

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY THE 15TH DAY OF MAY 2026
BEFORE THEIR LORDSHIPS

UWANI MUSA ABBA AJI
IBRAHIM MOHAMMED MUSA SAULAWA
EMMANUEL AKOMAYE AGIM
CHIOMA EGONDU NWOSU-IHEME
JAMILU YAMMAMA TUKUR

JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
JUSTICE, SUPREME COURT
SC/266/2017

BEYWEEN

ALHAJI ALMUSTAPHA HARUNA JOKOLO = = APPLICANT

AND

1. GOVERNOR OF KEBBI STATE
2. ATTORNEY GENERAL, KEBBI STATE
3. KEBBI STATE COUNCIL OF CHIEFS
4. GWANDU EMIRATE COUNCIL
5. ALH. ABDULLAHI UMAR
(Wazirin Gwandu)
6. BAR. MUHAMMAD SAMBO ALIYU
(Magajin Rafin Gwandu)
7. ALH. AMINULLAH UMARU
(Magajin Gari)
8. ALHAJI MUHAMMED WANKA
(Sarkin Illo)
9. ALHAJI MAINASARA ZAGGA
(Sarkin Zagga)
10. ALHAJI BUHARI MUHAMMAD
(Sarkin Aleiro)
11. ALHAJI MUKHTAR ABDULLAHI
(Walin Gwandu)
12. ALHAJI IBRAHIM BASHAR
(Galadima Babba)
13. ALHAJI AMINU AHMED
(Sarkin Fada)

RESPONDENTS



22/6/26

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Chioma Egondu Esq

REGISTRAR

SUPREME COURT OF NIGERIA

Official

RULING

DELIVERED BY JAMILU YAMMAMA TUKUR, JSC

INTRODUCTION

By a motion on notice brought pursuant to Order 20 Rule 4 of the Supreme Court, Rules 2024, Section 6 (6) B and 36 (1) of the Constitution of the Federal Republic of Nigeria, 1999 and the inherent powers of the Court and filed on 2nd October 2025, the Applicant prayed for the following:

1. AN ORDER TO REVIEW AND SET ASIDE, the decision of this Honourable Court delivered on 4th June, 2025 in Suit No: SC/266/2017 (Governor of Kebbi State & 12 Ors V. Alhaji Al-Mustapha Haruna Jokolo & Anor), on grounds of fraudulent misrepresentation of law and violation of constitutional provisions.
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2. AN ORDER OF THIS HONORABLE COURT CONSTITUTING A PANEL TO HEAR AND DETERMINE ON MERIT, Appeal No: SC/266/2017 (Governor of Kebbi State & 12 Ors V. Alhaji Al-Mustapha Haruna Jokolo & Anor)
3. AN ORDER granting such further or other reliefs as this Honourable Court may deem fit to make in the circumstances of this case

The motion is anchored on the following grounds:

1. The judgment of this Honourable Court in Suit No: SC/266/2017 (Governor of Kebbi State & 12 Ors V. Alhaji Al -

Mustapha Haruna Jokolo & Anor) was procured by a fraud upon the court, stemming from the respondents' misrepresentation of section 4(3) of the chiefs (appointment & deposition) law, cap, 21, laws of Kebbi State, 1996.

2. Subordination of justice to "absurdity" by this honourable court resulting to per incuriam decision in suit no.sc/266/2017 governor of Kebbi State & 12 Ors v. Alhaji Al -Mustapha Haruna Jokolo & Anor.
3. The judgment of this honourable court in Suit No.SC/266/2017 (Governor of Kebbi State & 12 Ors v. Alhaji Al-Mustapha Haruna Jokolo & Anor, having been predicated upon an unlawful barrier to the court's jurisdiction constitutes a fundamental denial of the applicant's right of access to court and fair hearing.

The motion is supported with an affidavit of 14 paragraphs, of which paragraph 9 has sub-paragraphs A-H, and a written address.

In response, the learned counsel for the 1st - 13th respondents filed a counter affidavit of 29 paragraphs and a written address on 24/10/2025.

The learned counsel for the Applicant filed a further affidavit on 06/11/2025.

In the written address in support of the motion, learned counsel for the Applicant framed the following issues for determination:

1. Whether the extrinsic misrepresentation of section 4(3) of the Chiefs (Appointment and Deposition) Law, Cap. 21, Laws of Kebbi State, 1996 and wrong judicial authorities by the Respondents as presented to and relied upon by this Honourable Court, in Suit No. SC/266/2017, constitutes a misrepresentation amounting to fraud on the Court, thus warranting the setting aside of the judgment notwithstanding the principle of finality. (Distilled from ground 1 of the Application).

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2. Whether this Honourable Court in Suit No. SC/266/2017, was right in upholding, on the basis of stare decisis, a precedent it expressly described as "absurd," when such adherence resulted in a per incuriam decision that subordinated justice to an unreasonable and illogical interpretation of section 4(3) of the Chiefs (Appointment and Deposition) Law, Cap, 21, Laws of Kebbi State, 1996. (Distilled from ground 2 of the Motion).

