

appropriate remedial steps as the Chief Law Officer of the Federation to save Osun State. Mr. Adegoke's letter, with respect, is one of such highly partisan outings that have engendered and sustained needless crisis in an otherwise peaceful state.

CORRECT BACKGROUND FACTS

3. Towards the twilight of former Governor Adegboyega Oyetola's Administration in Osun State, the Osun State Independent Electoral Commission (OSSIEC) that did not conduct any local government election in the State for several years suddenly woke up to conduct election after Oyetola of the All Progressives Congress (APC) had lost the Governorship Election to Ademola Adeleke of the Peoples Democratic Party (PDP).

PDP'S SUIT

4. The PDP, upon becoming aware of the plan (even though no notice had been given by OSSIEC as at then) pro-actively filed a suit by way of an Originating Summons before the Federal High Court, Osogbo, in FHC/OS/CS/94/2022, to challenge the OSSIEC Law, 2015, then in place which provided for 150 days NOTICE as against 360 days provided for in the Electoral Act, 2022. It based its case on the decision of the Supreme Court in **OSSIEC v. Action Congress (2010) Legalpedia (SC) 15114**.
5. The defendants to the suit were INEC and OSSIEC. During the pendency of the suit, the Osun State House of Assembly repealed the 2015 OSSIEC Law, enacted OSSIEC Law, 2022, and inserted therein a length of notice equivalent to that of the 2022 Electoral Act, that is 360 days. During the pendency of the suit still, OSSIEC gave notice of election which was just for 60 days in breach of both the Electoral Act and OSSIEC Law itself. The PDP then applied for and was granted amendment to its Originating Summons to bring in the new facts. Along the line, the election was conducted during the pendency of the suit, and after the election, the APC and some political parties brought applications to join in the suit as defendants and they were so joined by the court. The court subsequently determined the suit and found in favour of the Plaintiff (PDP) by sacking the APC Chairmen/Councilors. OSSIEC then withdrew the respective certificates of returns from the purported winners (the APC and its candidates).



APP'S SEPARATE SUIT

6. It must be noted that immediately after OSSIEC gave the 60-days notice as against the prescribed 360 days, APP (unlike the PDP which filed its suit before the notice) equally filed its own separate suit before the Federal High Court, Osogbo, to which only INEC and OSSIEC were parties. In the course of the suit, APC, APM, APGA and some individuals again brought separate applications for joinder as defendants in the suit. They were so joined. The suit was heard and decided and the Federal High Court, Osogbo, again found in favour of the APP on **30th November, 2022**, and consequently sacked the APC officials. OSSIEC did not appeal, but APC, APM, and one Babarinde (having been especially sacked by the court in the suit) filed a joint notice of appeal which was never prosecuted until same was dismissed on **13th January, 2025**. The attempt to have the appeal relisted by only the APC as the Applicant among other co-appellants failed woefully as the appellate court dismissed same on **13th June, 2025** (we shall come to this later).
7. Meanwhile during the period, OSSIEC had issued another notice of election on **19th February, 2024**, for fresh election to be held on **19th February, 2025** (a notice of more than 360 days).
8. Interestingly, the APC participated in the process of the fresh notice of election by nominating and submitting its list of candidates like all other political parties. It was only some 48 hours to the election that the APC suddenly withdrew their participation from the election, falsely claiming that they had been reinstated by the Court of Appeal, whereas no such order existed anywhere.

APC CHAIRMEN WERE DULY SACKED BY A COURT ORDER AND NEVER REINSTATED

9. Mr. Adegoke stated in the **first paragraph** of his letter that he and his firm are Counsel to the Local Government Chairmen and Councilors elected on the platform of the All Progressives Congress in Osun State "**who were recently reinstated by the Court of Appeal, Akure Division, vide its judgement of 10th February, 2025.**" This statement that his clients were reinstated by the Court of Appeal, Akure Division, vide its judgement of **10th**

February, 2025, is grossly false and constitutes a deliberate attempt to mischievously import into the judgement of the Court of Appeal what was not contained therein.

10. In his said letter, Mr. Adegoke thus made the judgement of the Court of Appeal delivered on 10th February, 2025, in Appeal No. CA/AK/270/2022 the very hallmark and fulcrum of his flawed legal opinion. But then, a calm reading of the said judgement of the Court of Appeal in the said Appeal No.: CA/AK/270/2022, even by a greenhorn in the legal profession would show that it is Kunle Adegoke (not me, as he unfortunately alleged) is the Counsel guilty of "spinning around false narrative" and "being duplicitous." The said judgement of the Court of Appeal neither validates his precarious stance and false narrative, nor lend credence to his egregious position that the judgement "*stands as the valid and subsisting judicial pronouncement affirming the lawfully elected APC Chairmen and Councillors of the 30 Local Government Councils in Osun State.*"
11. Surprisingly, Mr. Adegoke went as far as betraying the very "*Oath of upholding the rule of law and integrity of justice administration...moral and ethical obligations*" (all of which he claims to uphold as a Senior Advocate of Nigeria), when he said that: "*the ruling did not merely strike down the lower court's decision on technical grounds; it addressed the matter on its merit and unequivocally allowed APC's appeal. This is the true and authentic position of the law.*"
12. We are rather shocked and completely taken aback by Mr. Adegoke's misrepresentation, sophistry and fallacious interpretation of the Court of Appeal judgement (the very false accusations he leveled against my person). He embarked on this just to favour his clients who remain sacked from office as at today. This is more so as the Court of Appeal had unequivocally declared the issues of reinstatement and/or restoration back to office as "*an academic exercise*"; and therefore never pronounced upon them. The court NEVER addressed the issues on their merit.

WHAT THE COURT OF APPEAL DID IN THE APP CASE

13. At this juncture, it is pertinent to give a brief background of the said judgment to highlight Mr. Adegoke's faux pas in the Court of Appeal judgement (copies of which I had earlier forwarded to you in my letter dated **23rd June, 2025**, to which Adegoke claimed to have responded to).

(A) When the APC approached the Court of Appeal vide its Amended Notice of Appeal filed on **12th January, 2023**, it specifically sought for reinstatement of its sacked officials in prayer (g) of the said Amended Notice of Appeal which reads as follows:

“(G) An Order restoring the Appellants back into their offices having been duly elected by the citizens of Osun State.”

(B) At **page 34** of the lead judgment delivered by Hon. Justice Abubakar Muazu Lamido, JCA, the Court of Appeal adopted the four issues formulated by the APC for consideration. Obvious from the said issues is that the issue of whether the purportedly elected officials of the APC could be returned to the Local Governments from which they were sacked by the Federal High Court, in **Suit No. FHC/OS/CS/94/2022** could only have been considered under issues 3 and 4 which were formulated by the Appellant (APC) itself thus:

“3. Was the lower court right to have granted the reliefs sought by the 1st respondent on the ground of non-compliance with the Electoral Act by the 3rd respondent (ground 6)

4. Was the lower court right to have made a consequential order nullifying the Local Government election of 15th October, 2022 and ordering the duly elected officers to vacate their office forthwith despite such reliefs not having been sought by the 1st respondent. (Grounds 7, 8 and 9).”

(C) It is very clear that it is only after issue (4) above must have been answered in the negative that the Court of Appeal could proceed to order that these sacked officials be returned to office. However, the Court of Appeal, after considering issues 1 and 2, held at **pages 49 and 50** of the lead judgment thus:

"The lower court was clearly wrong in granting leave to amend an incompetent originating summons in such circumstances as the summons sought to be amend (amended) did not disclose any cause of action. The exercise of discretion by the lower court was wrongfully made and it is liable to be set aside. Issues one and by extension, issue two formulated by the appellants succeed and they are resolved in their favour and against the respondents.

