**THIS ORIGINATING SUMMONS IS TO BE SERVED OUT OF THE FEDERAL CAPITAL, ABUJA AND IN OGUN STATE**

 **“CONCURRENT ORIGINATING SUMMONS”**

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT ABUJA**

 **SUIT NO:**

**BETWEEN:**

**ABDURRAFIU ADESINA BARUWA ….. CLAIMANT**

**AND**

* **ALL PROGRESSIVES CONGRESS (APC)**
* **ADEDAPO ABIODUN DEFENDANTS**
* **INDEPENDENT NATIONAL ELECTORAL**

**COMMISSION (INEC)**

**ORIGINATING SUMMONS**

LET **(1) ALL PROGRESSIVES CONGRESS (APC) of 40, Blantyre Street, off Adetokunbo Ademola Street, Wuse II, Abuja, (2) ADEDAPO ABIODUN of 55, Old Ibadan Road, Iperu – Remo, Ogun State AND (3) Independent National Electoral Commission (INEC) of Plot 436, Zambezi Crescent, Maitama District, Abuja,** within 30 days after the service of this Summons on you, inclusive of the day of such service, cause an appearance to be entered for you to this summons which is issued upon the application of **ABDURRAFIU ADESINA BARUWA** whose address is 84A, Affin Street, Ijebu - Ode, Ogun State, who claims to be entitled to the orders and reliefs endorsed herein for the determination of the following questions.

**QUESTIONS FOR DETERMINATION**

* Whether having regard to the unambiguous provisions of Section 31 of the Electoral Act, 2010 (as amended), a Candidate sponsored by a political party is not under an obligation to make full disclosure of **ALL** his educational qualifications as demanded by INEC in the prescribed FORM CF 001?
* Whether the willful concealment and/or refusal by a Candidate sponsored by a political party for an election to disclose **ALL** his educational qualifications as demanded by INEC in FORM CF 001 does not amount to false information?
* Whether by the mandatory provisions of the Electoral Act, 2010(as amended) and National Youth Service Corps Act, Cap. N84, Laws of the Federation, 2004, a candidate for an elective office, who had obtained a University Degree or its equivalent at age 30 and below can willfully conceal in his FORM CF 001 his University qualifications for the purpose of evading the consequences of the Acts?
* Whether a political party such as the 1st Defendant in this case is at liberty to apply double standards in clearing and/ or disqualifying persons aspiring for elective offices?
* Whether a Candidate, who had earlier stated on oath his University qualification, can subsequently be permitted in law to willfully conceal his University qualification for the sole purpose of evading the consequences of such University qualification?
* Whether on a proper construction of the Forms CF 001 filled and submitted by the 2nd Defendant to the 3rd Defendant for the 2015 Senatorial Election and 2019 Governorship election, both certified and obtained by the Plaintiff on Tuesday, 11th of December, 2018, the 2nd Defendant has not breached the clear provisions of Section 31 of the Electoral Act, 2010 (as amended) and thereby entitled to an order of disqualification having regard to the representation he made in these Forms CF 001, which are domiciled and published in the 3rd Respondent’s headquarters at Plot 436, Zambezi Crescent, Maitama District, Abuja?

