

SC/CV/937/2023

**IN THE SUPREME COURT OF NIGERIA**  
**HOLDEN AT ABUJA**  
**ON THURSDAY 26<sup>TH</sup> OCTOBER, 2023**  
**BEFORE THEIR LORDSHIPS**

**JOHN INYANG OKORO**  
**UWANI MUSA ABBA AJI**  
**MOHAMMED LAWAL GARBA**  
**IBRAHIM M. M. SAULAWA**  
**ADAMU JAURO**  
**TIJJANI ABUBAKAR**  
**EMMANUEL AKOMAYE AGIM**

**JUSTICE, SUPREME COURT**  
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**SC/CV/937/2023**

**BETWEEN:**

1. MR. PETER GREGORY OBI
2. LABOUR PARTY

APPELLANTS

**AND**

1. INDEPENDENT NATIONAL ELECTORAL COMMISSION
2. SENATOR BOLA AHMED TINUBU
3. SENATOR SHETTIMA KASHIM
4. ALL PROGRESSIVES CONGRESS

RESPONDENTS

**JUDGMENT**

**(Delivered by MOHAMMED LAWAL GARBA, JSC)**

This is a sister Appeal to the Appeal No. SC/CV/935/2023: Abubakar Atiku & Anor. v. I.N.E.C. & 2 Ors, both of which are from the decisions of the  
HON. JUSTICE MOHAMMED LAWAL GARBA, JSC

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Court of Appeal; sitting as the Presidential Election Petition trial court, dismissing the separate Presidential election petitions filed by the Appellants on ground of failure to prove same as required by the law.

The seven (7) issues raised and canvassed by each of the two (2) Appellants in their respective briefs of argument, are not only identical, but materially, substantially and essentially the same.

All the issues argued in this appeal have been comprehensively, totally, effectively and conclusively considered and resolved in the judgment in the Appeal No. SC/CV/935/2023, such that the repetition of the reasonings and conclusions of the court on the said issues in this appeal will serve no practical and useful purpose. It was on that ground and for that reason that at the hearing of the two (2) appeals, the court stated that the decision in the Appeal No. SC/CV/935/2023 shall bind and this appeal shall abide by the said decision.

I have read the Lead Judgment written by my Learned Brother, Hon. Justice J. I. Okoro, JSC, in this appeal and agree, entirely, that the issues 1, 2, 3, 5, 6 and 7 in this appeal, like in the sister Appeal, are devoid of merit and resolved against the Appellant here, for all the reasons set out in that appeal.

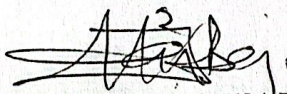
HON. JUSTICE MOHAMMED LAWAL GARBA, JSC

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On the issue four (4) of the appeal, it has been conclusively and decisively determined and pronounced upon with finality by the Court in the Judgment delivered on the 26<sup>th</sup> of May, 2023 in Appeal No. SC/CV/501/2023; PDP v. INEC & 3 Ors., which is an extant and binding decision on the Appellants in this appeal. The issue cannot be relitigated before this court whist the decision subsists. In fact, it is an abuse of the court process to bring an appeal on an issue that has been settled by the court – Nyame v. FRN (2021) 6 NWLR (pt. 1772) 4 (SC).

In the above premises, the appeal stands unmeritorious and I join the Lead Judgment in dismissing same in all the terms set out therein.

  
**MOHAMMED LAWAL GARBA**  
**JUSTICE, SUPREME COURT**

**APPEARANCES:**

Dr. Livy Uzochukwu, SAN with Awa Kalu, SAN, Alex Ejiesieme, SAN, Peter Afuba, SAN and Chike Obi, Esq. for the Appellants.

A. B. Mahmoud, SAN with Miannaya Essien, SAN, Sir Stephen Adehi, SAN, Musa A. Attah, Esq. and Chukwudi Enebeli, Esq. for the 1<sup>st</sup> Respondent.

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Chief Wole Olanipekun, SAN with Yusuf Ali, SAN, Emmanuel Ukala, SAN, Prof. Taiwo Osipitan, SAN and Akintola Makinde, Esq. for the 2<sup>nd</sup> and 3<sup>rd</sup> Respondents.

Chief Akin Olujinmi, SAN with Charles Uwensuyi-Edosomwan, SAN, Chief Adeniyi Akintola, SAN, Chief Afolabi Fashanu, SAN and Olumide Olujinmi, Esq. for the 4<sup>th</sup> Respondent.

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*6/12/2023*

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