3. Whether the judgment of this Honourable Court in Suit No. SC/266/2017, having relied on an inapplicable statutory

provision due to the misrepresentation of the Respondents, thereby ousted the Applicant's access to court and denied him fair hearing, in breach of sections 6(6)(b) and 36(1) of the 1999 Constitution (as amended). (Distilled from exceptional ground 3 of the Motion)

The 1st-13th Respondents formulated a lone issue for determination thus:

Whether the Applicant has disclosed any legally cognizable ground within the Constitution and the Supreme Court Rules, 2024 entitling him to invoke the limited power of the Supreme Court to ~~The Nigerian Lawyer~~ decision in Appeal No. SC/266/2017 Governor of Kebbi State & 12 Ors v. Alhaji Al-Mustapha Haruna Jokolo & Anor, delivered on 4 June 2025.

Learned counsel for the Applicant submitted that this Court has the powers to grant this application under Order 20 Rule 4 of the Supreme Court Rules 2024 and Section 6(6) (b), and Section 36 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). The learned counsel submitted that the Applicant have placed sufficient facts and material evidence before this Honourable Court to warrant the exercise of the Court's discretion in its favour.

On issue one, learned counsel for the Applicant submitted that the Respondents materially misrepresented Section 4(3) of the law as extending to deposition disputes and this mischaracterization accepted by the majority led to an erroneous ouster of jurisdiction. Learned counsel further contended that a judgment procured by such misrepresentation falls within the recognized exception to finality. Learned counsel cited the cases of **BUCKNOR MACLEAN v. INLAKS LTD (1980) 8 - 11 SC 1**; **ADEGOKE MOTORS LTD v. ADESANYA (1989) 3 NWLR (PT. 109) 250**.

On issue two learned counsel for the Applicant submitted that precedents exists to serve justice and not entrap same, and where it produces absurdity or injustice, courts are bound to depart from it. **TheNigeriaLawyer** Learned counsel submitted that the acceptance of the interpretation of Section 4(3) extending it to deposition is wrong and is not in fidelity to ductrine of precedent but it's distortion. Learned counsel submitted that the Court is not bound to follow an earlier decision that is per incuriam or unjust.

On issue three learned counsel for the Applicant argued that the decision of this Court subject of the application for review denied the Applicant his right to fair hearing by it's application of Section 4(3) of the Chief's Law to deposition dispute. Learned counsel

finally urge the Court to grant the reliefs sought in the interest of justice.

In opposition, the learned counsel for the 1st-13th respondents proffered arguments in urging the Court to dismiss the application. Learned counsel for the 1st-13th respondents' arguments as contained in their written address were summarized as follows:

The respondents contend that the instant application is not one seeking to correct a clerical error or accidental slip under the slip rule, but rather an impermissible attempt to review and set aside the Supreme Court's judgment delivered on 04/062025, and to have the Court re-hear the appeal on its merits. In essence, learned counsel contended that the applicant is inviting the apex Court to sit on appeal over its own final decision, which is not permissible in law.

Counsel submitted that it is firmly settled that decisions of the Supreme Court are final, binding, and not subject to review, there being no constitutional or statutory provision permitting such action. It was argued that the Court has consistently rejected such invitations as an abuse of court process, as seen in *Adigun v. A.G. Oyo State* (1987) 4 SC (Reprint) and *Minister of Lagos Affairs, Mines &*

Power & Anor v. Chief Akin Olugbade (1974) 11 SC (Reprint) 9. It was argued on behalf of the respondents that while Order 20 Rule 4 allows correction of minor clerical slips, counsel submitted that it does not extend to reopening or re-evaluating substantive issues, and to do so would effectively convert the application into an appeal against the Court's own judgment, a procedure unknown to law, as reaffirmed in *Minister of Lagos Affairs, Mines & Power & Anor v. Chief Akin Olugbade* (*Supra*).

Counsel further argued that in *Degi-Eremienyo's case*, the Supreme Court underscored that the phrase "shall not" in Order 8 Rule 16 of the Supreme Court Rules (now Order 20 Rule 4) constitutes a strict prohibition against varying or substituting the substantive or operative part of its judgment. This position is reinforced by Section 235 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended), which affirms the finality of Supreme Court decisions by providing that no appeal shall lie from its determinations. The intention of the framers, as reflected in the marginal note "finality of determinations," is to ensure certainty and stability in the legal system, thereby bringing litigation to an end.

The respondents further contended that allowing the Court to reverse its own well-considered judgment would undermine public

confidence in the judiciary and erode the integrity of the Court. That they argued that such a course would be tantamount to fostering uncertainty and would ultimately threaten the administration of justice. The authorities of *Bucknor-Maclean v. Inlaks Ltd* (1980) 8–11 SC 1 and *Adegoke Motors Ltd v. Adesanya* (1989) 3 NWLR (Pt. 109) 250, relied upon by the applicant, counsel argued that they were distinguished as inapplicable, as they concern the Court's power to depart from its previous decisions in appropriate circumstances, not to review or sit on appeal over its own final judgment in the same case.