**WHEREOF THE CLAIMANT SEEKS THE FOLLOWING RELIEFS:**

* **A DECLARATION** that having regard to the unambiguous provisions of Section 31 of the Electoral Act, 2010 (as amended), a Candidate sponsored by a political party i.e. the 2nd Defendant in this case, is under an obligation to make full disclosure of **ALL** his educational qualifications as demanded by INEC in the prescribed FORM CF 001.
* **A DECLARATION** that the willful concealment and/or refusal by a Candidate i.e. the 2nd Defendant, sponsored by a political party (1st Defendant) for an election of not disclosing **ALL** his educational qualifications as demanded by INEC in FORM CF 001 amounts to false information.
* **A DECLARATION** that by the mandatory provisions of the Electoral Act, 2010(as amended) and National Youth Service Corps Act, Cap. N84, Laws of the Federation, 2004, the 2nd Defendant, who had obtained a University Degree or its equivalent at age 30 and below cannot willfully conceal and/or refuse to disclose in his FORM CF 001 his University qualification for the purpose of evading the consequences of the Acts.
* **A DECLARATION** that the 1st Defendant is not at liberty to apply double standards in clearing and/ or disqualifying persons aspiring for elective offices.
* **A DECLARATION** that the 2nd Defendant, who had earlier stated on oath his University qualification cannot subsequently be permitted in law to willfully conceal his University qualification for the sole purpose of evading the consequences of such educational qualifications.
* **A DECLARATION** that on a proper construction of the Forms CF 001 filled and submitted by the 2nd Defendant to the 3rd Defendant in Abuja for the 2015 Senatorial Election and 2019 Governorship election, both certified and obtained by the Plaintiff on Tuesday, 11th of December, 2018, the 2nd Defendant has breached the clear provisions of Section 31 of the Electoral Act, 2010 (as amended) and thereby entitled to an order for his disqualification as the 1st Defendant’s Governorship Candidate for Ogun State having regard to the representation the 2nd Defendant made in these Forms CF 001, which are domiciled and published in the 3rd Defendant’s headquarters at Plot 436, Zambezi Crescent, Maitama District, Abuja.
* **AN ORDER** disqualifying the 2nd Defendant as candidate of the 1st Defendant in the Ogun State Governorship election having regard to the false information contained in his Form CF 001 submitted to the 3rd Defendant and obtained by the Claimant from the 3rd Defendant’s headquarters in Abuja on Tuesday, 11th of December, 2018.
* **AN ORDER** declaring the aspirant with the second highest votes in the primaries, to wit, JIMI LAWAL as the candidate of the 1st Defendant in the Ogun State 2019 Governorship election having regard to the false information contained the Form CF 001 submitted by the 2nd Defendant and obtained by the Claimant from the 3rd Defendant in Abuja on the 11th of December, 2018.

DATED THIS DAY OF 2018

 ……………………………

 REGISTRAR

This Summons was taken out by Oluwole Aladedoye, Esq. of WOLE & Partners, 2nd Floor (Topmost Floor), Block E, Bright Star Plaza, Beside Zenith Bank, 50, Ebitu Ukiwe Street, Jabi, Abuja for the above named Claimant.

The Defendants may appear hereto by entering appearance personally or by a legal practitioner either by handling in the appropriate forms, duly completed at the High Court registry of the Federal Capital Territory or by sending them to that office by post.

TAKE NOTICE that if Defendants do not enter appearance within the time and at the place above mentioned, such orders will be made and proceedings may be taken as the Judge may think just and expedient.

 OLUWOLE ALADEDOYE, ESQ.,

WOLE & PARTNERS,

(COUNSEL TO THE PLAINTIFF),

2ND FLOOR, BLOCK E,

BRIGHT STAR PLAZA,

BESIDE ZENITH BANK,

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**FOR SERVICE ON:**

* ALL PROGRESSIVES CONGRESS (APC),

40, Blantyre Street,

off Adetokunbo Ademola Street,

Wuse II,

Abuja

* ADEDAPO ABIODUN,

55, Old Ibadan Road,

 Iperu – Remo,

 Ogun State

* Independent National Electoral Commission (INEC),

 Plot 436, Zambezi Crescent,

 Maitama District,

Abuja

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT ABUJA**

 **SUIT NO:**

**BETWEEN:**

**ABDURRAFIU ADESINA BARUWA ……. CLAIMANT**

**AND**

* **ALL PROGRESSIVES CONGRESS (APC)**
* **ADEDAPO ABIODUN DEFENDANTS**
* **INDEPENDENT NATIONAL ELECTORAL**

**COMMISSION (INEC)**

**AFFIDAVIT IN SUPPORT OF ORIGINATING SUMMONS**

I, **ABDURRAFIU ADESINA BARUWA**, Male, Adult, Nigerian of 84A, Affin Street, Ijebu - Ode, Ogun State do hereby make oath and state as follows, that:

* I am a Legal Practitioner, registered voter and member of the 1st Defendant and an indigene of Ogun State, Nigeria. A copy of my voter’s card and Party membership card are attached as **EXHIBITS A & A1**.
* By virtue of my position, I am conversant and familiar with the facts and circumstances of this case.
* The 1st Defendant is a registered Political Party with it headquarters at 40, Blantyre Crescent, Wuse II, Abuja.
* The 2nd Defendant is the Candidate of the 1st Defendant for Ogun State Governorship election in 2019, whose name was published in the 3rd Defendant’s headquarters in Abuja.
* The 3rd Defendant is the body charged with the responsibility of conducting elections in Nigeria, register political parties, receive and keep particulars of candidates of political parties among other functions with its headquarters at Plot 436, Zambezi Crescent, Maitama District, Abuja.
* I know as a fact that the 2nd Defendant attended University of Ife (now Obafemi Awolowo University) and Kennesaw State University where he obtained a Bachelors Degree in Accounting.
* I also know that the 2nd Defendant graduated from the University for his Bachelors degree before the age of 30 years.
* The 2nd Defendant did not participate in the mandatory National Youth Service Scheme nor did he obtain any exemption certificate from the NYSC.
* The 2nd Defendant was the candidate of the 1st Defendant for the Ogun East Senatorial District in the 2015 elections.
* I know as a fact that all candidates in the election were obligated to state the educational institutions they attended with dates in the Form CF 001 issued by the 3rd Defendant.
* The 2nd Defendant stated on oath in his CF 001 submitted to the 3rd Respondent in Abuja in respect of 2015 Senatorial election that he attended the University of Ife and Kennesaw State University respectively.
* I know that the result of the primaries conducted by the 1st Defendant for the Ogun State 2019 Governorship election is as follows:
* Dapo Abiodun – 102, 305 votes
* Jimi Lawal – **51, 153 votes**
* Kunle Akinlade – 23, 443 votes
* Bimbo Ashiru – 29, 764 votes
* Senator Adegbenga Kaka – 17, 771 votes
* Abayomi Semako Koroto – 9, 610 votes
* I know as a fact that Jimi Lawal scored the second highest votes of **51,153 votes** in the Governorship primaries conducted by the 1st Defendant.
* The 2nd Defendant filled Form CF 001 and submitted to the 3rd Defendant in its headquarters in Abuja.
* I know as a fact that the 3rd Defendant has custody of the Form CF. 001 filled by the 2nd Defendant in its Abuja office.
* By an application received by the 3rd Defendant on the 28th of November, 2018, my Solicitors applied for the Certified True Copies (C.T.C) of the Forms CF. 001 filled and submitted by the 2nd Defendant to the 3rd Defendant in Abuja. Copies of these applications are attached as **EXHIBITS B & B1.**
* The 3rd Defendant certified these Forms CF 001 and gave them to us on Tuesday, 11th of December, 2018. Certified True Copies (C.TC) of these Forms CF 001 are attached herewith as **EXHIBITS C & C1.**
* I found out upon receipt of these Forms CF 001 on Tuesday, 11th of December, 2018 that the 2nd Respondent willfully concealed and/or refused to disclose his University qualification in the Form CF 001 submitted to the 3rd Defendant’s headquarters in Abuja for the 2019 Governorship election.
* I know as a fact that it is a mandatory requirement for a Candidate to attach evidence of **‘ALL’** his educational qualifications to the Form CF 001 submitted to the 3rd Defendant.
* The 2nd Defendant went before the Commissioner for Oaths of this Honourable Court (High Court of FCT, Abuja) to falsely claim that **ALL** his educational qualification is WAEC Certificate.
* I know as a fact that the 1st Defendant disqualified a Governorship aspirant and the current Minister of Communications, Barr. Adebayo Shittu from participating in the Governorship primaries for the 2019 elections in Oyo State on account of not having NYSC Certificate.
* I read this information online and downloaded same from my laptop, Acer, 2015 model, which I regularly use to browse the internet with accuracy. A copy of the Daily Post Nigeria, which I downloaded on 11th of December, 2018 is attached herewith as **EXHIBIT D**.
* That I depose to this affidavit in good faith believing same to be true and in accordance with the Oaths Act.

