

**IN THE FCT AREA COUNCIL APPEAL TRIBUNAL
HOLDEN AT ABUJA
BEFORE THEIR LORDSHIPS**

**HON. JUSTICE SULEIMAN BELGORE
HON. JUSTICE YUSUF HALILU
HON. JUSTICE JUDE O. ONWUEGBUZIE**

**CHAIRMAN
MEMBER I
MEMBER II**

**PETITION NO: FCT/ACET/EP/08/2022
APPEAL NO: FCT/ACEAT/AP/18/2022
DATED: 28TH DAY OF OCTOBER, 2022**

BETWEEN:

- 1. AUDI HARUNA SHEKWOLO**
- 2. ALL PROGRESSIVES CONGRESS (APC)**

} **CROSS APPELLANTS**

AND

- 1. JOHN GABAYA SHEKWOGAZA**
- 2. MUSA AMINU**
- 3. PEOPLES DEMOCRATIC PARTY (PDP)**
- 4. INDEPENDENT NATIONAL ELECTION COMMISSION (INEC)**

} **CROSS RESPONDENTS**

JUDGMENT

In this Appeal number FCT/ACEAT/AP/18/2022, the Cross-Appellants to wit: **AUDI HARUNA SHEKWOLO** and All Progressive Congress

APC, were the winners at the Lower Tribunal in their petition number FCT/ACET/EP/08/2022.

Notwithstanding their victory at the Lower Tribunal on the 30th day of August, 2022 they are still not satisfied. They believe certain decisions or some parts of the Judgment of the Lower Tribunal were not right and should have been otherwise. Hence, they filed this extant Cross-Appeal praying this Appeal Tribunal for the following reliefs:

1. An Order allowing the Appeal, setting aside the finding of the Lower Tribunal on ground one of the Petition.
2. An Order setting aside the finding of the Lower Tribunal refusing to appraise the pleadings and evidence of the Cross- Appellant in support of ground one of the petition.
3. A Declaration that the 3rd and 4th Cross-Respondents are not qualified to contest the Chairmanship and vice Chairmanship positions of the Bwari Area Council of the Federal Capital Territory.
4. An Order granting Cross-Appellants' relief of the petition; against the under listed as Cross-Respondents:

1. JOHN GABAYA SHEKWOGAZA

2. MUSA AMINU

3. PEOPLES DEMOCRATIC PARTY (PDP)

**4. INDEPENDENT NATIONAL ELECTION COMMISSION
(INEC)**

The Notice of the Cross-Appeal dated 13th September, 2022 and filed same day contained Four Grounds of Appeal to wit:

GROUND ONE

The Trial Tribunal erred in law when they held at pages 70-71 of their judgment as follows:

All we are laboring to say is, Ground one of the Petition and prayer one thereof is statute bar and same is accordingly struck out on the bases that this Honourable Tribunal lacks the competence to entertain the aforesaid ground and cannot grant the relief ...To be clear, we find merit in the 3rd and 4th Respondents motion on notice same is granted only to the extent of striking out Ground one and relieve one and not the paragraphs of facts in support of the Petition which remains valid.

PARTICULARS

1. The Petitioners/Cross-Appellants contended before the lower Tribunal that the 3rd and 4th Cross-Respondents were not qualified to contest the Bwari Area Council Elections.
2. A careful reading of the provisions of section 138(1) of the Electoral Act, 2010 as amended) show that qualification is a competent ground for challenging the out come of an Area Council Election in the Federal Capital Territory.

3. There is no limitation period to challenging the qualification of a candidate for election into the Area Councils of FCT in the Electoral Act, 2010 as amended).
4. The Lower Tribunal agreed on pages 54 of its judgment that qualification is a ground to challenge an election into an Area Council in the Federal Capital Territory.
5. The Honourable Tribunal was wrong to have held that the issue of qualification of a candidate is solely a pre-election matter, and ground 1 of the petition is thus statute-barred.
6. The Lower Court was wrongly relied on the case of Atiku v. INEC and Akinlade v. INEC which are inapplicable to the instant case as they relate to interpretations of the constitutional limitations of bringing an action on qualification of a candidate.
7. The application of the provisions of the 1999 Constitution cannot be unduly expanded to include that which it expressly excluded.
8. The decision of the Trial Tribunal on this point is therefore perverse and ought to be set aside.