Counsel submitted, relying on the dictum of Obaseki, JSC in *Adegoke Motors Ltd v. Adesanya* (1989) 3 NWLR (Pt. 109) 250, that the principle that the Supreme Court may depart from its previous decisions does not extend to reviewing or varying the substantive or operative parts of a judgment already delivered. That the statement that the Court is "final not because it is infallible, but infallible because it is final" underscores that any correction of errors occurs only in subsequent cases where the Court may overrule itself, not by reopening concluded decisions. To hold otherwise would undermine the doctrine of stare decisis and create uncertainty, as lower courts would be unable to rely on Supreme Court decisions

for fear of imminent alteration. Counsel further argued that the Applicant's allegation of "fraudulent misrepresentation of law" is baseless, as no particulars of fraud were supplied, and in line with *GTB v. Innoson* (2022) 10 NWLR (Pt. 1838) 307, fraud must be extrinsic, material, and capable of misleading the Court, conditions not satisfied here, since the complaint merely relates to disagreement with judicial interpretation.

It was further contended that the Applicant has misconstrued the decision of the Court by alleging that it was based on non-service of pre-action notice, whereas the Court actually determined the issue of failure to exhaust the prescribed domestic grievance resolution procedure, which rendered the action premature and deprived the trial court of jurisdiction. The Court also held that such procedural requirements do not infringe the constitutional right of access to court. Counsel criticized the Applicant's reliance on dissenting opinions of Uwani Musa Abba Aji, JSC and Ibrahim Mohammed Musa Saulawa, JSC, emphasizing that dissenting judgments, though persuasive, do not constitute binding law. The majority decision remains authoritative, as affirmed in *F.G.N v. Zebra Energy Ltd.* (2002) 18 NWLR (Pt. 798) 162, and any attempt to elevate dissenting

views over the majority judgment is legally untenable and misconceived.

On the conduct of counsel, the Respondents contended that the Applicant's counsel acted in breach of Rule 15(3)(c) and (g) of the Rules of Professional Conduct 2025 by advancing a claim not supported by law and alleging "fraudulent misrepresentation" without basis. It was argued that reliance on Order 20 Rule 4 of the Supreme Court Rules, 2024, to justify the application is misconceived, as the provision does not permit such reliefs. Counsel noted that in *PDP & 2 Ors v. Degi-Eremienyo (Supra)*, this Court not only dismissed a similar application but also sanctioned counsel personally, with strong admonition per Augie, JSC. Accordingly, it was submitted that counsel ought reasonably to have known that the application was untenable, and in line with *Rondel v. Worsley (1967) 1 QB 443*, his conduct warrants censure and appropriate sanctions. The respondents argued that counsel for the Applicant, in clear disregard of the doctrine of finality, brought the instant application seeking to set aside the Court's final decision and to have the appeal reheard by a new panel, effectively substituting the majority judgment with dissenting opinions. This, counsel argued, is highly

reprehensible and an affront to the sanctity and authority of the apex Court.

In consequence, it was submitted by counsel that the application is frivolous, vexatious, and does not meet the threshold for invoking the Court's limited review jurisdiction, as it neither seeks to correct clerical errors nor clarify the true intent of the judgment, but rather to nullify it entirely. Counsel urged the Court to dismiss the motion in its entirety with substantial costs against both the Applicant and his counsel personally, and further to refer counsel to the Legal Practitioners Disciplinary Committee (LPDC) for appropriate sanctions, as a punitive and deterrent measure against such conduct unbecoming of a legal practitioner.

RESOLUTION

By his motion on notice filed on 2/10/2025, the Applicant is essentially praying this court to review and set aside its judgment delivered on the 04/06/2025 and in addition to constitute another panel to rehear the appeal.

Order 20 Rule 4 of the Supreme Court Rules is a narrow procedural provision designed solely to preserve the accuracy and integrity of the Court's judgments, not to reopen or reconsider them. Its scope

is strictly confined to the correction of clerical mistakes, accidental slips, or omissions that may have occurred in the process of recording the Court's decision. It is not, and has never been, a gateway for re-arguing issues already determined, nor does it empower this Court to revisit the substance of its judgment under any guise. To construe it otherwise would be to distort its clear purpose and undermine the disciplined structure of appellate adjudication.

In the case of *Igwe v. Kalu* (2002) 14 NWLR (Pt. 787) 435, this court reiterated thus;

“... The Supreme Court ~~The Nigerian Lawyer~~ inherent power to set aside its judgment in appropriate cases. However, that inherent jurisdiction cannot be converted into an appellate jurisdiction as though the matter before it is another appeal, intended to afford losing litigants yet another opportunity to re-state or re-argue their appeal. The Supreme Court is a court of final resort and under the Constitution, it cannot under any disguise sit on appeal over its judgment or review it except under very exceptional circumstances.”

In the instant application, the circumstances presented are in no way exceptional and clearly do not detract from or undermine the efficacy of the judgment of this Court delivered on 04/06/2025.

The distinction is fundamental and must be firmly maintained. A clerical correction does not alter the substance of a judgment, whereas a review or rehearing seeks to change the very essence of the Court's decision. Order 20 Rule 4 permits the former and emphatically prohibits the latter. It exists to ensure that the judgment delivered accurately reflects what the Court actually decided, not to provide a dissatisfied party with a second bite at the cherry. Any attempt to stretch this provision into a vehicle for rehearing an appeal is a grave misuse of the Rules and an affront to the orderly administration of justice.

This court per EMMANUEL OBIOMA OGWUEGBU, JSC in the case of ALAO v. ACB LTD (2000) LPELR-408(SC) while deciding on the application of the slip rule held that;

“... The Court shall not review any judgment once given and delivered by it save to correct any clerical mistake or some error arising from any accidental slip or omission, or to vary the judgment or order so as to give effect to its meaning or

intention. A judgment or order shall not be varied when it correctly represents what the Court decided nor shall the operative and substantive part of it be varied and a different form substituted".