\_\_\_\_\_\_\_\_\_\_\_

DEPONENT

Sworn to at the FCT High Court Registry,

Abuja, this day of 2018

 BEFORE ME

COMMISSIONER FOR OATHS

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**IN THE ABUJA JUDICIAL DIVISION**

**HOLDEN AT ABUJA**

 **SUIT NO:**

**BETWEEN:**

**ABDRRAFIU ADESINA BARUWA ……. CLAIMANT**

**AND**

* **ALL PROGRESSIVES CONGRESS (APC)**
* **ADEDAPO ABIODUN DEFENDANTS**
* **INDEPENDENT NATIONAL ELECTORAL**

**COMMISSION (INEC)**

**WRITTEN ADDRESS IN SUPPORT OF ORIGINATING SUMMONS**

* INTRODUCTION

1.01 This is a matter commenced by way of Originating Summons seeking

 for the determination of the following questions:

* Whether having regard to the unambiguous provisions of Section 31 of the Electoral Act, 2010 (as amended), a Candidate sponsored by a political party is not under an obligation to make full disclosure of **ALL** his educational qualifications as demanded by INEC in the prescribed FORM CF 001?
* Whether the willful concealment and/or refusal of a Candidate sponsored by a political party for an election to disclose **ALL** his educational qualifications as demanded by INEC in FORM CF 001 does not amount to false information?
* Whether by the mandatory provisions of the Electoral Act, 2010(as amended) and National Youth Service Corps Act, Cap. N84, Laws of the Federation, 2004, a candidate for an elective office, who had obtained a University Degree or its equivalent at age 30 and below can willfully conceal and/or refuse to disclose in his FORM CF 001 his University qualification for the purpose of evading the consequences of the Acts?
* Whether a political party such as the 1st Defendant in this case is at liberty to apply double standards in clearing and/ or disqualifying persons aspiring for elective offices?
* Whether a Candidate, who had earlier stated on oath his University qualification, can subsequently be permitted in law to willfully conceal his University qualification for the sole purpose of evading the consequences of such University qualification?
* Whether on a proper construction of the Forms CF 001 filled and submitted by the 2nd Defendant to the 3rd Defendant for the 2015 Senatorial Election and 2019 Governorship election, both certified and obtained by the Plaintiff on Tuesday, 11th of December, 2018, the 2nd Defendant has not breached the clear provisions of Section 31 of the Electoral Act, 2010 (as amended) and thereby entitled to an order of disqualification having regard to the representation he made in these Forms CF 001, which are domiciled and published in the 3rd Respondent’s headquarters at Plot 436, Zambezi Crescent, Maitama District, Abuja?

1.02 In support of the Originating Summons is an affidavit of 22 paragraphs

deposed to by the Claimant and EXHIBITS A – D. We respectfully place reliance on the affidavit and these EXHIBITS with equal emphasis.

 We shall address questions one after the other hereunder.

**QUESTION ONE**

Whether having regard to the unambiguous provisions of Section 31 of the Electoral Act, 2010 (as amended), a Candidate sponsored by a political party is not under an obligation to make full disclosure of **ALL** his educational qualifications as demanded by INEC in the prescribed FORM CF 001?

1.03 My Lord, Section 31 (2), (5) and (6) of the Electoral Act, 2010 (as amended)

 provides:

 “(2) The list or information submitted by each candidate shall be

accompanied by an affidavit sworn to by the candidate at the High Court of a state or FCT indicating that he has fulfilled all the constitutional requirement for election into that office.

(5) A person who has reasonable grounds to believe that any information

given by a candidate in an affidavit or any document submitted by that candidate is false may file a suit at the High Court of a state or FCT or Federal High Court against such person seeking a declaration that the information contained in the affidavit is false.

 (6) If the court determines that any of the information contained in the

affidavit or any document submitted by that candidate is false, the court shall issue an order disqualifying the candidate from contesting the election.”

