conducted by the 1<sup>st</sup> and 2<sup>nd</sup> Plaintiffs/Applicants as the candidate of the 2<sup>nd</sup> Defendant in the said Ondo State Governorship election.

**2. An Order** requesting the 1<sup>st</sup> Respondent/Alleged Contemptnor to reject and jettison any other nomination forms submitted to it by any other persons apart from the 1<sup>st</sup> and 2<sup>nd</sup> Plaintiffs/Applicants indicating that any other person apart from Barrister Jimoh Ibrahim Folorunso is the candidate of the 2<sup>nd</sup> Defendant for the 2<sup>nd</sup> Defendant for the said Ondo State Governorship election.

**3. AND** for such further consequential and or ancillary orders as this Honourable Court may deem fit in the circumstances.

**AND UPON READING** the affidavit in support of the motion sworn to by Okwuosa Sampson Chukwudi, Nigeria, litigation clerk of No. 84 Kwame Nkrumah Crescent, Asokoro, Abuja.

**AND THE COURT** having already heard Dr. Alex Izinyon SAN leading F. O. Izinyon Esq, L. O. Fagbemi Esq, C. U. Adah (Miss), O. B. Bob Esq., E. O. Dina Esq. for the Applicants argued the application on the 12<sup>th</sup> October, 2016 and urging the court to grant same.

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA

*[Handwritten signature]*

**AND THE COURT** having also heard Al-Hassan A. Umar for INEC the alleged contemptnor/1<sup>st</sup> Respondent opposing the application and praying the Court to refuse same.

**AND THE COURT** having also heard R. A. Oluyede for the 2<sup>nd</sup> Respondent leading K. Chilaka presenting argument in support of the application.

**AND THE COURT** having considered that this Court on 29<sup>th</sup> June, 2016 having heard parties on the merit entered final Judgment in favour of the instant Judgment Creditors/Applicants wherein INEC the 1<sup>st</sup> Respondent herein was ordered to deal exclusively with the Judgment Creditors/Applicants herein during their tenure as executive officers of PDP Ondo state in the conduct of the PDP's events and programmes and to use only the list of candidates of PDP in Ondo State that emerged through primaries conducted by the aforesaid officers for elections to be conducted by INEC during their tenure in office.



**THE COURT** having further considered that in the said subsisting Judgment, the Court also restrained INEC from dealing in any way or manner or according recognition whatsoever to any person/persons claiming to be officers of PDP in Ondo State.

**THE COURT** having further considered that when the Applicants' substantive suit was

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA  
8/7/16

argued Learned Counsel that appeared for INEC T. M. Inuwa did not oppose the Applicants' suit but said that INEC will abide with the decision of the Court on the Applicants' suit thereby consenting to Judgment.

**THE COURT** having again considered that INEC has not appealed against the Judgment but failed to accept, process and publish the name of the Applicants' candidate that emerged from primaries election the Applicants conducted on 29<sup>th</sup> August, 2016 in line with the subsisting Judgment of the Court and the name of the Applicants' candidate for Ondo State Governorship election submitted to INEC on 21<sup>st</sup> September, 2016 as per exhibit PB1.

**THE COURT** having again considered that at the stage the matter was heard, issues were not joined on the date that INEC will conduct elections in Ondo State but that issues were joined as regard the fact that the Applicants prayed the Court to Order INEC to deal with them exclusively in all events and programmes of PDP in Ondo State wherein INEC did not object, the Court accordingly entered Judgment as per the agreement of INEC but on the merit, the Court's Judgment thereby creating issue estoppel that is binding on INEC.

**THE COURT** having also agreed with Alex Izinyon (SAN) Applicants' Learned Senior

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA

9/11/16

Counsel that the Court is bound to take judicial notice of the decision of the Court of Appeal in the case of **AGAGU VS. MIMIKO (2009) 7 NWLR PT. 1140 P. 342** that has altered the time table for Governorship election in Ondo State and that the Governorship election in Ondo State known to INEC is to take place in November, 2016 and not 2019.

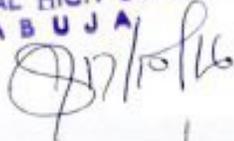
**THE COURT** having considered that the Judgment of this court dated 29<sup>th</sup> June, 2016, subsists there being no appeal against it parties having an uncompromising duty to obey the said Judgment until set aside by due process.

**THE COURT** having considered that while the Judgment of the Court delivered on 29<sup>th</sup> June, 2016 subsists, INEC has no justifiable reason not to accept the PDP's candidate for Ondo State Governorship election submitted to it by the Applicants on 21<sup>st</sup> September, 2016 as per exhibit BP1.

**AND THE COURT** having considered that INEC did not file counter affidavit known to law to the Applicants' instant post Judgment application to enforce their Judgment, the counter affidavit INEC purportedly filed was incompetent and of no evidential value being in violent contravention of Section 117(4) of the Evidence Act, the deponent failing to sign the said purported counter affidavit, INEC thereby failing to challenge facts deposed to



CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA



by the Applicants in their application to enforce their Judgment.

**THE COURT** having considered that under Section 287(3) of 1999 Constitution as amended that a subsisting Judgment of Court of law where there is no appeal must be obeyed and shall be enforced against all persons and authorities and in exercise of Court's disciplinary jurisdiction and to maintain the authority and dignity of the Court to do Justice to all manners of person without fear or favour, prevent anarchy in the land, bring parties on the path of legality, respect for the rule of law and separation of powers,



**IT IS HEREBY ORDERED AS FOLLOWS:**

1. That INEC the 1<sup>st</sup> Respondent/Alleged contemptor shall accept and process for the purpose of its functions and activities in organization and conduct of Ondo State Governorship election only the nomination of Barrister Jimoh Ibrahim who emerged from primary election conducted by the 1<sup>st</sup> and 2<sup>nd</sup> Judgment Creditors/Applicants on 29<sup>th</sup> August, 2016 as the candidate of PDP in the said Ondo State Governorship election slated for November, 2016.
2. ₦50, 000.00 cost awarded in favour of the Applicants payable by INEC immediately.

**HON. JUSTICE O. E. ABANG  
PRESIDING JUDGE**

**ISSUED AT ABUJA** under the Seal of the Court and in the Hand of the Presiding Judge this 14<sup>th</sup> day of October, 2016.

CERTIFIED TRUE COPY  
FEDERAL HIGH COURT  
ABUJA

**Ifeoma Joseph Mbah  
Admin Officer I**