The importance of this limitation becomes even more pronounced when considered in light of the constitutional position of the Supreme Court as the final court of the land as envisaged under Section 235 of the Constitution of the Federal Republic of Nigeria, 1999 (as altered). The authority of this Court rests on the certainty and conclusiveness of its decisions. Once a judgment has been delivered, it marks the end of the judicial journey. There is no higher forum, no further appeal, and no mechanism for revisiting the merits of the case. To allow parties to return under the pretext of correcting errors, when in truth they seek to relitigate, would erode the finality that gives this very Court its authority and would plunge the legal system into uncertainty.

This court has further held in the same case of ALAO v. ACB LTD (Supra) that;

“... There is no doubt that the Court has power at anytime to correct an error in a judgment or order arising from a slip or

accidental omission, whether there is or is not a general order to that effect. See *Hatlon v. Harris* (1892) AC 547 and *Umunna & Ors v. Okwuraiwe & Ors* (1978) 1 LRN 53; (1978) 6-7 SC 1. But where a Court has decided an issue and the decision of the Court is truly embodied in its judgment or order that has been made effective, then the Court cannot re-open the matter and cannot substitute a different decision in place of the one which had been recorded...”

It must therefore be clearly understood that Order 20 Rule 4 is not a tool for litigants to express dissatisfaction with the reasoning or outcome of a decision. It is a limited housekeeping provision, nothing more. The Supreme Court is not a forum for endless litigation. It is the court of last resort, whose pronouncements bring disputes to a definitive close. Any attempt to convert this rule into an avenue for rehearing an appeal is not only legally untenable but strikes at the very foundation of the Court’s role as the ultimate and final arbiter of justice.

Furthermore, the request by the Applicant that this Honourable Court should constitute another panel to re-hear an appeal already conclusively determined is, quite frankly, an affront of the highest

order to the authority, dignity, and institutional integrity of this Court. It betrays not only a fundamental misunderstanding of the constitutional role of the Supreme Court, but also a disturbing lack of respect for the finality of its decisions. This is not a mere procedural misstep or an overzealous argument. It is a direct invitation to this Court to repudiate its own authority and to descend into a cycle of endless self-review. Such a proposition is intolerable and strikes at the very heart of judicial finality.

It must be stated in unmistakable terms that the Supreme Court is not a forum that can be invited to reconstitute itself because a party is dissatisfied with its judgment. The idea that this Court can, upon request, assemble a different panel to reconsider and potentially overturn its own decision is not only alien to our legal system but deeply offensive to the structure of appellate justice. If such a practice were to be entertained, there would be no end to litigation, no certainty in judicial outcomes, and no respect for the hierarchy of courts. The authority of this Court would be reduced to a revolving door of conflicting decisions, subject to the whims of disgruntled litigants. Such cannot and will not be allowed by this Court.

What is even more troubling is the growing tendency of legal practitioners to treat the Supreme Court with a level of casual

disregard that borders on contempt. There appears to be an emerging culture where clearly untenable applications are filed, not out of any genuine legal basis, but in the hope that persistence might yield a different outcome. This reflects a dangerous erosion of professional discipline and a failure to appreciate the solemn responsibility that comes with appearing before this Sacred Ground. The Supreme Court is not an experimental arena for speculative litigation. It is the Apex judicial institution whose processes must be approached with the utmost seriousness, restraint, and respect.

Again, in the case of *Pagade Chemicals Ltd v. N.D.I.C* (2023) 4 NWLR (Pt. 1873) 93, my learned brother **ABUBAKAR, J.S.C.** at page 124, paras. E-H while also commenting on the need for counsel to stop frivolous appeals to the Supreme Court held that;

“... By way of footnote in this short judgment, I must cry aloud that some counsel treat this court as if they are playing game of chance even where it is apparent that an appeal is out and out frivolous, irritating and vexatious , they still come here because there is no serious consequence even when they lose, such attempt at testing the will of this court must be met with stiff penalty in cost and reprimand, professionals must sit down and assess their prospects before running to court,

certain decisions to prosecute by counsel are bizarre, outlandish, ridiculous, laughable, and throw questions at the stability of counsel, such needless appeals keep the court busy to the detriment of serious matters pending before the court. This trend is becoming unacceptable and must stop.

This cannot be over emphasised that the time of the Supreme Court is an invaluable national resource, reserved for the resolution of matters of the highest legal and constitutional importance. It must not be squandered on frivolous, speculative, or procedurally incompetent applications or appeals that serve no purpose other than to obstruct the administration of justice. This Court cannot and will not condone this trend of taking its authority for granted. To ask this Court to constitute a fresh panel to rehear an appeal already decided is to undermine the very foundation upon which the justice system stands. It is an attempt to trivialize the finality of judicial decisions and to erode public confidence in the stability of the law. Such conduct must be firmly discouraged, and it is imperative that members of the Bar are reminded, in the clearest possible terms, that the privilege of appearing before this Court carries with it a duty of utmost responsibility, not reckless audacity.