GROUND TWO

The learned Trial Tribunal breached the Petitioners/Cross-Appellants' right to fair hearing when it failed to make a finding on issue whether the Area Council elections are solely regulated by the Electoral Act, 2010 (as amended) and not the 1999 Constitution as amended and held at pages 53-54 of their judgment as follows:

As we would want to make our job easier, hence the 2nd and 3rd Respondents are not querying the Constitution of Federal Capital Territory (the Tribunal) the Law Creating the Tribunal, the quorum of sitting, the Territory of sitting and the power to sit, which are constituents of a jurisdiction was not the focus of the 3rd and 4th Respondents' motion but merely, on the fact that the Tribunal cannot exercise its constitutional powers to entertain ground one and prayer one. We shall limit ourselves with that context in relation to the law and the Constitution.”

PARTICULARS

1. The Petitioners/Cross-Appellant had contended that the Area Council's elections are governed exclusively by the provisions of the Electoral Act 2010 as amended and not the 1999 Constitution as amended.
2. The lower Tribunal was addressed extensively on this point, as can be seen from summary of submissions of Cross-Appellants at pages 39-42 of the judgment of the lower Court.
3. The court failed to rule this issue one way or the other, under its resolutions of the issues.
4. Courts are bounds to produce on all issues nominated for determination before them.
5. Failure of the learned Trial Tribunal to resolve this issue breached the right to fair hearing of the Cross-Appellant and led to its

erroneous conclusion, that the Petitioners/Cross-Appellants' case is statute barred and this has occasioned a miscarriage of justice.

GROUND THREE

The Tribunal below erred in law which has occasioned miscarriage of justice when it held at P. 70 of the record thusly:

It is without a doubt that the decision in Atiku v, INEC (supra) and Adekunle v. INEC (supra) we are bound to follow the later decision of the Supreme Court which is followed by several other decisions of the Court of Appeal and hold that after 14 days from the 5th June 2021 when the name and particulars of the 3rd and 4th Respondents were published by the 1st Respondent the Petitioner inclusive are statutorily bound to have approached the Federal High Court or High Court of the Federal Capital Territory, Abuja to express their grievance over the subject matter and never before this Honourable Court as the subject matter that heading becomes state.

PARTICULARS:

- a. The question before the Tribunal below was whether qualification of a candidate was a valid ground for presenting Election Petition before the Area Council Tribunal.
- b. Ground 1 of the Petition in clear terms stated that: the 1st Respondent was, at the time of election not qualified to contest the election for the Office of the Chairmanship Bwari Area Council.

- c. Ground 1 of the Petition prima facie is not competent ground of petition under the provisions of the Electoral Act 2010 that solely regulates the Area Council Elections.
- d. Unlike the Elections into the Office of the President, Vice President, Governor, Deputy Governor Senator and House of Representatives and House of Assembly regulated by the Constitution of the Federal Republic of Nigeria as amended as general Election, Area Council Elections are solely regulated by the Electoral Act 2010 as amended by virtue of section 303 of the 1999 Constitution of the Federal Republic of Nigeria as amended.
- e. The Constitution has no single provision on Area Council Election. In the determination of whether or not qualification is a ground for challenging an Area Council Election, it is only the provisions of the Electoral Act that ought to be considered.
- f. The ground for qualification to contest for election into the Area Council is only provided for by the Electoral Act and no other law.
- g. Section 106 of the Electoral Act 2010 as amended provides for minimum qualification for a person seeking election into the Area Council positions in the FCT and ought to be solely considered Statute in the determination of the qualification of the Cross-Respondent.
- h. Any candidates who does not meet these conditions at the time of election, being the 12th day of February, 2022 is liable to have his

purported nominal/election challenged in line with section 138(1)(a) of the Electoral Act, 2010 (as amended).

- i. Ground 1 of the Cross-Appellants' petition is consistent with the grounds provided for in the Electoral Act, 2010 for presenting election Petition for Area Council Elections.
- j. The 2nd, 3rd, and 4th Respondents admitted the case of the Cross-Appellant in ground 1 of the Petition.
- k. There was cogent and credible evidence on record in support of ground 1 of the Petition.
- l. The case of Atiku v. INEC (supra), John v. Adebayo (supra) and Adekunle v. INEC(supra) although good laws are not apposite to facts and circumstances of the instant case.