We respectfully submit that the provisions of the Electoral Act, 2010 (as amended) quoted above are clear and unambiguous. They ought to be given their ordinary meaning. See **A.G., Ondo State v. A.G., Ekiti State (2001) 17 NWLR (Pt. 743) 706 at 756, paras. C-E** where the Supreme Court held thus:

**“It is certainly a cardinal principle of interpretation that where in their ordinary meaning the provisions are clear and unambiguous, effect must be given to them without resorting to any aid internal or external. It is the duty of the court to interpret the words of the law maker as used. Those words may be ambiguous, but even if they are, the power and duty of the court to travel outside them on a voyage of discovery are strictly limited. “**

See also **Fawehinmi v. I.G.P. (2002) 7 NWLR (Pt. 767) 606 at 678; A.G., Federation v. A.G, Abia State (No. 2) (2002) 6NWLR (Pt. 764) 542 at 794**.

1.04 The Form CF 001(EXHIBIT C1) filled by the 2nd Defendant in this case

requested him to fill the Schools he attended/educational qualifications with dates. The Form did not simply stop at that. It went further to specify that the 2nd Defendant should attach evidence of **all** educational qualifications. The word ‘all’ has been defined by the Longman Dictionary of Contemporary English as, “every one of a number of people or things, or everything or person of a particular type…” The Oxford Advanced Learner’s Dictionary, 6th edition defines the word ‘all’ as, “completely”.

We respectfully invite your Lordship’s attention to EXHIBIT C (Form CF 001 filled by the 2nd Defendant in 2015) where he stated that he obtained a University Degree from University of Ife & Kennesaw State Universities. It is therefore false and incorrect for the 2nd Defendant to have stated as he has done on page 5 of EXHIBIT C1 that “I hereby declare that all the answers, facts and particulars I have given in this Form are true and correct and I have to the best of my knowledge fulfilled all the requirements for qualification for the office I am seeking to be elected.” This declaration was made under the sanctity of an oath before the Commissioner for Oaths in the registry of this Honourable Court.

My Lord, this kind of scenario played out in the case of **Saleh v. Abah (2017) 12 NWLR (Pt. 1578) 100 at 155** where the Supreme Court stated thus:

**“ For further emphasis, what is in issue is that where in an election in the past a candidate as in this instance had presented a forged certificate to INEC the fact that the candidate omitted to make reference to the said forged certificate he presented in 2011, does not prevent a contender or anyone from raising the issue of that candidate’s past presentation of the flawed certificate to INEC and the court using it to determine the disqualification of the candidate from contesting the present election of 2015. The reason is that the stipulations of section 66(1)(i) CFRN have not contemplated or envisaged that the issue of the presentation is circumscribed to a particular election or period and remains relevant in perpetuity.”**

1.05 We respectfully urge Your Lordship to answer this question in the affirmative

and hold that having regard to the unambiguous provisions of Section 31 of the Electoral Act, 2010 (as amended), a Candidate sponsored by a political party is under an obligation to make full disclosure of **ALL** his educational qualifications as demanded by INEC in the prescribed FORM CF 001.

2.00 QUESTION TWO

Whether the willful concealment and/or refusal of a Candidate sponsored by a political party for an election to disclose **ALL** his educational qualifications as demanded by INEC in FORM CF 001 does not amount to false information?

2.01 My Lord, the word ‘false’ has been defined by the Oxford Advanced

Learner’s Dictionary, 6th Edition as, “not correct or true”. The information supplied by the 2nd Defendant to the effect that all his educational qualification is WAEC is palpably false. We respectfully adopt our earlier submission and urge Your Lordship to answer this question in the affirmative by holding that the willful refusal of a Candidate sponsored by a political party for an election to disclose **ALL** his educational qualifications as demanded by INEC in FORM CF 001 amounts to false information.

3.00 QUESTION THREE

Whether by the mandatory provisions of the Electoral Act, 2010(as amended) and National Youth Service Corps Act, Cap. N84, Laws of the Federation, 2004, a candidate for an elective office, who had obtained a University Degree or its equivalent at age 30 and below can willfully refuse to disclose in his FORM CF 001 his University qualification for the purpose of evading the consequences of the Acts?

