

SUMMARY OF JUDGMENT

INTRODUCTION:

This appeal borders on Electoral Matters.

FACTS:

The bedrock of this case is that the appellant was a member of the House of Representatives representing Akure North/South Federal Constituency having been sponsored by and elected on the platform of the Labour Party. He subsequently defected from the Labour Party to the now defunct Action Congress of Nigeria (ACN) before the expiration of the period for which the House was elected. By an originating summons filed on 26/1/2012 before the Federal High Court, Akure, Ondo State he sought various declaratory and injunctive reliefs in an attempt to validate his defection and avoid the consequences of Section 68 (1)(g) of the 1999 Constitution. The 1st, 2nd and 3rd respondents filed a counterclaim seeking in the main, a declaration that the appellant had automatically vacated his seat in the House of Representatives as a result of his defection and praying for an order directing INEC to conduct a bye-election to fill the vacant seat. It was the appellant's contention that his defection was as a result of a division within the Labour party. That in the circumstances, his defection was covered by the proviso to Section 68(1)(g) and he was entitled to retain his seat. In a considered judgment delivered on 30/5/2012 the High Court disagreed with him and dismissed the suit but granted the counter claim. His appeal to the Court of Appeal was dismissed on 15/9/2014 hence the further appeal to the Supreme Court. The 5th and 7th respondents also filed a cross-appeal, urging the Court to allow the appeal and set aside the judgments of the two lower Courts. All the respondents except the 5th and 7th respondents urged the Court to dismiss the appeal.

ISSUES:

The sole issue distilled by the appellant in his brief of argument which issue the respondents to the appeal, except the 5th and 7th, adopted as having arisen for the determination of the appeal was:

"Whether the Lower Court's interpretation and application of Sections 68(1) (a) (g) and 222(a) (e) and (f) of the Constitution of Federal Republic of Nigeria 1999 (as amended) is valid, when it affirmed the trial court's decision, that a dispute at the state level does not warrant the Appellant's defection and consequently arrived at the conclusion that the National leadership of a political party determine the existence or proof of division in a political party."

DECISION/HELD:

In the end, the appeal and the cross appeal were held to be unmeritorious by the Supreme Court and were accordingly dismissed. The consequential orders made while dismissing both appeals remained extant, to the effect that the Appellant must vacate his seat with immediate effect.