GROUND FOUR

The Trial Tribunal erred in law and violated the right of the fair hearing of the Cross-Appellant when it failed to consider the case of the Cross-Appellant in ground 1 of the Petition and in the process held at page 106 of their judgment thusly:

It should be noted that the issue one has been treated when we considered motion on notice filed by the 3rd and 4th Respondents as such, we are only treating issues 2, 3, and 4 of the issues determined. We note that the parties labored to much on establishing the allegation of 'qualification' which we have resolved in favour of the Respondent

PARTICULARS

- a. Issue one whether the 3rd and 4th Respondents at the time of election qualified to contest the Bwari Area Council Election held on the 12th day of February 2022 was based on ground 1 of the Petition erroneously struck out upon the preliminary objection of the 3rd and 4th Respondents.
- b. The lower Tribunal only determined the issue on the preliminary objection and not on the merit upon proper appraisal of the pleading and evidence.
- c. The ground 1 of the Petition was supported by the facts and credible evidence led by the Cross-Appellant but the trial tribunal failed to consider and appraise the pleadings and evidence of the Cross-Appellant on the erroneous premise that it was a pre-election and statute barred.
- d. The trial Tribunal has the duty as the Trial Tribunal to determine all issues in dispute between parties presented before it.
- e. The failure of the Trial Tribunal to determine issue one of the four issues formulated by the Trial Tribunal has breached the right of fair hearing of the Cross-Appellants and thereby occasioned miscarriage of justice on the Cross-Appellant.
- f. The elections into the Area Councils of the Federal Capital Territory are governed exclusively by the provisions of Electoral Act, 2010 (as amended).

- g. Based on the foregoing, this Honourable Court is under a duty to invoke its jurisdictional powers to appraise the Cross-Appellants' pleadings and evidence basically on documentary on issue one formulated by the lower tribunal.
- h. If this Honourable Court properly appraise the pleadings and evidence of the Cross-Appellants in support of ground one of the Petition on record, it will find correctly that the Cross-Appellants have established ground 1 of the Petition.

As a result, the Cross-Appellants through their Counsel filed their Cross-Appellants' Brief of Argument on the dated 6th day of October, 2022 and filled same date. While 1st and 2nd Cross-Respondents (JOHN GABAYA SHEKWOGAZA and MUSA AMINU) through their Counsel on the 8th day of October, 2022 file their Cross-Respondents' Brief of Argument dated the 7th day of October, 2022.

On the 18th day of October, 2022 when this Cross-Appeal was slated for hearing, Mr. Okechukwu Edeze Esq., the Learned Counsel for the Cross-Appellants adopted their Cross-Appellants' Brief of Argument as their submissions in support of their argument and urged the Appeal Tribunal to allow the Cross-Appeal and set aside the finding of the Lower Tribunal on ground one of the Petition and grant their reliefs sought. Chief Karina Tunya Senior Advocate of Nigeria adopted their Cross-Respondents Brief of Argument and urged the Appeal Tribunal to dismiss the Cross-Appeal. The rest of the Cross-Respondents did not file

any Brief and left it at the discretion of the Honourable Trial Tribunal. The judgment thereafter was reserved till today.

The Cross-Appellants' Counsel formulated three issues for determination to wit:

- a. Whether the Trial Tribunal was right when it upheld the objection of the 1st Cross Appellant and declined jurisdiction to hear and determine ground 1 of the Petition on the ground that Ground 1 was a pre-election matter and was statute barred.
- b. Whether the Trial Tribunal erred in law and breached the right of fair hearing of the Cross-Appellants when it failed to consider and appraise the pleading and evidence of the Cross-Appellants in support of ground 1 of the Petition on the merit.
- c. Whether this Honourable Appeal Tribunal in the circumstances of this case can appraise and or evaluate the pleading and evidence of the Cross-Appellants in support of ground 1 of the Petition.

The 1st and 2nd Cross-Respondents' Counsel adopted the three issues formulated by the Cross-Appellants' Counsel for determination. This Appeal Tribunal as well find the three issues appropriate and also adopts same in determining this Cross-Appeal.

Having considered the grounds of this Cross-Appeal, the issues formulated by parties as well as the arguments for and against, the crux of the Cross –Appeal is on the finding of the Trial Tribunal on ground 1 of the Petition as a pre-election matter.