* My Lord, Section 315(5) of the 1999 Constitution (as amended) confers a special status on the NYSC Act. In other words, the NYSC Act, though not an integral part of the Constitution, enjoys special status. See **F.M.B.N. v. Lagos State Govt. (2010) 5 NWLR (Pt. 1188) 570 at 595 -596**, where the Court held thus:

  **“Section 315(5) of the 1999 Constitution provides as follows:**

 **“315(5) Nothing in this Constitution shall invalidate the following**

 **enactments, that is to say:**

* **the National Youth Service Corps Decree, 1993;**
* **the Public Complaints Commission Act.**
* **the National Security Agencies Act.**
* **the Land Use Act; and the provisions of those enactments shall continue to apply and have full effect in accordance with the tenor and to the like extent as any other provisions forming part of this Constitution and shall not be altered or repealed except in accordance with the provisions of section 9(2) of this Constitution.”**

In **Chief R.O. Nkwocha v. Governor of Anambra State (1984) NSCC 484 at 652,** Eso, JSC (of blessed memory) stated thus:

**“Now, the position is, in view of all these provisions of s. 274, that the Land Use Act is not an integral part of the Constitution. It is an ordinary statute which became extraordinary by virtue of its entrenchment s.274(5) in the Constitution, for if the Act has been made a part of the Constitution it would not have been necessary to insert in sub- section (5) of the section 274 the words – “Nothing in this Constitution shall invalidate” as the draftsman of the Constitution cannot make the Constitution to invalidate part of itself, nor would it be necessary to have in sub-section (6) of s. 274 that the Act shall continue to have effect as a “Federal enactment” that is, a law made by the National Assembly, the Constitution itself not being a ‘Federal enactment.” In other words, the Act which is a Federal enactment, shall continue to have effect as, what it already is, a Federal enactment.”**

Section 2 of the NYSC Act makes it mandatory for every University graduate to serve for a period of one year or obtain an exemption certificate.

A combined reading of Sections 12 & 13 of the NYSC Act shows unequivocally the dire consequences of refusal to participate in the NYSC Scheme. We respectfully urge Your Lordship to answer this question in the affirmative and hold that by the mandatory provisions of the Electoral Act, 2010(as amended) and National Youth Service Corps Act, Cap. N84, Laws of the Federation, 2004, a candidate for an elective office, who had obtained a University Degree or its equivalent at age 30 and below can willfully conceal and/or refuse to disclose in his FORM CF 001 his University qualification for the purpose of evading the consequences of the Acts.

4.00 QUESTION FOUR

Whether a Candidate, who had earlier stated on oath his University qualification, can subsequently be permitted in law to willfully conceal his University qualification for the sole purpose of evading the consequences of such University qualification?

4.01 We respectfully adopt our submission under Question Three above and urge

Your Lordship to answer this question in the negative by holding that a Candidate, who had earlier stated on oath his University qualifications, cannot subsequently be permitted in law to willfully conceal his University qualifications for the sole purpose of evading the consequences of such University qualifications.

* QUESTIONS FIVE & SIX

5. Whether a Candidate, who had earlier stated on oath his University qualification, can subsequently be permitted in law to willfully conceal his University qualification for the sole purpose of evading the consequences of such University qualification?

6. Whether on a proper construction of the Forms CF 001 filled and submitted by the 2nd Defendant to the 3rd Defendant for the 2015 Senatorial Election and 2019 Governorship election, both certified and obtained by the Plaintiff on Tuesday, 11th of December, 2018, the 2nd Defendant has not breached the clear provisions of Section 31 of the Electoral Act, 2010 (as amended) and thereby entitled to an order of disqualification having regard to the representation he made in these Forms CF 001, which are domiciled and published in the 3rd Respondent’s headquarters at Plot 436, Zambezi Crescent, Maitama District, Abuja?