Before I take leave of this application, I must express my profound disapproval of the conduct of learned counsel for the Applicant. The filing of this application, in the face of clear and unambiguous provisions of the Supreme Court Rules and the settled principles governing the finality of this Court's decisions, is not only misguided but falls short of the standards expected of a legal practitioner. Counsel, as an officer in the temple of justice, is under a solemn duty to uphold the law, act with candour, and refrain from advancing positions that are plainly unsustainable. The present application, which seeks to reopen a concluded matter under the guise of a review, is a clear departure from these professional obligations and constitutes an abuse of the process of this Court. Such conduct cannot be overlooked, as it erodes the dignity of the Court and undermines the integrity of the legal profession.


The application is devoid of any merit and constitutes a gross abuse of the process of this Court. It is hereby dismissed. The judgment of this Court delivered on 4th June 2025 in Appeal No. SC/266/2017 remains final, subsisting and binding on all parties.


Having regard to the wholly unmeritorious, vexatious, and abusive nature of this application, as well as the unwarranted imposition it has placed on the valuable time of this Court, I hereby order that

costs in the sum of ₦50,000,000.00 (Fifty Million Naira) be paid personally by learned counsel for the Applicant S.M. Danyaro, Esq., to the Respondents for filing this Application.

The costs shall be paid within ninety days (90) from today and a certificate of compliance be filed in the Court in line with the Provisions of Order 12 Rules 4(d) 6, and 7 of the Supreme Court Rules 2024, failing which counsel shall cease to have right of audience in any Court in Nigeria until there is compliance.

Application is dismissed.


TheNigeriaLawyer
JAMILU YAMMAMA TUKUR, JSC
Justice, Supreme Court

 22/6/26
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Nisha Gurama Esq
REGISTRAR
SUPREME COURT OF NIGERIA

Appearances;

S, M. DANYARO for the Applicant.

Y.C. MAIKYAU, SAN, U.O. SULE, SAN, ABDULLAHI
YAHAYA, SAN, with Abdulrahman Belgore, A.I. Wasagu, M.F.
Belgore, S.U. Madaki and Y.J. Bako for the Respondents.



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Abdu Gwamna Esq

REGISTRAR

SUPREME COURT OF NIGERIA

Official

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JAMILU YAMMAMA TUKUR

JUSTICE SUPREME COURT
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JUSTICE SUPREME COURT
SC. 266/2017

BETWEEN:

ALHAJI ALMUSTAPHA HARUNA JOKOLO
AND


APPLICANT

1. GOVERNOR OF KEBBI STATE
2. ATTORNEY GENERAL, KEBBI STATE.
3. KEBBI STATE COUNCIL OF CHIEFS
4. GWANDU EMIRATE COUNCIL
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(Sarkin Fada)

RESPONDENTS


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Nisra Surama Esq
REGISTRAR
SUPREME COURT OF NIGERIA

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RULING
(DELIVERED BY CHIOMA EGONDU NWOSU-IHEME, JSC.


My learned brother Jamilu Yammama Tukur, JSC accorded me the opportunity of reading before today, the Ruling just delivered. His lordship has considered and resolved the contentions of the parties in this rather unusual, vexatious, irresponsible, abusive and unprofessional Application.

I agree entirely with the reasoning and abide the conclusion in the lead Ruling that this Application is one of the most thoughtless and irresponsible Applications ever brought before this Court. It is condemnable as it amounts to Professional Misconduct on the part of counsel for the Applicant, S.M. Danyaro. It will haunt the said Counsel for the rest of his career as a Legal Practitioner for being oblivious of the consequences of his action. ~~I agree that this Application is thoughtless, Juvenile and Gross abuse of the process of this Court. It was brought deliberately by this irresponsible Counsel to ventilate his grievances over the outcome of the substantive Appeal. In the process of bringing this Application under the guise of a review, counsel degenerated to a level unprecedented in the history of Application for review in this Court and ended up not only exposing his ignorance and poor knowledge of the law, but making a Mockery of himself as a legal Practitioner. He is not worthy to be called a Legal Practitioner.~~

This Application and the unbecoming Conduct of Counsel for the Applicant is bereft of Common Sense, it is dismissed in its entirety. The

Judgment of this Court delivered on the 4th day of June, 2025 in Appeal No. SC.266/2017 remain subsisting, final and binding on all parties.

Sequel to the vexatious and unprofessional Application of this uncultured Counsel, S.M. Danyaro, intended only for causing annoyance when objectively evaluated, I also order that costs of #50,000,000:00 (FIFTY MILLION NAIRA) be paid personally by this recalcitrant Counsel, S.M. Danyaro personally for filing this trash. The costs shall be paid within 90 days (Ninety days) to the Respondents. A certificate of compliance must be filed in Court in accordance with the Provisions of Order 12 Rules 4(d), 6, and 7 of the Rules of this Court. S.M. Danyaro of Counsel shall cease to have right of audience in any Court in Nigeria until there is evidence of Compliance with the said Rules of this Court.

 The Nigerian Lawyer

**CHIOMA EGONDU NWOSU-IHEME (Ph.D)
JUSTICE, SUPREME COURT.**



22/6/26

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Nisha Gurama Esq
REGISTRAR
SUPREME COURT OF NIGERIA

APPEARANCE OF COUNSEL:

S.M. DANYARO, ESQ. for the Applicant.