It is the argument of the Cross-Appellant that the Trial Tribunal erred in law when it upheld the objection of the 1st and 2nd Cross-Respondent and held that ground 1 of the Petition was solely a pre-election matter and having not been filed within the period of 14 days from the 5th June 2021 when the name and particulars of the 1st and 2nd Cross-Respondents were published by the 4th Cross-Respondent, Ground 1 of the Petition was statute barred and that the lower Tribunal had no jurisdiction to grant relief one of the Petition. The Cross-Appellant Counsel submitted that relying on section 303 of the Constitution of the Federal Republic of Nigeria 1999 as amended that the Act of the National Assembly that has been enacted providing for the political structure of the Area Councils and elections into the Area Councils is the Electoral Act. That there is no doubt whatsoever, that framers of the Constitution have deliberately left out all issues pertaining to elections into the Area Council to be legislated into the Election Act 2010 and not the Constitution. Therefore, it is only the provisions of the Electoral Act that is to be considered in determining issue of “qualification” or “non-qualification” of candidates for the Elections into the Office of the Chairman of Bwari Area Council of FCT particularly sections 106 and 107 of the Electoral Act 2010 as amended.

He contended provisions of Sections 138(1) (a), 106 and 107 of the Electoral Act, 2010 as amended ground 1 of the Petition of the Cross-Appellants in the circumstance of this case is both pre and post election

matter. He cited the case of FAYEMI v. ONI (201) 8 NWLR (Pt. 1726) 222 at 250 para C; WAMBAI v. DONATUS (2014) 14 NWLR (Pt. 1424) 223; PDP v. INEC (2014) 17 NWLR (Pt. 1437). See pages 6-9 of the Cross-Appellants' Brief of Argument.

The 1st and 2nd Cross-Respondents argued that the Trial Tribunal rightly declined jurisdiction to entertain ground 1 of the Cross-Appellants' Petition being a constitution issue; hence did not breached the right to fair hearing of the Cross-Appellants upon striking out their ground 1 of the Petition. That the Lower Tribunal still took the pain to take evidence from the Cross-Appellants/Petitioners during trial and yet, the Cross Appellants failed to prove the criminal allegations of forging certificates and presenting forged certificates to the 4th Cross-Respondent (INEC). That therefore the Trial Tribunal truly considered and appraised the pleadings and evidence of the Cross-Appellants adduced in support of their ground 1 of the Petition on merit, but the Cross-Appellants were unable to adduce credible, cogent, convincing evidence to link the 1st and 2nd Cross-Respondents to the alleged criminal allegations of forgery of certificates and presenting forged certificates to INEC. He further submitted that contrary to the submissions of the Cross-Appellants, the provision of Section 285(9) and (14) of the Constitution of the Federal Republic of Nigeria 1999 as amended is a constitutional provision general application, and not restricted to certain individuals. That therefore both the Constitution and the Electoral Act complements each

other on the issue of disqualification and/or qualification to contest any election in FCT and general election. He contended that the case of FAYEMI v. ONI (2020) (supra) WAMBALAI v. DONATUS (2014) (supra) are not applicable to the instant case. That the case of FAYEMI (supra) is a political party primary election matter radically different from the instant case. He cited the case of ADEKUNLE AKILADE v. INEC (2020) 17 NWLR (Pt.1754) pg. 439 at 462 par. D-F; ABUBAKAR v. INEC (supra), and Section 31 of the Electoral Act 2010 now 29 of the 2022 Electoral Act.

In determining this issue, one fact seems all important and must be underscored and underpinned seriously. What is that fact? The fact that the cross-appellant as petitioner at the Lower Tribunal alleged that the 1st Cross-Respondent presented a forged Certificate and presented false information to the 3rd Cross-Respondent (INEC) in his form EC9 preparatory to contesting the Chairmanship of AMAC on 12/2/2022. This allegation has nothing to do with what happened on the election day in any of the Polling Units or Collation Centres. This facts clearly constitutes a Pre-Election Matter.