Now, since it is the position of this court that there is no valid originating process to confer jurisdiction on the lower court to hear and determine the claim of the 1st respondent, there is no point in considering the remaining issues. A consideration of the two remaining issues has now become an academic exercise which this court is not prepared to venture into." (Emphasis supplied and word in bracket supplied for clarity)

14. The issues termed "academic exercise" border on the reinstatement of the sacked APC officials. With the above lucid pronouncement, the fundamental question which Mr. Adegoke must answer is this: can a court of Law and Equity and/or any other authority howsoever, enforce a prayer specifically requested for but which the court found the request to be "an academic exercise"; and thus refused to entertain? Our knowledge of the law tells us loud and clear that it is not practicable to enforce or give effect to what has been adjudged a mere academic exercise. If the APC believed that it was wrong for the Court of Appeal to have declared its request as an academic exercise without pronouncing on its request to have its officials reinstated, the proper thing to do was for the APC (probably through Mr. Adegoke who is one of their Counsel in some of these proceedings) to have approached the apex court and not hold the entire Osun State to ransom, as they have been doing. But to argue that the Court of Appeal decided the issue of reinstatement on its merit, is with due respect to my learned Brother Silk, a barefaced and outright falsehood. Why would I be the one to appeal to the Supreme Court a decision that delivered nothing to the APC and Mr. Adegoke?

15. As can be gleaned from the above unambiguous holding of the Court of Appeal, we wonder where Mr. Adegoke got his facts to the effect that the Court of Appeal "addressed the matter on its merit"? Running through the gamut of his said misleading letter, he curiously and deliberately failed to

state the specific page, wherein the Court of Appeal, in its entire judgment of **10th February, 2023**, allegedly reinstated the sacked Chairmen and Councilors. They therefore remain sacked till date.

THE CORRECT TIMELINE OF EVENTS

16. There were 2 separate suits by 2 different political parties against the Osun local government election purportedly conducted by OSSIEC on **15th October, 2022**, before the Federal High Court, Osogbo.
17. The two political parties were:
 - a. The PDP in **FHC/OS/CS/94/2022**; and
 - b. The APP in **FHC/OS/CS/103/2022**.
18. The APC brought separate joinder applications in the two separate suits. The said applications were granted. So, APC for itself and on behalf of all its candidates at the election in issue were made parties to the two suits by way of joinder.
19. The **PDP's** suit was decided on **25th November, 2022**. The court nullified the election and consequentially sacked the APC candidates who were the beneficiaries of the said purported election. The APC immediately filed an appeal and an application for stay of execution which application was refused by the court.
20. The **APP's** suit was decided on **30th November, 2022**, wherein the court equally nullified the election, and sacked the APC officials. As in the PDP case, the APC equally appealed the APP's judgment.
21. It was therefore not Governor Ademola Adeleke who dissolved the Councils as mischievously claimed by Mr. Adegoke. They were all sacked by orders of the Federal High Court, Osogbo, in two separate judgements as stated above.
22. On **10th February, 2025**, the Court of Appeal in the PDP case adopted all the issues formulated by the APC as the Appellants. The first two issues dealt with the jurisdiction of the lower court to grant an amendment when the suit was actually initiated before the notice of the election in issue was published by OSSIEC, as well as the refusal of the court to uphold the preliminary objection filed by the APC before the lower court. The remaining two issues



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dealt with the validity or otherwise of the election, the legality or otherwise of the officials' sack from office, and the specific request for reinstatement.

23. The Court of Appeal held the suit filed by the PDP, subject of the appeal, as premature and speculative and consequently struck out the suit. The court specifically held that the substantive issues as regards the validity of the election, legality of their sack and request for reinstatement had become academic. So, Mr. Adegoke got it all wrong when he said the appeal was decided on its merit. The Court of Appeal never made any order upholding the election or reinstating the sacked APC officials in the judgment of 10th February, 2025.
24. It was this deliberate misrepresentation by the Osun State APC to illegally hold on to power in the local government councils that made them import and invent the word "reinstatement" into the judgment of the Court of Appeal of 10th February, 2025. We challenge Mr. Adegoke to point out the portion wherein the Court of Appeal reinstated them.

HOW THE APC SLEPT ON ITS APPEAL IN THE APP MATTER

25. Realising that the Court of Appeal did not reinstate them in the other extant judgment in APP's case, the APC hurriedly filed an appeal against same but did not prosecute the appeal as it went to sleep.
26. On 13th January, 2025, the Court of Appeal, on the application of one of the Respondents dismissed the appeal for lack of diligent prosecution, having failed to compile records or file brief after 2 years since the filing of the Notice of appeal.
27. The APC, on the 23rd of January, 2025, after illegally hijacking the council secretariats despite the judgment sacking them and hanging on their neck, belatedly filed an application to relist their already dismissed appeal.
28. Meanwhile, on 21st February, 2025, the High Court of Osun State in a suit initiated by the PDP delivered judgement in Suit No. HIL/M.19/2025 wherein the court recognized the vacancies of the seats of Local Government Councils in Osun State and ordered the Osun State Independent Electoral Commission (OSSIEC) to conduct elections to fill in the said vacant seats.

29. On 13th June, 2025, the Court of Appeal refused the request by the APC to relist the appeal and consequently dismissed their application filed on 23rd January, 2025. The court reiterated that the judgment of the Federal High Court of 30th November, 2022, was not only sacrosanct and subsisting, but defines "the state of affairs as regards the status of the officers of the various Local Government Councils in Osun State". Furthermore, in view of the fact that parties had joined issues in respect of the election of 22nd February, 2025, the court also made a clear pronouncement in favour of the validity of the said election the court further reiterated that the APC officials having slept on their appeal for over two years could not be aided.
30. Even though the reality of the subsisting APP's judgment has since dawned on the APC, they are still illegally clinging unto offices using federal might and brute force. And my learned brother Silk, Mr. Adegoke, cannot see the danger in this and help advise his clients to back off? And he is still weaving this kind of narrative to you, the Chief Law Officer of the Federation.
31. Honourable Attorney-General, the APC officials are currently facing contempt proceedings before the Federal High Court on account of their disobedience to the APP's judgment, and Mr. Adegoke, is one of the counsel representing them in the contempt suit. His political partisanship and lack of objectivity (matters he ironically accused me of) are therefore understandable.
32. The APC and Mr. Adegoke know this truth but they are merely using legal subterfuge and federal might to back their illegality.

**EFFECT OF THE CONCURRING JUDGEMENT OF HON.
JUSTICE OYEBISI FOLAYEMI OMOLEYE, JCA**

33. Honourable Attorney-General sir, Mr. Adegoke, missed the point sorely when he said that "*it is indisputable, sir, that every serious law student knows that obiter dictum, no matter how eloquently and sentimentally expressed, do not possess the force of law. Only the lead judgement constitutes binding precedent*". He also added that "*to base a call for executive action on the obiter of a concurring judge while fully ignoring the binding judgement of February 10, 2025, and lead ruling of the same 13th June, 2025, is a desperate distortion unworthy of serious consideration*".

34. Honourable Attorney-General, it is Adegoke that is actually engaged in a desperate distortion unworthy of serious consideration. He is wrong on the legal principles governing concurrent or concurring judgements. We dare say even a fledging greenhorn in the legal profession knows that the Supreme Court has repeatedly affirmed the significant legal status of concurring judgements especially where they articulate points not covered by the lead judgement, yet remain supportive of the ultimate decision.

35. A concurring judgment, though not the lead judgment, forms an integral part of the court's decision, particularly where it introduces novel reasoning, observations, or clarifications which, though not expressly articulated in the lead judgment, align with the final outcome. Nigerian jurisprudence recognizes that concurring judgments are not mere ornaments to the lead judgment; they are valid expressions of judicial reasoning which express the mind of the court. It may be cited independently. It may expand, emphasize, or introduce additional dimensions to the ratio decidendi, provided they do not deviate from the final conclusion. This was what Hon. Justice Oyebisi Folayemi Omoleye, JCA, did after carefully considering the facts of the case.