Y.C. MAIKYAU, SAN; U.O. SULE, SAN; ABDULLAHI YAHAYA, SAN, with **ABDULRAHMAN BELGORE, ESQ; A.I. WASAGU, ESQ; M.F. BELGORE, ESQ; S.U. MADAKI, ESQ** and **Y.J. BAKO, ESQ.** for the Respondents.

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Abba Surana Esq

REGISTRAR

SUPREME COURT OF NIGERIA

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SC.266/2017

BETWEEN


Alhaji Almustapha Haruna Jokolo = = = **APPELLANT**

AND

1. Governor of Kebbi State
2. Attorney General, Kebbi State
3. Kebbi State Council of Chiefs
4. Gwandu Emirate Council
5. Alh. Abdullahi Umar
(Wazirin Gwandu)
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RESPONDENTS

22/6/26


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Misha Surama Esq
REGISTRAR
SUPREME COURT OF NIGERIA
Officer

JUDGMENT

(DELIVERED BY EMMANUEL AKOMAYE AGIM, JSC)

I had a preview of the Judgment delivered by my Leaned brother, **Lord Justice Jamilu Yammama Tukur, JSC**, I am in complete agreement with the brilliant expositions of the law on this kind of application, the very impressive reasoning process, conclusions, decisions and orders.

Let me also add some words.

The grounds for this application makes it necessary to call to mind the fact that both sides herein in their respective briefs that were adopted at the hearing of Appeal No. SC/266/2027 that led to the Judgment now sought to set aside, argued extensively on whether S. 4(3) of the Kebbi State Chiefs (Appointment and Deposition) Law applies to both appointment and deposition of chiefs by the Governor of Kebbi State, whether the absence of a pre-action notice to the Governor of Kebbi State before the Suit was filed rendered the Suit incompetent, robbed the Court of jurisdiction to entertain it and rendered the exercise of jurisdiction a nullity. The arguments in the 1st Cross-respondent's brief contained legal submissions in reply to the arguments in the cross-appellant's brief on the meaning and application of S.4(3), without any allegation that the arguments in the cross-

appellant's brief were a fraudulent misrepresentation being committed upon the court. Now after the delivery of the judgment of this court on 4-6-2025 in the said Appeal No. SC/266/2017 on the said issue as argued in the respective briefs, the applicant is now contending that the very arguments it responded to in its 1st Cross-respondent's brief before judgment, was a fraud committed on the court and that the judgment was given per incuriam as a result of that fraud and on the ground of these contentions seeks to have the said judgment set aside and a new panel of this court set up to re-hear this appeal. The applicant who did not characterize the arguments as fraudulent misrepresentation before judgment now seeks to characterize it so as a ground to have the judgment set aside. It is obvious that this application would not have been brought by the applicant if the arguments in his 1st cross respondent's brief on the application of S.4(3) were upheld and judgment was in his favour. There is nothing in the affidavit in support of the application and the written address in support of it that show any effort by the applicant to adduce facts to show that the said arguments it responded to before judgment is a fraud committed on the court to deceive it. What is clear from the said affidavit and written address is the consistent argument of Learned counsel for the applicant that the respondents' arguments that S.4(3) applies

to both appointment and deposition of a chief is a misrepresentation of law that resulted in this court arriving at its judgment per incuriam. Learned counsel for the applicant failed to show how their opponents' arguments expressing contrary or alternative opinion on the scope of application of S.4(3) during the hearing of the appeal, amount to fraudulent misrepresentation of law. Both sides expressed different views on how the statutory provision should be applied, each side insisting that its view is correct.

Generally, a party cannot simply relabel arguments he or she already responded to during hearing as "fraudulent" merely because he or she is dissatisfied with the judgment resulting from a determination of those arguments. Relabeling arguments that were already raised, answered, and decided by the court as 'fraud' after judgment cannot be a basis to have the judgment set aside, otherwise every losing party could simply recharacterize the successful argument as fraud on the court and apply to set aside the judgment on that basis, resulting in endless litigation over an already finally decided issue. If an argument was made before judgment, opposed or answered by the other side, considered and decided by the court in the judgment, then a later claim that the same argument was "fraudulent" is as despicable as it is frivolous and vexatious. This application to set aside the

final judgment of this court on the basis of such relabel is clearly dishonest and a gross abuse of court process.

The further contention of the applicant that the final judgment of this court delivered on 4-6-2025 in the said Appeal No. SC/266/2017 is per incuriam and therefore should be set aside by this court for that reason violates the legal doctrine that once a court has delivered final judgment in a case, it becomes functus officio and ceases to have the jurisdiction to review its said final judgment on the ground that it is made per incuriam or to determine if it was correct or to set it aside on the ground that it was made per incuriam. A party dissatisfied with the final judgment of any court below the Supreme Court, can appeal against it to the court with the jurisdiction to hear and determine such appeal. If as in this case, ^{TheNigeriaLawyer} the final judgment concerned is that of this court, S.235 of the 1999 Constitution provides that **“....no appeal shall lie to any other body or person from any determination of the Supreme Court.”** This provision puts an end to the litigation of any dispute in a case. The determination of this court of any dispute, ends finally the litigation of the dispute.