As we said earlier, the crux of this Cross-Appeal pivots around the 1st issue formulated parties and adopted by this Appeal Tribunal. Which is whether the Trial Tribunal was right when it held at 635 -636 of the record that ground 1 of the Petition is a pre-election mater hence statute barred. The Cross-Appellants by their pleadings at paragraph 24,34 and

45 of their Petition alleged that the 1st Cross-Respondent had within the preceding 10 years presented a forged certificate to the 4th Cross-Respondent, that the 1st Cross-Respondent had a joint ticket with the 2nd Cross-Respondents, and the 2nd Cross-Respondent had within the preceding 10 years presented a forged certificate to the 4th Cross-Respondent, and that the all the certificate, statement of result and testimonial submitted to the 4th Cross-Respondent by the 3rd Cross-Respondent are forged, inconsistent and contradictory to each other and all forged. See pages 5-11 of the records of appeal. These in are opinion are pre-election matter. See **Section 31 (5) and (6) of the Electoral Act 2010 as amended**. See also the case of **ADEKUNLE AKINLADE v. INEC (2020) (supra)** where the Court held thus:

So long as it was raised in an affidavit declaration form giving the particulars of candidates as required to be submitted by political party to the INEC, i.e. 3rd Respondent for verification, the information and any falsity therein which may be challenged in a Court (Federal High Court or State High Court or Federal Capital Territory High Court, Pursuant section 31(5) of the Electoral Act 2010 is a pre-election matter which can only be raised in an action in the appropriate High Court to be instituted not later than 14 days from the submission of the Affidavit. See section 285(14) (b) and Section 285(9) of the 4th Alteration to the Constitution, 1999. The Tribunal was

right in holding that it was a pre-election challenge. It was also right in holding that it was statute barred as it related to the relevant Affidavit or declaration of information of personal particulars Exhibit, P331 respecting the challenged election on Appeal. Even if the reference to Exhibit P331 (A) relating to the information contained therein was relevant and false, it is still my view that the said Form or Affidavit was unrelated to the election in contest in 2019, the subject of the Appeal.

The matter later proceeded to Supreme Court. And it was held thus:

"Section 285 (14) of the Constitution as amended by the Fourth Alteration Act, 2017 makes the contention of the appellants that by the false depositions in the 2nd Respondent's Form CF001, the 2nd Respondent was disqualified from contesting the election he was a candidate of the 3rd Respondent, pre-eminently a pre-election issue. The resort of the semantic distinction between a candidate as used in section 138(1) (e) of the Electoral Act and aspirant as used in section 285 (14) of the Constitution is unavailing. The words, aspirant and candidate, mean the same thing. The aspirant means or is a candidate; and the candidate means or is an aspirant according to the Lexicon Webster Dictionary, Encyclopedic Edition. Both words are mutually synonymous. Before the enactment of Section 285 (9) and (14) of the Constitution, as

altered by the 2017 Fourth Alteration Act, No. 21 this Court had held in 2012 - DANGANA & ANOR VS. USMAN & OR. (2012) ALL FWLR (PT. 627) 612 at 64-B; (2013) 6 NWLR (PT. 1349) 50, while interpreting the then extant section 133(1) (a) of the Electoral Act, that "an issue of qualification of a candidate to contest an election under the Electoral Act, 2010 (as amended) is both a pre-election and (a post-election) matter which both the High Courts and the relevant Election Tribunals have jurisdiction to hear and determine": See also PDP VS. DANIEL SARROR & ORS-SC. 357/2011 of 28th November, 2011. That was when the law changed and or altered by the subsequent enactment of section 285(9) and (14) of the Constitution, as altered by the Fourth Alteration Act No. 21 of 2017. On this point I hereby remain firm in the opinion I expressed in ATIKU ABUBAKAR & ANOR VS. INEC & ORS. - SC.1211/2019 of the 15th November, 2019; (2020) 12 NWLR (PT. 1737) 37 that the - Disqualification of a candidate on grounds of false information in his Form CF001 is a pre-election matter by dint of section 285(14) of the Constitution. The procedure for ventilating any grievance on this is statutorily provided in section 31 of the Electoral Act, as amended. And that the right of petitioner to enforce his right to the cause of action would be extinguished by the

operation of section 285(9) of the Constitution unless the action was "filed not later than 14 days from the date of the occurrence of the event, decision or action complained of in the action". A cause of action extinguished and statute barred by operation of section 285(9) of the Constitution remains extinguished and cannot be revived subsequently in an election petition as a ground for questioning an election." per Ejembi Eko JSC(as he then was)

Pre-election matters are as the name implies are matters that occurred before the election Proper. They are live issues that must be heard and a judgment delivered before the election. See **APC & Anor v. Engr. Suleiman Aliyu Lere & Anor. (2020) 1 NWLR (Pt. 1705) 254, per Rhodes-Vivour, JSC; See also APC v. Uduji & Anor. (2020) 2 NWLR (Pt. 1709) 541." Per JAURO ,J.S.C (Pp. 43-44 paras. D)**

By Section 285(9) thereof, the Constitution as amended timed pre-election matters coming to Court **subsection (9) of Section 285 of 1999 Constitution** as altered provides as follows:

(9) Notwithstanding anything to the contrary in this Constitution, every pre-election matter shall be filed not later than 14 days from the date of the occurrence of the event, decision or action complained of in the suit."