36. In the very recent case of **NIGERIA ARMY COUNCIL & ORS v. ONYEACHU** (2025) LPELR-80760(SC), the apex court held:

“Concurrence/concurring opinion is defined in Black's Law Dictionary 9th edition as follows: "A vote cast by a Judge in favour of the judgment reached, often on grounds differing from those expressed in the opinion or opinions explaining the judgment. A separate written opinion explaining such a vote" In the case of NWANA V. FCDA & ORS (2004) LPELR-2102(SC) (Pp.11-12 paras. F), his lordship, Tobi, J.S.C., while determining the weight to be given to a concurring judgment, held thus: "A concurring judgment complements, edifies and adds to the leading judgment. It could at times be an improvement of the leading judgment when the Justices add to it certain aspects which the writer of the leading judgment did not remember to deal with. In so far as a concurring judgment performs some or all the above functions, it has equal force with or as the leading judgment in so far as the principles of stare decisis are concerned.”

Similarly, in **OKONKWO v. STATE** (2019) 9 NWLR (Pt. 1677) 292 at 320-321, the Supreme Court held thus:

“A concurring judgment is not a mere repetition or echo of the leading judgment; it may expound principles, supply further reasoning, or address issues untouched by the lead judgment. Where it does so, it forms part of the judgment of the court, and may itself contain ratio decidendi capable of binding effect.”

See also **OYAKHIRE v. STATE** (2006) 15 NWLR (Pt. 1001) 157 at 179SC; **BUHARI v. OBASANJO** (2005) 13 NWLR (Pt. 941) 1 at 269 SC; and **ORHUE v. NEPA** (1998) 7 NWLR (Pt. 557) 187 at 207 SC

It is therefore clear that the holding by Hon. Justice Oyebisi Folayemi Omoleye, JCA, recognising that the LGCs had been filled at the February 22, 2025, election was not an obiter. It was the judgement of the court.

THE SUPPRESSED APP CASE THAT MR. ADEGOKE WOULD NOT TOUCH

37. In all of Mr. Adegoke's outings, he carefully avoided discussing **Suit No. FHC/OS/CS/103/22**, with a separate extant judgement which the APC had appealed in **Appeal No. CA/AK/15/2025**. It was dismissed for want of diligent prosecution. The spirited attempt by the APC to relist the appeal was roundly and unanimously dismissed on **13th June, 2025**. Mr. Adegoke hung on to the weak tendrils of **Suit No. FHC/OS/CS/94/2022** and the emanating **Appeal No. CA/AK/270/2022**. But, sir, bear in mind that he has thus merely shown you one side of the coin whereas a one-sided coin is a bad tender. The reverse side is **Suit No. FHC/OS/CS/103/22** and **Appeal No. CA/AK/270/2022** which he avoids discussing because it equally sacked the APC and remains extant and unturned.
38. Shorn of all pretensions and legal gymnastics, the pertinent question to ask at this point is this: is there any decision of the appellate court setting aside the judgment of the Federal High Court in **Suit No: FHC/OS/CS/103/22 (Action Peoples Party (APP) vs. Independent National Electoral Commission (INEC) & 6 Ors.)** delivered on **30th**

November, 2022, which nullified the Local Government Election held on October 15, 2022 from which the APC Chairmen and Councilors had emerged and which equally sacked the said Chairmen and Councilors? There is none. If there was, why the unsuccessful desperation by the APC to relist CA/AK/226M/2024 which arose from the said judgement so as to upturn it?

39. Since there is none, the next question to ask is this: is the judgment of the Federal High Court in Suit No: FHC/OS/CS/103/22 (Action Peoples Party (APP) vs. Independent National Electoral Commission (INEC) & 6 Ors.) delivered on 30th November 2022, not valid and binding, deserving to be obeyed by the APC, PDP and all authorities throughout the Federal Republic of Nigeria in accordance with section 287(3) of the Constitution of the Federal Republic of Nigeria, 1999, as amended?

Sir, we believe that the obvious answers to the above questions would guide you in making the appropriate decision as the Chief Law Officer of the Federation to bail Osun State out of its simulated crisis.

40. The next question is: even if you were persuaded that the Court of Appeal judgement of 10th February, 2025, reinstated the APC Chairmen/Councilors (which is not true and therefore denied), what happens to the second separate extant judgement delivered by the Federal High Court, Osogbo, on 30th November, 2022, over which the APC frantically but unsuccessfully attempted to relist its dismissed appeal on 13th June, 2025? The answer is that being a separate judgement on its own, it remains extant, subsisting and must be obeyed. APC's appeal in Appeal No. CA/AK/270/2022. from Suit No. FHC/OS/CS/94/2022, is quite different from Appeal No. CA/AK/226M/2024 (from Suit FHC/OS/CS/103/22). None of them binds each other having arisen from different causes, facts, subject matters, dates, etc.

41. We must emphasize that an appeal is a complaint against the decision of the lower court and therefore a continuation of the original cause and not a new action. See **OKONKWO v. UBA PLC** (2017) LPELR-42781(CA). The binding effect of a Court of Appeal judgment is limited to:

- The specific parties before the court;
- The facts and issues canvassed;

- The specific decision arising from the appeal.
- A Court of Appeal judgment cannot directly bind or nullify a judgment in another distinct case (with different parties, facts, or Suit No.) unless:
 - The Court of Appeal judgment lays down a general principle of law, in which case, other courts are bound to follow that principle as a precedent; but the actual judgment applies only to the particular case appealed against. See **DALHATU v. TURAKI** (2003) 15 NWLR (Pt. 843) 310 (SC), where the apex court held:

“A judgment binds only the parties and privies to the extent of the issues decided. However, the legal principles enunciated may serve as binding precedents on courts of coordinate or lower jurisdiction”.

42. In **BUHARI v. INEC** (2008) 19 NWLR (Pt. 1120) 246 (SC), it was held that:

“The pronouncement of a court in one case cannot bind parties in another case not before the court unless it lays down a general principle of law applicable across board.”

The above reasoning is because as was held in **GLOBAL TRANSPORT OCEANICO S.A. v. FREE ENTERPRISES** (2011) 8 NWLR (Pt. 1249) 411 (SC),

“Judgments operate inter partes. However, the legal reasoning or ratio decidendi binds lower courts as precedent, but it does not override the judgment in a different case unless appealed and set aside.”

43. Honourable Attorney-General, the situation at hand here is that **CA/AK/270/2022** which arose from Suit No. **FHC/OS/CS/94/2022** cannot bind Appeal No. **CA/AK/226M/2024** which arose from Suit No. **FHC/OS/CS/103/2022**. The latter sacked the APC Chairmen/Councillors and it remains extant.

DID APC AND PDP NOT CONTEST ISSUES BORDERING ON THE FEBRUARY 2025 LOCAL GOVERNMENT ELECTION?

44. Mr. Adegoke had stated in his letter that none of the parties made reference to the election of **22nd February, 2025**, and that all the processes in the said motion were filed before the said election was conducted; and that the Court of Appeal referenced the election *suo motu*. We are alarmed by this statement. We say this because it is on record that Mr. Adegoke personally appeared for the hearing of this very Motion on Notice at the Court of Appeal, specifically on the **25th of March, 2025**. On that day, the appearance for the 3rd Appellant/Applicant (i.e. the APC) reads:

“Kunle Adegoke, SAN appeared with A.W. Salmon, Esq.”

45. Our understanding of his appearance in the matter is that, as a Senior Advocate, he must have read and digested the case file. However, surprisingly, he misrepresented facts when he stated forcefully that parties across the divide did not canvass the said election of **22nd February, 2025**; and that the pronouncement of Omoleye, JCA was made *suo motu*. However, to prevent an ugly situation where *a person can call a cow an elder brother in order to eat meat*, we state hereunder that issues were fully joined on this election matter in the motion to relist APC’s dismissed appeal as follows:

46. In the Counter Affidavit of the 3rd Respondent (i.e. OSSIEC) deposed to before the Court of Appeal on **21st March, 2025** and duly served on the APC (Appellant/Applicant), one Sikiru Ayanfe Amoo, who at that particular point in time described himself as the “Director of Administration and Supply in the Osun State Electoral Commission” deposed at paragraph 7(i) and (ii) thus:

“(i) That not too long after the dismissal of the instant Appeal by this honourable court (which effectually affirmed the Judgment of the Federal High Court of **30th November, 2022**, appealed against), the 3rd Respondent on record, who is the electoral umpire in Osun State, had conducted fresh Local Government Council Elections in Osun State on the **22nd day of February, 2025**.

