

**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/31/2022
APPEAL NO: FCT/ACEAT/AP/15/2022**

BETWEEN:

**1. INDEPENDENT NATIONAL ELECTORAL
COMMISSION (INEC) } APPELLANT**

AND

**1. HON. YAHAYA GARBA
2. PEOPLES DEMOCRATIC PARTY (PDP)
3. ABUBAKAR UMAR ABDULLAHI
4. ALL PROGRESSIVE CONGRESS (APC) } RESPONDENTS**

JUDGMENT

In this appeal with Number FCT/ACEAT/AP/15/2022, the Appellant is Independent National Electoral Commission (INEC) while the four (4) Respondents are:

- (1) Hon. Yahaya Garba
- (2) Peoples Democratic Party (PDP)
- (3) Abubakar Umar Abdullahi
- (4) All Progressive Congress (APC)

The appeal was heard on 7th September 2022 consolidated with two other petitions i.e. FCT/ACEAT/AP/11/2022 and FCT/ACEAT/AP/12/2022.

All the parties filed their Briefs and the appeal was heard on 13th September 2022. On that date of hearing, appellant counsel S. Mohammed adopted his Brief of argument that was filed on 8-9-22 as his full argument in this appeal and urged us to allow the appeal and set-aside the Judgment of the Lower Tribunal.

By way of adumbration and apparently referring to the issue of whether or not the 3rd Respondent here (Abubakar Umar Abdullahi) participated in all stages of the election or not, learned counsel to the appellant (INEC) submitted that it was on the basis of the Court of Appeal Judgment that was in favour

of Loko then that they removed the name of the 3rd Respondent (Umar Abdullahi) for the final list of candidates. This he said, they (INEC) did administratively and that the consequence of what they did cannot be visited on the 3rd Respondent

(Umar Abdullahi) who was validly nominated by his party (4th Respondent).

On the issue of the Supreme Court Judgment, Mr. Mohammed of counsel to the appellant here (INEC) argued that all the parties including the 1st and 2nd Respondent pleaded the Supreme Court Judgment and therefore no need to prove same. He referred to page 128 of the Record of Appeal.

Mr. S. Mohammed finally urged us to allow the appeal.

Chief Karina Tunyan SAN, of counsel to the 1st and 2nd Respondents took his turn in referring to their Brief of Argument dated 12-9-22 and filed same day. He adopted same as his argument and urged us to dismiss the Appeal.

Chief S. T. Olgunorisa SAN who appeared for the 3rd and 4th Respondents did not file any Brief of argument. They conceded the appeal and prayed that this appeal be allowed.

We have considered this appeal. The issues involved are basically two and they are the same as considered earlier in

Appeal number FCT/ACEAT/AP/11/2022 and
FCT/ACEAT/AP/12/2022.

In view of the above fact, I feel free and settled in my mind to align our decisions in the two previous appeals to this 3rd one as well. The two issues are also resolved in the same way in favour of this appellant (INEC).

In effect, the Judgment of the Lower Tribunal delivered on 5-8-2022 wherein they held that the 1st appellant (Hon. Umar Abdullahi) did not participate in all stages of the election is hereby set-aside.

In fact, and in putting it bluntly, for all the reasons we gave in Appeal Number FCT/ACEAT/AP/11/2022, Hon. Abubakar Umar Abdullahi duly participated in all stages of the election to the Chairmanship of Abaji Area Council. This appeal is consequently allowed.

**HON. JUSTICE SULEIMAN BELGORE
CHAIRMAN**

**HON. JUSTICE YUSUF HALILU
MEMBER**

**HON. JUSTICE JUDE O. ONWUEGBUZIE
MEMBER**