

SUMMARY OF JUDGMENT

INTRODUCTION:

This appeal border on Election petition.

FACTS:

This appeal emanated from the decision of the Presidential Election Tribunal (Court of Appeal). The facts of the case are as follows: The 1st appellant contested the 2003 presidential election on the platform of the Movement for Democracy and Justice (MDJ). He lost the election to the 1st respondent, Chief Olusegun Obasanjo, who contested the election on the platform of the Peoples Democratic Party (PDP). The appellant did not like the election result. He contested the result by filing an election petition against the 1st respondent and other respondents. He challenged the conduct, result and return of the 1st respondent as the winner of the election. The appellants filed a motion before the Court of Appeal. He sought for the following prayers:

1. Leave to join CORPORATE NIGERIA (LIMITED BY GUARANTEE) as 57th respondent in the petition.
2. Leave to amend the petition to reflect the joinder, and to amend some paragraphs of the petition, etc.
3. An order deeming as properly filed a separately filed amended petition in terms of proposed amended petition, the necessary filing fees having paid therefore on the same 21st May, 2003.
4. An order permitting to be sub-joined to the petition a schedule of list of documents intended to be relied upon at the hearing of the petition ...

After hearing arguments from Counsel, the Tribunal granted some of the reliefs and refused others. The appellant dissatisfied, appealed to the Supreme Court.

ISSUES:

The appellants formulated the following issue for determination:

"Whether the Court of Appeal misdirected itself on the applicable law and should have granted the prayer for joinder of the 57th respondent and/or any of the amendments

Nos. (1), (2), (4), (5), (11), (13), (15) and (17) sought in the motion dated 21st May, 2003 and determined in their Lordships ruling of 5th June, 2003."

The 1st respondent formulated the following issue for determination:

"Whether the Court below has the jurisdiction to make any order amending the petition in the manner sought by the appellant when the time within which the amendment sought could be granted had lapsed and the right to amend the petition had become extinct."

The 2nd respondent formulated the following issue for determination:

"Whether the lower Court was right in refusing to grant some of the amendments sought by the appellants having regard to the provisions of Section 132 and Paragraph 14(1) and (2) of the 1st Schedule to the Electoral Act, 2002."

The 40th to 55th respondents formulated the following issue for determination:

"Whether the Court below has the jurisdiction to make any order amending the petition of the appellant."

DECISION/HELD:

In the final analysis, the Supreme Court allowed the appeal in part.