(ii) New Local Government Chairmen and Councilors have been elected in Osun State in the fresh election conducted by the 3rd Respondent. In fact, the new Chairmen and Councilors have been sworn into office.”

47. Reacting to the above deposition, the APC through one Tajudeen Aremu, who described himself as a “politician” and “one of the Clerks to the Director of Administration in the Office of the 3rd Appellant/Applicant”, on **24th March, 2025**, at paragraph 8 of their Further Affidavit in support of the Motion to relist, deposed thus:

“8. I state as a matter of fact that granting this application, contrary to paragraph 7 of the counter-affidavit, will not prejudice any party including the 3rd Respondent but will only ensure the determination of the real issues in the appeal between the parties in the interest of justice. I also know as a matter of fact that conduct of the purported elections claimed by the 3rd Respondent to have been done on 22nd February, 2025 was never premised on the Ruling of this Honourable Court delivered on 13th January, 2025 as the 3rd Respondent had been preparing to conduct the said election since July, 2024 long before the ruling of his honourable Court of 13th January, 2025. Thus, the conduct of the said election is not relevant to the determination of this application or the appeal being sought to be restored.”

48. **Honourable Attorney General**, from the depositions of parties across the divide (including the APC) reproduced above, could it be legally and fairly contended that **Honourable Justice Omoleye, JCA** did not make the said pronouncement from facts put before her as supplied by parties? One would have thought that after the strong condemnation of the attitude of Muhydeen Adeoye, Esq. (who is equally a Counsel on record to these sacked APC Chairmen and Councilors) by the Court of Appeal in its ruling of **13th June, 2025**, Counsel representing them would be circumspect in honour of the Rules of Professional Conduct and ethics of our profession. The attitude of Mr. Adegoke, my learned brother Silk, with respect, is to the contrary; and it demonstrates unnecessary desperation on behalf of his clients. To defend his clients, he created the wrong impression that Honourable Justice Omoleye, JCA, simply went on a voyage of her own to make the said pronouncement when, indeed, parties actually joined issues that led to same. He even refused to acknowledge that Hon. Justice Omoleye, JCA, is a Justice of the Court of Appeal. Honourable Attorney General, as the Chief Law Officer of the Federation, you owe a duty to our profession to kindly direct him (Kunle Adegoke) to apologize to the Court of Appeal and in particular to Honourable Justice Omoleye, JCA. We say no more on this.



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49. Please, find attached herewith, the said Counter Affidavit and the said Further Affidavit as **Annexures 1 and 2** respectively (this is without the exhibits referred to in the two affidavits). The said attachments equally prove beyond any iota of doubt that parties including Mr. Adegoke's sacked clients filed processes long after the conduct of the said election of **22nd of February, 2025**.

RE: ALLEGED LAWYER'S CONTRADICTIONS AND LEGAL WHIPLASH

50. Honourable Attorney General, contrary to Mr. Adegoke's postulations and allegations against me, there was no contradiction howsoever in my statement issued on **20th February, 2025**, to the effect that since there existed endless tussle between the winners (PDP) and the losers (APC) as regards the LGC elections, both parties should resolve it by going to court to test their strength. I said so and we stand by that piece of advice. In a piece titled, **"Is the Judiciary complicit in the Osun State Local Government Debacle"** (<https://share.google/7ecQCaBXeLWxUIT1t> Mike Ozekhome'sChambers.com), we answered the above poser a follows:

"To save themselves from needless orchestrated violence, all the political parties in Osun State should go for fresh polls and test their popularity in a free, fair and credible election. Politicians should leave the Judiciary alone by playing clean politics. As to the title of this piece, my humble submission is that the Judiciary was not in any way complicit in the Osun State LG imbroglio. Rather, it acted in good faith, striving fiercely to defend the rule of law and uphold electoral integrity".

HOW THE OSUN STATE HIGH COURT, ILESA, RESOLVED THE KNOTTY ISSUE

51. In view of the weight the Honourable Attorney-General's advice against the conduct of the Local government elections scheduled for the **22nd of February, 2025**, the PDP went to Court and got an Order of the Osun State High Court, Ilesa, in a judgement in Suit No. **HIL/M.19/2025** that ordered the election to proceed as planned, after examining the judgement of the Federal High Court in Suit No. **FHC /OS/CS/103/2022** and the Court of

Appeal judgement thereon in Appeal No. CA/AK/226M/2024. There was therefore no impediment to the conduct of the planned 22nd February, 2025, election, as the Local Government officers elected on the basis of the election conducted on the 15th of October, 2022, had been duly sacked by the Federal High Court and same sustained by the Court of Appeal.

52. I had made the above published analysis unaware that the PDP had already actually gone to court from which it got judgement from the Osun State High Court, Ilesha (coram Hon. Justice Dr. A.A. Aderibigbe). The court in the said judgement gave the go-ahead and judicial imprimatur for a new election as follows:

“1. AN ORDER OF THIS HONOURABLE COURT is granted, recognizing the existing vacancies across all the 30 Local Government Areas of Osun State, the election conducted by the 1st defendant on 15th October, 2022, having been invalidated, nullified and voided, and the purported elected officials produced by the purported election having been sacked by the Federal High Court in FHC/CS/OS/103/2022; ACTION PEOPLE PARTY (APP) vs. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC) & ors. delivered on the 30th November, 2022, and as confirmed by the decision of the Court of Appeal, in Appeal No. CA/AK/226M/2024, ALLIED PEOPLE MOVEMENT (APM) & ORS vs. ACTION PEOPLES PARTY (APP) & ORS delivered on 13th January, 2025.

2. AN ORDER OF THIS HONOURABLE COURT is granted, directing, mandating and compelling the defendants to fill the vacancies across the 30 Local Government Areas of Osun State through a democratic process by proceeding to conduct the Local Government ELECTIONS already scheduled by the defendants for 22nd of February, 2025.

3. AN ORDER OF THIS HONOURABLE COURT is granted, directing, mandating and compelling all the Security agents comprising of the Nigeria Police, the Nigerian Army, the Department of State Security Services (DSS), the Nigerian Security and Civil Defence Corps (NSCDC), the National Drugs and Law Enforcement Agency (NDLEA), the Amotekun Corps,



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126, 130 and 132 Police Station, Mainland,
Abuja FCT

the Vigilante Groups etc. to provide adequate security and maintain peace and order before, during and after the local government election scheduled by the Defendants for 22nd February, 2025 in Osun State.”

53. The judgement of the Osun State High Court that Ordered and legitimized the conduct of the Local government elections of 22nd of February, 2025, was thus given effect to and the elected officials were sworn in. There has been no contrary order or stay of that election or the inauguration of the Local government officials elected therefrom till date. There is even no appeal against it by the APC.
54. Predicated on the above judgement, the OSSIEC held the elections on 22nd February, 2025, and the PDP Chairmen/Councilors triumphed. They were subsequently sworn in on 23rd February, 2025.

HOW THE COURT OF APPEAL VALIDATED THE JUGEMENT OF THE HIGH COURT, ILESA AND CONFIRMED THE SACK OF THE APC CHAIRMEN/COUNCILORS

55. The APC had returned to the Court of Appeal for the relisting of their dismissed Appeal, Suit No. CA/AK/226M/2024, against the Federal High Court judgement Suit No. FHC /OS/CS/103/2022, which sacked its members that were elected in the nullified election of October 15th, 2022, in Appeal No. CA/AK/15/2025 which the Court of Appeal dismissed again in its ruling of 13th of June, 2025, giving the following Ratio, among others, as per Peter Chudi Obiorah, JCA in his lordship’s Lead judgement, in dismissing the appeal:

- a. *“The parties locked horns before the Federal High Court, Osogbo in Suit No.: FHC/OS/CS/103/2022 which was an action in respect of election into Local Government Councils in Osun State. The lower court delivered its judgment on 30th November, 2022 effectively nullifying the election into the Local Government Councils across Osun State and sacked all individuals occupying offices in the Local Government Councils by virtue of the said election.”* (as per Peter Chudi

Obiorah, JCA, in his lordship's lead ruling at para. 2, page 32 of the ruling).