There is no part of the 1999 Constitution that provides for an appeal to this court against any of its determination or that gives this court the jurisdiction to entertain and determine such

appeal or that gives it power to review or set aside its judgment on any ground including the ground that it was made per incuriam or that it is not correct. This is clearly stated in the very Order 20 Rule 4 of the Supreme Court Rules 2024 relied on for this application. The exact text reads thusly –

“The court shall not review any judgment once given and delivered by it save to correct any clerical mistake or some error arising from any accidental slip or omission, or to vary the judgment or order so as to give effect to its meaning or intention. A judgment or order shall not be varied when it correctly represents what the Court decided nor shall the operative and substantive part of it be varied and a different form substituted.”

In reckless and brazen disregard of the clear provisions of S.235 of the 1999 Constitution, Order 20 Rule 4 of the Supreme Court Rules 2024 and the unending line of case law on this matter, Learned Counsel for the applicant has brought this application on behalf of the applicant and made the arguments contained in the written address in support of the application. This clearly is an engagement mala fide and amounts to professional misconduct.

In the light of the foregoing and the more detailed reasons in the lead judgment, I agree that this application is frivolous,

vexatious and a gross abuse of the legal and judicial process. I also dismiss it. I also order that cost in the sum of N50,000,000.00 (Fifty Million Naira) be paid personally by learned counsel for the Applicant S.M. Danyaro, Esq, to the Respondents for filing this Application. The costs shall be paid within ninety days (90) from today and a certificate of compliance be filed in the Court in line with the Provisions of Order 12 Rule 4(d) 6, and 7 of the Supreme Court Rules 2024, failing which counsel shall cease to have right of audience in any Court in Nigeria until there is compliance.

Application is dismissed.


The Nigeria Law **EMMANUEL AKOMAYE AGIM**
JUSTICE, SUPREME COURT



22/6/26

Certified True Copy
Tisha Gurama Esq
REGISTRAR
SUPREME COURT OF NIGERIA

officer

Appearances:

S. M Danyaro Esq **for the Appellant**

Y.C Maikyau, SAN, U.O. Sule, SAN, Abdullahi Yahaya, SAN, with
Abdulrahman Belgore, Esq, A.I. Wasagu, Esq, M.F. Belgore, Esq,
S.U. Madaki Esq and Y.J Bako Esq **for the Respondents**

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY, THE 15TH DAY OF MAY, 2026
BEFORE THEIR LORDSHIPS

UWANI MUSA ABBA AJI

IBRAHIM MOHAMMED MUSA SAULAWA

EMMANUEL AKOMAYE AGIM

CHIOMA EGONDU NWOSU-IHEME

JAMILU YAMMAMA TUKUR

JUSTICE, SUPREME COURT

JUSTICE, SUPREME COURT

JUSTICE, SUPREME COURT

JUSTICE, SUPREME COURT

JUSTICE, SUPREME COURT

SC/266/2017

BETWEEN

ALH. AL-MUSTAPHA HARUNA JOKOLO = = = APPELLANT

AND

1. GOVERNOR OF KEBBI STATE
2. HON. AG. OF KEBBI STATE
3. KEBBI STATE COUNCIL OF CHIEFS
4. GWANDU EMIRATE COUNCIL
5. ALH ABDULLAHI UMAR (WAZIRIN GWANDU)
6. BARR. MUHAMMAD SAMBO ALIYU (MAGAJIN RAFIN GWANDU)
7. ALH. AMINULLAHI UMARU (MAGAJIN GARI)
8. ALH. MUHAMMED WANKA (SARKIN-ILLO)
9. ALH. MAINASARA ZAGGA (SARKIN ZAGGA)
10. ALH. BUHARI MUHAMMAD (SARKIN ALIERO)
11. ALH. MUKHTAR ABDULLAHI (WALIN GWANDU)
12. ALH. IBRAHIM BASHAR (GALADIMA BABBA)
13. ALH. AMINU AHMED (SARKIN FADA)

RESPONDENTS

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Nisha Surama Esq

REGISTRAR

SUPREME COURT OF NIGERIA

22/6/26

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RULING
(DELIVERED BY IBRAHIM MOHAMMED MUSA
SAULAWA, JSC)

The instant post-judgment application is brought pursuant to Order 20 Rule 4 of the Supreme Court Rules, 2024, Sections 6(6)(b) and 36 of the Constitution of the Federal Republic of Nigeria, 1999 as amended, and the inherent jurisdiction of this Court, thereby seeking to **review and set aside** the judgment of the Court delivered on June 4, 2025 in appeal No. **SC/266/2017** involving the parties set out herein above.

The facts and circumstances surrounding the instant post-judgment application are not far-fetched. The application was deposed by the 1st Respondent as the 19th Emir of Gwandu, Kebbi State in 2005. The Applicant challenged his deposition at the Kebbi State High Court, which gave judgment in his favour. The Respondents appealed to the Court of Appeal, Sokoto Judicial Division against the decision of the Kebbi State High Court. At the end of the hearing of the appeal, the Court below upheld the decision of the trial High Court and accordingly dismissed the appeal.

Dissatisfied with the decision, the Respondents not unnaturally appealed to this Court. Whereupon, the Court in a majority decision (**coram: Agim, Nwosu-Iheme and Tukur,**

JJSC), upheld the Respondents' cross appeal and set aside the judgment of the two Courts below. Contrariwise, by the minority decisions thereof, **Abba Aji and Saulawa, JJSC**, dismissed the Respondents' cross appeal and affirmed the concurrent decisions of the trial High Court and the Court of Appeal.