5.01 My Lord, for the umpteenth time, we crave the indulgence of the Court to

quote hereunder the provisions of Section 31 (2), (5) and (6) of the Electoral Act, 2010 (as amended):

 **“(2) The list or information submitted by each candidate shall be**

**accompanied by an affidavit sworn to by the candidate at the High Court of a state or FCT indicating that he has fulfilled all the constitutional requirement for election into that office.**

* **A person who has reasonable grounds to believe that any information given by a candidate in an affidavit or any document submitted by that candidate is false may file a suit at the High Court of a state or FCT or Federal High Court against such person seeking a declaration that the information contained in the affidavit is false.**
* **If the court determines that any of the information contained in the affidavit or any document submitted by that candidate is false, the court shall issue an order disqualifying the candidate from contesting the election.”** (Underlining mine for emphasis)

5.02 We submit, with all respect, that where the provisions of a statute are clear

and unambiguous, they must be given their ordinary meaning. See **Ikechukwu v. Nwoye (2015) 3 NWLR (Pt. 1446) 367 at 402** where the Supreme Court held:

**“These provisions are clear and unambiguous. The golden rule of interpretation is that clear and unambiguous words in legislation must be given their ordinary literal meaning. See Daily Times (Nig.) Plc v. Amaizu (1999) 12 NWLR (Pt. 631) 439; Kraus Thompson Organization v. N.I.P.S.S. (2004) 17 NWLR (Pt. 901) 44 SC.”**

See also **N.J.C. v. Agumagu (2015) 10 NWLR (Pt. 1467) 365 at 409** where the Court of Appeal held thus:

**“To begin with, the provision is plain, clear and unequivocal. It is comprehension-friendly. On account of this clarity, the law decrees that it must be given its ordinary and natural grammatical meaning without embellishments. See Berliet v. Kachalla (1995) 12 SCNJ 147; (1995) 9 NWLR (Pt. 420) 478; Kraus Thompson Org. Ltd. v. N.I.P.S.S. (2004) 17 NWLR (Pt. 901) 44; Uwazurike v. A.G., Fed. (2007) 8 NWLR (Pt. 1035) 1; Jolasun v. Bamgboye (2010) 18 NWLR (Pt. 1225) 285; Olley v. Tunji (2013) 10 NWLR (Pt. 1362) 275. I will respect this hallowed principle of in the interpretation of the provision.”**

5.02 We urge Your Lordship to ascribe the literal interpretation to these

unambiguous provisions of Section 31 of the Electoral Act, 2010 (as amended) and answer these questions in favour of the Claimant and grant all the reliefs sought in this Originating Summons.

DATED THIS DAY OF 2018

 OLUWOLE ALADEDOYE, ESQ.,

WOLE & PARTNERS,

(COUNSEL TO THE PLAINTIFF),

2ND FLOOR, BLOCK E,

BRIGHT STAR PLAZA,

BESIDE ZENITH BANK,

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**FOR SERVICE ON:**

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**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**

**IN THE ABUJA JUDICIAL DIVISION**

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 **SUIT NO:**

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**AND**

* **ALL PROGRESSIVES CONGRESS (APC)**
* **ADEDAPO ABIODUN DEFENDANTS**
* **INDEPENDENT NATIONAL ELECTORAL**

**COMMISSION (INEC)**

**CERTIFICATE OF PRE-ACTION COUNSELLING**

**(ORDER 2 RULE 3 (5)(D) OF THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY (CIVIL PROCEDURE) RULES 2018)**

I, OLUWOLE ALADEDOYE, Legal Practitioner of the law firm of WOLE & Partners, 2nd Floor, Block E, Bright Star Plaza, beside Zenith Bank, 50, Ebitu Ukiwe Street, Jabi, Abuja, FCT, Solicitors to the Claimant, have gone through the facts of the case of the said Claimant and on my honour have appropriately counselled it on the relative strength of its case or otherwise and should this turn out to be frivolous, I am prepared to be liable as per the provisions of the Rules of this Court.

Dated this day of 2018.

OLUWOLE ALADEDOYE, ESQ,

WOLE & PARTNERS,

(CLAIMANT’S COUNSEL)

2nd Floor, Block E,

Bright Star Plaza,

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 CLAIMANT