- b. *"the dismissal of the appeal means that there being no existing appeal against the judgement of the lower court, the said judgement stands as the authority defining the state of affairs as regards the status of the officers of the various Local Government Councils in Osun State"* (as per Peter Chudi Obiorah, JCA, in his lordship's lead ruling at para. 2, page 16 of the ruling).
- c. *"Whatever that made the 3rd Appellant/Applicant and her sacked members to go to sleep for two years without worry and suddenly wake up after two years cannot be based on motives that are altruistic and in conformity with expeditious determination of the appeal, for even a right to fair hearing is expected to be exercised within a reasonable time as clearly stated in Section 36 of the Constitution of the Federal Republic of Nigeria, 1999."* (as per Peter Chudi Obiorah, JCA, in his lordship's lead Ruling at para. 2, page 49 of the ruling).
- d. *"Everything in this application shows that the 3rd Appellant has not shown good cause why this application should be granted. The fate that has befallen them is self-inflicted. It is therefore my conclusion that the application lacks merit. It is accordingly dismissed."* (as per Peter Chudi Obiorah, JCA, in his lordship's lead Ruling at para. 2, page 56 of the ruling).

56. Their Lordships, OYEBISI FOLAYEMI OMOLEYE, JCA and HADIZA RABIU SHAGARI, JCA also had the following to say in their concurring Ruling respectively:

- a. *"...the fresh Local Government elections conducted on the 22nd February, 2025 and the swearing-in of new Chairmen and Councilors have overtaken the substratum of this dispute. Relisting the appeal at this stage would serve no practical purpose."* (as per OYEBISI FOLAYEMI OMOLEYE, JCA in his

lordship's concurring Ruling at para. 2, page 4 of the Concurring Ruling).

- b. *"I agree with the reasoning therein and the conclusion arrived at that the 3rd Appellant had shown no good cause why the application should be granted they went to slumber and they should remain therein. The law aids the vigilant and not the indolent."* (as per HADIZA RABIU SHAGARI, JCA in his lordship's concurring Ruling at para. 1, page 1 of the Concurring Ruling).

57. Learned AGF, a simple holistic look at the lead and concurring decisions of their Lordships' ruling herein delivered on the 13th of June, 2025, in Appeal No. CA/AK/15/2025, which is the latest pronouncement of the highest Court in the hierarchy of Courts that has dealt with the subject gives no room for ambiguity or equivocation. As decided therein, "there being no existing appeal against the judgement of the lower Court" in suit number FHC /OS/CS/103/2022, (APM & Ors and APP & Ors.), "the said judgement stands as the authority defining the state of affairs as regards the status of the officers of the various Local Government Councils in Osun State". That judgement sacked and removed from office, the APC members that contested the October 2022 Local Government elections; hence the legitimate 22nd February, 2025 elections are valid and the officers thereat elected and sworn in were legally and validly elected, sworn in and in office. Respectfully sir, any opinion or interpretations contrary to this regarding this matter, will be contrary to the pronouncement of the court on same and will be perverse, frivolous, misconceived and self-serving. Consequently, the views expressed on this matter in the letter from Mr. Adegoke do not represent the correct position.

58. Honourable Attorney-General, it must be noted that Mr. Adegoke is a versatile senior lawyer and consummate partisan politician of APC extraction. It is on record that he contested for the APC Governorship ticket for Osun State with Mr Gboyega Oyetola, the immediate past governor of the state. It is also in the public domain that Mr. Adegoke has his eyes on the next governorship of Osun State in 2026. We verily believe that his opinion and views expressed in his under referenced letter are more an expression of his



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political interest than his learned silky erudition. It is politics in its worst and anti-democratic form and not the law in its pursuit of justice, as he claimed.

59. Consequently, the Court of Appeal ruling of **13th June, 2025**, which Mr. Adegoke unfortunately attempted to downplay as “a mere ruling of the Court of Appeal” actually vindicates our position. There was therefore no duplicity, “contradictions or legal whiplash” against me as he alleged. We say no more on the language deployed. But sir, call the Osun State APC to order.

OUR PRAYERS

We humbly urge you to use your good offices to:

- I. Advise relevant agencies of government (the Minister of Finance and Coordinating Minister of the Economy, the Accountant General of the Federation and the Governor, CBN) to immediately pay the judicially-sanctioned PDP Chairmen/Councilors their allocations with effect from **March, 2025**.
- II. Advise that public allocations from the Federation Account under section 162 of the 1999 Constitution should not be paid to the private accounts of the sacked APC officials.
- III. Advise all federal and state security agencies (the Army, Police, DSS, NSCDC, etc) to forthwith withdraw from the LG secretariats which they forcibly occupied and laid siege on since February, 2025, to prevent the lawful PDP Chairmen/Councilors from occupying same.
- IV. Advise that full protection of life and property be accorded the lawful PDP Chairmen/Councilors.

CONCLUSION

60. We appeal to you to maintain your high esteem and nobility that placed you in the front of the class of the inner Bar, by redirecting the institutions and offices of the government, especially federal bodies, to give effect to the **13th of June, 2025** ruling of the Court of Appeal by ensuring that the PDP Local Government Chairmen and Councilors that were elected on the **22nd of February, 2025**, are allowed and given security coverage to enter their offices and continue their work.

61. May we humbly remind the Hon. Attorney-General that it is not the office you occupy that made you; but you now have the onerous duty to make that

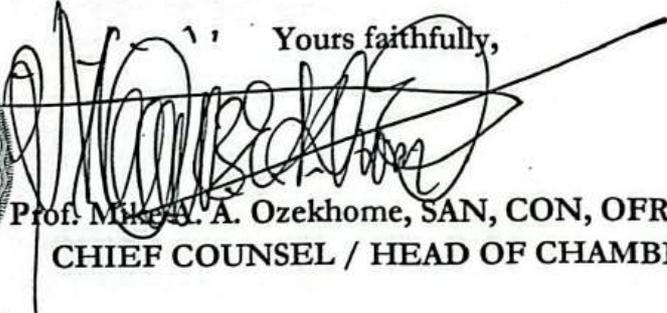
office as honourable as it can ever be under your watch. We believe you are more than capable of doing this given your antecedents, especially so as the leader of the Bar in the Country. Your decisions and actions or inactions, in times like this, will not only define the office of the Attorney-General of the Federation; it will also define your person in the future.

62. Hon. Attorney-General sir, a time like this calls for strong defence of the rule of law, the sanctity of court judgments and our fledgling democracy. It challenges you to abide by your oath of office to defend the Constitution. It calls on you to shun partisanship in favour of any political party including the ruling one that accorded you your position as the Hon. Attorney-General. As a respected litigation lawyer, the time calls upon you to show your well known deep knowledge of the law, defend democracy and save Osun state from needless tension and financial strangulation.

Please, accept the highest assurances of our respects.

Thank you, sir.

Yours faithfully,


Prof. Mike A. A. Ozekhome, SAN, CON, OFR, LL.D
CHIEF COUNSEL / HEAD OF CHAMBERS

CC:

1. The President of the Federal Republic of Nigeria,
Asiwaju Bola Ahmed Tinubu, GCFR,
President and Commander-In-Chief,
Federal Republic of Nigeria,
State House, Aso Villa,
Abuja-FCT.
2. The Hon. Minister of Finance and the
Co-ordinating Minister of the Economy,
Federal Ministry of Finance,
816, Ahmadu Bello Way,
Central Business District,
FCT, Abuja.