This provision of the Constitution is plain and very clear. It is trite law that once the words used in the Constitution are clear and free from

ambiguity, they should be given their natural meaning without any additives or embellishments. Words used are to be given their ordinary meaning without resorting to any extrinsic aid. See **Assams & Ors v. Ararume & Ors. (2016) 1 NWLR (Pt. 1493) 368, Olafisoye v. FRN (2004) 4 NWLR (Pt. 864) 580.**

Section 285(9) of the Constitution (ibid) is not of general application to all election disputes. It relates only to pre-election disputes. It is time barred pre-election disputes. The time set for action to be taken in pre-election matters is 14 days. This signifies that any aggrieved person in pre-election matters must take action within 14 days that the cause of action arose. See the case of **ANYAKORAH & ORS V. INEC & ORS (2021) LPELR-52887(CA) Per ADAH ,J.C.A (Pp. 29-30 paras. B)**

This Appeal Tribunal has faced the same issue in Appeal number FCT/ACEAT/AP/04/2022 which relates to qualification and forgery of documents and/ or Certificate and submission of false documents to INEC vide Form EC9. It was in the Bwari Area Council Chairmanship petition delivered on 23rd September, 2022. This Appeal Tribunal, held thus:

The pleaded facts in paragraphs 14 – 19 of the petition presented to the Lower Tribunal are pre-election matters. The term “pre-election matters” connotes any matter or action that pre-dates the holding of an election. See the case of AKAMGBO-OKADIGBO VS. CHIDI (NO1) (2015) 10 NWLR

(PT. 1466) 171. Pre-election matter is any matter which occurs preparatory to the conduct of an election and which does not constitute any complaint against actual conduct of the election. Pre-election matters are issues or complaints that arose prior to the holding of an election. These include issues of disqualification, nomination, substitution and sponsorship of a candidate for an election. See also Section 285 (14) of the 1999 Constitution on meaning of pre-election matter.

We further held that:

In conclusion and by way of emphasis, by the provision of Section 285 (9) and (14) of the Constitution, S. 29(5) of Electoral Act 2022 and in consonance with a long line of decided authorities such as ABUBAKAR VS. INEC (2020) 12 NWLR (PT. 1737) 37; AGBOOLA VS. INEC (2019) LPELR - 48743; etc, all pre-election disputes shall be filed in the appropriate Federal High Courts and NOT Election Petition Tribunal; and must be so filed NOT later than 14 days from the date of occurrence of the event, decision or action complained of.

This Appeal Tribunal still apply and adopt our position in the above mentioned appeal. Based on the foregone authorities, the allegation that the 1st Cross-Respondent submitted false information to INEC in Form EC9 and forged Certificates was a pre-election matters as rightly held by

the Lower Tribunal and they were right when they decline jurisdiction. The 1st issue is therefore resolved in favour of the 1st and 2nd Cross-Respondent. With the resolution of the above 1st issues in favour of the 1st and 2nd Cross-Respondents, answer to the second issue; which is Whether the Trial Tribunal erred in law and breached the right of fair hearing of the Cross-Appellants when it failed to consider and appraise the pleading and evidence of the Cross-Appellants in support of ground 1 of the Petition on the merit would definitely be in the negative.

Having resolved the 1st issue against the Cross-Appellants, therefore the Trial tribunal never erred in law and breached the right of fair hearing of the Cross-Appellants

Determining the third issue on its merit, it suffices to say that, for the Trial Tribunal to rightly hold that ground 1 was a pre-election matter hence statute barred, it will be absolutely to begging to evaluate and appraise the pleadings and evidence it support of the struck out ground 1. To this end therefore, all the three issues formulated by the Cross-Appellant in this Cross-Appeal are therefore resolved in favor of the 1st and 2nd Cross-Respondents.

In the final summation then, this Cross-Appeal fails in it's entirety. It is therefore dismissed.