3. The Hon. Accountant-General of the Federation,
Office of the Accountant-General of the Federation,
Plot 1570, Samuel Ladoke Akintola Boulevard,
Garki 2, Abuja
4. The Governor,
Central Bank of Nigeria,
Plot 33, Abubakar Tafawa Balewa Way,
Central Business District,
FCT, Abuja.
5. Inspector-General of Police,
Nigeria Police Force (NPF),
Louis Edet House, Area 11,
Garki, Abuja,
FCT, Nigeria.
6. The Director-General,
Department of State Services (DSS),
1 Maitama Avenue,
P.M.B 253, Abuja.
7. The Chief of Army Staff (COAS),
Nigerian Army,
Army Headquarters,
Plot 1092, Mohammadu Buhari Way,
Area 7, Garki,
Abuja, Nigeria.
8. The Commandant-General,
Nigeria Security and Civil Defence Corps (NSCDC),
Umaru Musa Yar'adua Express way,
Airport Road, Sauka,
Abuja, FCT Nigeria.



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Divisional Police Station, Maitama,
Abuja, FCT

ANNEXURE 1

RECEIVED
COURT OF APPEAL
21 MAR 2025
AKURE DIVISION

IN THE COURT OF APPEAL
IN THE AKURE JUDICIAL DIVISION
HOLDEN AT AKURE

COURT OF APPEAL
AKURE
CASHIER (ABDUL)
DATE... *21/3/25*
SIGN... *[Signature]*

APPEAL NO.: CA/AK/15/2025
: CA/AK/226M/2024
SUIT NO.: FHC/OS/CS/103/2022

BETWEEN:

- 1. ALLIED PEOPLE MOVEMENT
- 2. BABARINDE NURUDEEN IDOWU
- 3. ALL PROGRESSIVE CONGRESS (APC)

AND

- 1. ACTION PEOPLES PARTY (APP)
- 2. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)
- 3. OSUN STATE INDEPENDENT ELECTORAL COMMISSION (OSSIEC)
- 4. ALL PROGRESSIVE GRAND ALLIANCE
- 5. PRINCE ADEGBOYE FAMODUN

APPELLANTS/RESPONDENT

3RD APPELLANT/APPLICANT
Motion - 500 =
Order - 500 =
Court/Filing - 500 =
WTA - 1000
CA (S) - 500

Total 5500

RESPONDENTS

Abiodun
NO 212971503

3RD RESPONDENT'S COUNTER-AFFIDAVIT IN OPPOSITION TO THE 3RD APPELLANT/APPLICANT'S MOTION ON NOTICE FILED ON THE 23RD OF JANUARY 2025

I, Sikiru Ayanfe Amoo, Male, Muslim, Civil Servant, Nigerian of Opposite Unity School, Old Ikirun Road, Osogbo, Osun State hereby depose and state as follows:

- 1. I am the Director of Administration and Supply in the Osun State Electoral Commission (3rd Respondent) and I have the mandate of the Commission to depose to this counter affidavit and indeed, all facts stated herein are facts within my personal knowledge by virtue of my position afore-stated, save where the contrary is expressly stated.

APM & 2 ORS V. APP & 4 ORS.
MUSIBAU ADETUNBI, SAN & CO

I have seen and read the Motion on Notice filed by the 3rd Appellant/Applicant as well as the supporting Affidavit deposed to by one Tajudeen Aremu on the 23rd day of January, 2025, and I say that the depositions therein are untrue and calculated to mislead this Honourable Court.

3. That I admit paragraphs 4,5,6,7 of the Affidavit in support of the Motion on Notice and deny paragraphs 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 of the said Affidavit which are fictitious and untrue facts, targeted at misleading this Honourable Court.

4. In response to the misleading paragraphs of the 3rd Appellant/Applicant's Affidavit above, I state that:

(i) This Appeal emanated from the Judgment of the Federal High Court, Osogbo Judicial Division delivered on the 30th day of November, 2022 by Hon. Justice Ayo Emmanuel in Suit No. FHC/OS/CS/103/2022 between Action Peoples Party V. Independent National Electoral Commission & Ors.

(ii) That the Appellants herein, who were dissatisfied with the decision of the Federal High Court above, challenged the aforementioned judgment by initiating an appeal before this Honourable Court vide a Notice of Appeal filed on the 2nd of December, 2022.

(iii) That notwithstanding the fact that the Appellants at the trial Court were represented by different Counsel, all 3 (three) Appellants jointly filed a Notice of Appeal on the 2nd day of December, 2022 which was franked by one Muhydeen Adeoye, Esq., who held himself out as the Appellants' Counsel in this Appeal.

(iv) Sequel to the failure of the Appellants to compile and transmit record for over 23 months after they lodged their Notice of Appeal, an application was filed on the 27th day of November, 2024 for the dismissal of the Appeal for want of diligent prosecution, and all the parties herein, including the 3rd Appellant/Applicant, were duly served with the said application.

That the Appellants did not file any opposition whatsoever to the said Application for dismissal of the appeal, neither did they cause any Record of Appeal to be compiled and transmitted to this Honourable Court.

(vi) That on the 13th day of January, 2025, the said Motion for dismissal of the appeal was heard in the presence of one A.M. Ayodele who held the brief of Muhydeen Adeoye (Counsel to all the Appellants herein) and who had no opposition to the grant of the Application. Consequently, the said Application was granted as prayed by this Honourable Court and the Appeal was dismissed. A copy of the Enrolment of the Order of this Honourable Court granting the application of 27/11/2024 and dismissing the Appeal is hereto attached as EXHIBIT OSSIEC 1.

(vii) That the Appellants had never shown any seriousness in prosecuting this Appeal, and in fact, their Counsel on record who filed the Notice of Appeal on their behalf, Muhydeen Adeoye, Esq., had addressed a letter to this Honourable Court stating the unwillingness of his clients (the Appellants) in prosecuting this Appeal. A copy of the said letter dated 10th January, 2025 is hereto attached as EXHIBIT OSSIEC 2.

5. In frontal rebuttal of the false and misleading facts stated in paragraphs 9, 10, 11 and 12 of the Affidavit in Support of the Motion, I state that:

(i) There are 3 (three) Appellants on record before this Honourable Court who were all ably represented in Court on the 13th day of January, 2025 when this Appeal was dismissed by this Honourable Court.

(ii) None of the Appellants thought it fit to react to the Application of 27/11/2024 in any way whatsoever. The Application was heard on 13th January, 2025 while the Appellants were equally represented by Counsel on the said date, who had no opposition to the grant of the Application.

(iii) The attempt of the 3rd Appellant/Applicant to separate itself from other Appellants in the instant Application is done in bad faith and to hoodwink this Honourable Court, and the excuse of ill health of the deponent's unnamed

boss, who is alleged to be a Director of Administration of the 3rd Appellant/Applicant, is not only false, but also an afterthought.

(iv) I say as a fact that there are other Officers, Directors and Executives of the 3rd Appellant/Applicant who could take action and decisions for the 3rd Appellant/Applicant if it had any intent of diligently prosecuting this Appeal before the Order of dismissal was made on the 13th day of January, 2025. The 3rd Appellant herein is the ruling Political Party in the Country, and the fact that the deponent's boss was purportedly ill at the time, does not equate to the entire APC, as a party, to be ill. More so, there were other Appellants on record who did not take any step in respect of the Appeal for over 2 years that they lodged their Notice of Appeal.

6. That the facts contained in paragraphs 13(i) – (iv) of the 3rd Appellant/Applicant's Affidavit are in respect of an entirely different suit which is not one and the same with the instant Appeal; in furtherance of which, I now state as follows:

a. The said Appeal No.: CA/AK/270/2022 referred to by the Applicant is different from this present appeal.

b. That Judgment was delivered in Appeal No. CA/AK/270/2022 by this Honourable Court on 10th February, 2025.

c. The said Judgment delivered by this Honourable Court in Appeal No. CA/AK/270/2022 is in respect of an entirely different Suit i.e. Suit No. FHC/OS/CS/94/2022 between PEOPLES DEMOCRATIC PARTY (PDP) V. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC) & 6 ORS, wherein the Federal High Court had, in its Judgment delivered on the 25th day November, 2022, also nullified the Local Government Election conducted in Osun State on the 15th day of October, 2022, just like it did in Suit No.: FHC/OS/CS/103/2022, from which this present appeal emanated from.

d. In the said Judgment delivered by this Honourable Court in Appeal No. CA/AK/270/2022, this Honourable Court only struck out the Originating Summons that kick-started Suit No.: FHC/OS/CS/94/2022 for being incompetent

and nothing more. A copy of the Judgment of this Honourable Court in CA/AK/270/2022 is herein attached as Exhibit OSSIEC 3.

e. I know as a fact that in the Judgment of this Honourable Court in CA/AK/270/2022 i.e. Exhibit OSSIEC 3, this Honourable Court did not, in any way whatsoever, affirm the purported Local Government Elections conducted in the State on the 15th day of October, 2022, neither did the Court direct that the sacked Local Government Chairmen and Councilors be returned into Office. Rather, the Court only upheld the Appeal on the basis of incompetence of the Originating Summons that kick-started the suit and nothing more.

f. That contrary to the impression of an honest mistake which they attempted to create in 13(i) to (iv), I state unequivocally that the Applicant deliberately abandoned this particular Appeal because they assumed that this Honourable Court would return their purportedly elected officers to office in the said Exhibit OSSIEC 3 and when they realised that it was not so, the said purportedly elected officers started to cause chaos while the Applicant is now making a belated attempt to relist the Appeal. An online copy of the Nation and online copy of Nigerian Tribune Newspapers which show that the Applicant and its purportedly elected officers were acting in bad faith are herein attached as Exhibits OSSIEC 4A and 4B respectively.

g. That Exhibits OSSIEC 4A and 4B above are computer-generated documents which were accessed online from the website of those Newspapers above-mentioned, with the aid of my Samsung Galaxy Smartphone, and printed out with the aid of an HP Laptop Computer and an HP Laser Jet Pro M254nw Printer (jointly referred to as "the Computers"). I say that the information leading to the production of the documents was supplied to the Computers in the ordinary course of use, and the computers were operating perfectly before and during the period of generating, accessing and printing of the said documents. I certify that there was regularly supplied to the Computers the kind of information contained in the documents over a period when the Computers were used to process, store and generate such kind of information, and I also certify that the information as contained in the documents were derived from the information supplied and accessed by the computers in the ordinary course of transaction.

- h. Upon receipt of the Judgment of this Honourable Court in Appeal No.: CA/AK/270/2022, the Applicants together with the purportedly elected Local Government Chairmen and Councilors, whose election was nullified, started parading the said judgement as one granting them the Order to return into Office.
- i. The Applicants and their said cohorts have been fomenting chaos and tension in Osun State as they have been propagating false representation on news and social media platforms that they are the substantive Local Government Chairmen and Councilors in Osun State. In fact, on Monday, the 17th day of February, 2025, the Applicants, together with the purportedly elected Local Government Chairmen and Councilors, whose election was nullified, and their allies, attempted to forcibly takeover the Local Government Councils in the State in their attempt to give effect to what they perceived as the Judgment of this Honourable Court in CA/AK/270/2022, in the process of which they attacked and displaced employees of the Local Government Councils from their place of work, and thereby interfered with the peace and harmony of the various Local Government Councils in Osun State. The said online copy of The Nation and Nigerian Tribune Newspapers (Exhibits OSSIEC 4A and 4B) lend credence to this.
- j. As a matter of fact, the staff of the Local Government Councils are currently on strike due to the violent activities of the Chairmen and Councilors who were effectively removed from office by the judgement of the Honourable Court below delivered on 30/11/2022 which is the subject of Appeal which they abandoned and refused to prosecute.

7. Further to the above, I say as of fact that the grant of this Application will prejudice the 3rd Respondent herein and this is because of the following facts:

- (i) That not too long after the dismissal of the instant Appeal by this Honourable Court (which effectually affirmed the Judgment of the Federal High Court of 30/11/2022 appealed against), the 3rd Respondent on record, who is the electoral umpire in Osun State, had conducted fresh Local Government Council Elections in Osun State on the 22nd day of February, 2025.

- (ii) New Local Government Chairmen and Councilors have been elected in Osun State in the fresh election conducted by the 3rd Respondent. In fact, the new Chairmen and Councilors have been sworn into office.
- (iii) That this Appeal is in respect of a Local Government Council Election conducted in Osun State in the year 2022 which was held to be null and void by the Federal High Court in its Judgment of 30th November, 2022.
- (iv) That the instant Application herein and indeed, the entire appeal, has been overtaken by event by virtue of the recent election conducted by the 3rd Respondent on the 22nd of February, 2025 to fill the vacant seats in the Local Government Councils of Osun State.

8. That I was reliably informed by Ire W. Egert-Olusesi, Esq., one of the Counsel in the law firm of Musibau Adetunbi, SAN & Co., Counsel to the 3rd Respondent herein, on the 12th day of March, 2025 at about 10:00am, at their Law Firm at No. 38, Ladoke Akinola Avenue, New Bodija, Ibadan, Oyo State of the following facts, which I verily believe to be true:

- (i) That upon the grant of the Application of 27th November, 2024, this Honourable Court can no longer revisit the said Application or set aside its Order already made.
- (ii) That there are instances where the Court may set aside its own Order or Ruling, but that the instant case does not fall under one of such instances, as our Application was unopposed by the Appellants (including the 3rd Appellant/Applicant herein) who were represented in Court on the day same was moved and granted by this Honourable Court.
- (iii) Furthermore, that the instant Application ought to have been filed by the Applicant within 7 days from the date the Order of dismissal of this Appeal was made by this Honourable Court, but to further show the unwillingness of the Appellants to diligently prosecute this Appeal, this Application was filed 10 days after the making of the Order on 13th January, 2025.

(iv) That the Appellants (including the 3rd Appellant/Applicant) having tacitly consented to the making of the Order of 13th January, 2025 (by failing to file any opposition to our Application of 27/11/2024 or opposing same at the point it was moved), cannot turn around now to challenge the Order of this Honourable Court, more so when events have already taken place pursuant to the said Order of this Honourable Court made on 13th January, 2025 dismissing this appeal.

(v) That the Appeal sought to be relisted via this application has already become an academic exercise having regard to the recently conducted Local Government Council elections in Osun State on the 22nd day of February, 2025, which election had produced new Chairmen and Councilors in Osun State.

9. I know that re-listing this Appeal is an attempt to prejudice the 3rd Respondent and overburden this Honourable Court with a needless Appeal.

10. That the dismissal of this application will satisfy the interest of justice.

11. I depose to this Affidavit in good faith, conscientiously believing same to be true, correct and in accordance with the Oaths Act, 2004.


.....
DEPONENT

SWORN TO AT THE COURT OF APPEAL REGISTRY, AKURE,

THIS 21st DAY OF March 2025

BEFORE ME
~~COMMISSIONER FOR OATHS~~
COURT OF APPEAL
AKURE
~~COMMISSIONER FOR OATHS~~
COMMISSIONER FOR OATHS

SERVICE ANNOUNCE COPY

RECEIVED
COURT OF APPEAL
24 MAR 2025
TIME
AKURE DIVISION

IN THE COURT OF APPEAL
HOLDEN AT AKURE

APPEAL NO. CA/AK/226M/2024
APPEAL NO. CA/AK/15/2025
SUIT NO. FHC/OS/Cs/103/2022

BETWEEN:

ALLIED PEOPLE MOVEMENT ... 1ST APPELLANT/RESPONDENT
BABARINDE NURUDEEN IDOWU ... 2ND APPELLANT/RESPONDENT
ALL PROGRESSIVE CONGRESS (APC) 3RD APPELLANT/APPLICANT

AND

- 1. ACTION PEOPLES PARTY (APP)
- ~~2. INDEPENDENT NATIONAL ELECTORAL COMMISSION (INEC)~~
- ~~3. OSUN STATE INDEPENDENT ELECTORAL COMMISSION (OSSIEC)~~ ... RESPONDENTS/RESPONDENTS
- 4. ALL PROGRESSIVE GRAND ALLIANCE
- 5. PRINCE ADEGBOYE FAMODUN

Handwritten notes and signatures on the right side of the page, including "18-9-16/2" and "N 2129A1317".

FURTHER AFFIDAVIT IN SUPPORT OF THE MOTION ON NOTICE

I, Tajudeen Aremu, Male, Politician, Nigerian of Igbajo, Ifedayo Local Government Area, Osun State hereby state on oath as follows:

- 1. I was one of the Clerks to the Director of Administration in the office of the 3rd Appellant/Applicant situate along Osogbo/Ibadan Road, Osogbo, Osun State.
- 2. By virtue of my position as herein above contained, I am very conversant with the facts material to this application.
- 3. Except otherwise expressly stated, all facts deposed to herein are within my personal knowledge, information, belief and are also obtained from all the documents and other sources to which reference is made in the body of this further-affidavit. Where they are within my knowledge, they are true and where they are

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DATE.....
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not within my knowledge, I believe them to be verily true and correct.

4. I have read and understood the 11 paragraph-counter-affidavit of the 3rd Respondent filed on 21st March, 2025 and I verily know that facts contained therein are false, slanted and misleading save only paragraphs 4(i, ii, iii,) and 6(a, b, c,) thereof.
5. I state in reaction to paragraph 2 of the counter-affidavit that my depositions contained in the affidavit under reference are correct and true and not targeted to mislead this Honourable Court.
6. I further state in reaction to paragraphs 4 and 5 of the counter-affidavit thus;
 - a. contrary to paragraphs 4(iv) of the counter-affidavit, the appeal was dismissed for prosecution and from my findings lately, not all the parties were served with the hearing notice of the proceedings whereat the appeal was so dismissed;
 - b. contrary to facts contained in paragraph 4(v, vi and vii) of the 3rd Respondent's counter-affidavit, facts explaining the failure to compile and transmit the records have been stated in the affidavit in support of the Notice of Motion and the motion was filed immediately the record was entered on 21st January, 2025 which demonstrates the Appellant's zeal to diligently prosecute this appeal, the 3rd Appellant/Applicant's proposed Brief of Argument is ready for filing;
 - c. in reaction to paragraphs 4(vii) and 5(i to iv) of the counter-affidavit, by the letter annexed as Exhibit OSSIEC 2 by the 3rd Respondent, counsel only appeared at the proceedings of 13th January, 2025 to inform this honourable Court that Mr. Muhydeen Adeoye only represented the

Appellants at the lower court up till the time of filing the Notice of Appeal dismissed on 13th January, 2025 and thus, subsequent processes should be served on the parties personally as there was a disconnect between the appellants and Mr. Adeoye;

d. the separation being sought is to enable thorough and diligent prosecution of the appeal and I mentioned my boss' name, Mr. Alao Kamorudeen Olabisi in paragraph 8 of my affidavit more than once in the affidavit and there was no one in charge of his office from where the process was dug out later to know that a process was kept on my boss' desk;

e. contrary to paragraph 4(iv,) the appeal was dismissed for want of prosecution and from my findings lately, not all the parties were served with the notice of hearing of the proceedings that led to the dismissal of the appeal;

f. contrary to the facts contained in paragraph 4(v, vi and vii), facts explaining the failure to compile and transmit record then have been stated in the affidavit in support of the Notice of Motion and the motion was filed immediately the record was entered on 21st January, 2025;

g. contrary to paragraph 4(vii) of the Counter-affidavit, the Appellants' counsel only did a letter (OSSIEC 2) to the Court intimating the Court of his disconnect with the Appellants and the letter was filed and out of courtesy, he ensured that a counsel still conveyed the letter to the Court on 13th January, 2025 and there is no part of the letter suggesting unwillingness of the Appellants to prosecute the appeal.

7. I reaction to paragraph 6 of the Counter-affidavit, I admit that Appeal No. CA/AK/270/2022 was different from this appeal but

the two are on the same local government elections of 15th October, 2022 in Osun State. I state further that other facts deposed to in paragraph 6(c-j) of the 3rd Respondent's counter-affidavit were non-existent as at 13th January, 2025 to 23rd January, 2025 when the appeal was dismissed and motion to have same relisted was filed. Those facts are slanted and not relevant to this application.

8. I state as a matter of fact that granting this application, contrary to paragraph 7 of the counter-affidavit, will not prejudice any party including the 3rd Respondent but will only ensure the determination of the real issues in the appeal between the parties in the interest of justice. I also know as a matter of fact that conduct of the purported elections claimed by the 3rd Respondent to have been done on 22nd February, 2025 was never premised on the Ruling of this Honourable Court delivered on 13th January, 2025 as the 3rd Respondent had been preparing to conduct the said election since July, 2024 long before the ruling of this honourable Court of 13th January, 2025. Thus, the conduct of the said election is not relevant to the determination of this application or the appeal being sought to be restored.

9. In reaction to paragraph 8 of the counter-affidavit, I know as a fact that granting of this application is at the discretion of this Honourable Court.

10. I was also informed by Adebayo Waliu Salimon, Esq, one of the counsel representing the 3rd Appellant/Applicant on 22nd March, 2025, at about 11:50am at his law office, Dada Estate Area, Osogbo, Osun State and I verily believe him that the 3rd Appellant/Applicant, to further show readiness to diligently prosecute this appeal, has prepared a Motion to Amend the Notice of Appeal to cover the facts hereinbelow contained thus:

- a. — Suit No. FHC/OS/CS/103/2022 subject matter of this appeal was instituted to nullify and invalidate the local government elections held on 15th October, 2022 in Osun State for being void which election was conducted by the same 3rd Respondent which is now striving to have same nullified and pursuant to which the elected officials were sworn in, an attitude that was condemned by this honourable Court in its decision of 10th February, 2025 in Appeal No. CA/AK/270/2022 (Exhibit OSSIEC 3);
- b. — as at the 25th day of November, 2022 the same local government elections held on 15th October, 2022 in Osun State by the 3rd Respondent had been voided and nullified by the same lower court in another lawsuit and same judgment had been enforced on 27th November, 2022 by the State Government;
- c. — as at 30th November, 2022 when the lower court delivered judgment in Suit No. FHC/OS/CS/103/2022 subject matter of this appeal, the suit had become academic exercise as there was no person in office to be removed pursuant to the said judgment;
- d. — the lower court had no jurisdiction to deliver the judgment in the suit, as at 30th November, 2022 and the lower Court even had no jurisdiction to hear and determine the subject matter of the suit in its entirety;
- e. — the lower court (Federal High Court) has no jurisdiction over conduct of local government election;
- f. — that the 3rd Respondent/Objector was the body that conducted the election that led to the judgment subject matter of this appeal;

g. the same 3rd Respondent also defended vigorously the election at the lower court in this same Suit No. FHC/OS/CS/103/2022,

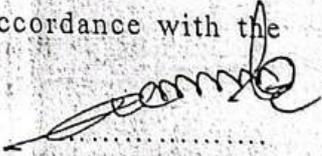
h. this application for relisting is to enable the 3rd Appellant/Applicant diligently prosecute and thoroughly prosecute this appeal over the same 15th October, 2022 local government elections conducted by the 3rd Respondent and jointly defended by the Appellant and the 3rd Respondent at the lower court,

i. that as a fact, the exhibit OSSIEC 3 attached to the 3rd Respondent's Counter-affidavit at pages 25 to 29 condemns the role played by the same Osun State Independent Electoral Election (3rd Respondent herein) over its act of reprobation and approbation of defending its conduct in one breath and attacking same in another breath.

11. I know as a fact that in the event this Honourable Court is magnanimously inclined to grant this application, a proposed Motion on Notice to seek amendment of the Notice of Appeal dismissed on 13th January, 2025 in this appeal has been prepared and herewith annexed as Exhibit X.

12. The interest of justice will be better served if the appeal is restored/relisted on the Court's List and the Respondents will not be prejudiced by so granting.

13. I make this statement on oath in good faith, conscientiously believing same to be true, correct and in accordance with the Oaths Act.


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DEPONENT

SWORN TO at the Court Registry,
Akure, this 24th day of March, 2025.

BEFORE ME
[Signature]
COMMISSIONER FOR OATHS
COURT OF APPEAL
AKURE