Having had the opportunity of previewing the draft of the Ruling just delivered by my learned brother, the **Hon. Justice Jamilu Yammama Tukur, JSC**, I can not but concur with the reasoning reached therein, to the conclusive effect that the instant application is grossly devoid of merits, thus ought to be dismissed.

Hence, without much ado, I too hereby dismiss the application and abide by the consequential orders made in the Ruling.

Application Dismissed. ^{TheNigeriaLawyer}



**IBRAHIM MOHAMMED MUSA SAULAWA
JUSTICE, SUPREME COURT**



22/6/26

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Nisha Gurama Esq

REGISTRAR


SUPREME COURT OF NIGERIA

official

APPEARANCES:

S. M. DANYARO for the Appellant.

Y. C. MAIKYAU, SAN, U. O. SULE, SAN, ABDULLAHI YAHAYA, SAN,
with ABDULRAHMAN BELGORE, A. I. WASAGU, M. F. BELGORE, S.
U. MADAKI and Y. J. BAKO for the Respondents.


22/6/26
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Disha Gurama Esq
REGISTRAR
TheNigeriaLawyer
COURT OF NIGERIA

IN THE SUPREME COURT OF NIGERIA
HOLDEN AT ABUJA
ON FRIDAY, THE 15TH DAY OF MAY, 2026
BEFORE THEIR LORDSHIPS

UWANI MUSA ABBA AJI

JUSTICE, SUPREME COURT

IBRAHIM M. MUSA SAULAWA

JUSTICE, SUPREME COURT

EMMANUEL AKOMAYE AGIM

JUSTICE, SUPREME COURT

CHIOMA EGONDU NWOSU-IHEME

JUSTICE, SUPREME COURT

JAMILU YAMMAMA TUKUR

JUSTICE, SUPREME COURT

SC. 266/2017

TheNigeriaLawyer

BETWEEN:

ALHAJI ALMUSTAPHA HARUNA JOKOLO **APPLICANT**

AND

1. GOVERNOR OF KEBBI STATE
2. ATTORNEY GENERAL, KEBBI STATE
3. KEBBI STATE COUNCIL OF CHIEFS
4. GWANDU EMIRATE COUNCIL
5. ALH. ABDULLAHI UMAR
(Wazirin Gwandu)

RESPONDENTS

Hon. Justice U. M. Abba Aji, JSC

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Jamilu Yammama Esq

REGISTRAR

SUPREME COURT OF NIGERIA

22/6/26

SC. 266/2017

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6. BAR. MUHAMMAD SAMBO ALIYU
(Magajin Rafin Gwandu)
7. ALH. AMINULLAH UMARU
(Magajin Gari)
8. ALHAJI MUHAMME WANKA
WANKA (Sarkin Illo)
9. ALHAJI MAINASARA ZAGGA
(Sarkin Zagga)
10. ALHAJI BUHARI MUHAMMAD
(Sarkin Aleiro)
11. ALHAJI MUKHTAR ABDULLAHI
(Walin Gwandu)
12. ALHAJI IBRAHIM BASHAR
(Galadima Babba)
13. ALHAJI AMINU AHMED
(Sarkin Fada)

RESPONDENTS

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JUDGMENT

(DELIVERED BY UWANI MUSA ABBA AJI, JSC)

My learned brother, **JAMILU YAMMAMA TUKUR, JSC**,
availed me a draft copy of the judgment just delivered and I
agree with his reasoning and conclusion that the application
filed by the Applicant is vexatious.

Following the judgment of this Honourable Court
delivered in June, 2025, in Suit No: SC/266/2017, the

Applicant vide a motion on notice filed on the 02/10/2025, prayed for the following:

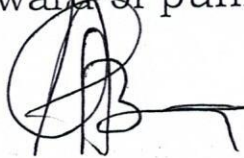
1. AN ORDER TO REVIEW AND SET ASIDE, the decision of this Honourable Court delivered on 4th June, 2025 in Suit No:SC/266/2017 (Governor of Kebbi State & 12 Ors V. Alhaji Al-Mustapha Haruna Jokolo & Anor), on grounds of fraudulent misrepresentation of law and violation of constitutional provisions.
2. AN ORDER OF THIS HONOURABLE COURT CONSTITUTING A PANEL TO HEAR AND DETERMINE ON MERIT, Appeal No: SC/266/2017 (Governor of Kebbi State & 12 Ors V. Alhaji Al-Mustapha Haruna Jokolo & Anor).
3. AN ORDER granting such further or other reliefs as this Honourable Court may deem fit to make in the circumstances of this case.

As manifest on the face of the application, the Applicant sought for the review of the judgment of this court delivered in June, 2025. On whether the Supreme Court has power to review its judgment once delivered, Per OKORO, JSC, in **ALLI V. NUC & ANOR (2018) LPELR-44361(SC) (PP. 24-25 PARAS. B)**, held:

There is no doubt that this Court has inherent powers to correct or modify its own order on the ground that the order or judgment did not represent what it had intended to record. Thus, this Court can correct clerical errors in order to give proper meaning to an otherwise obscure sentence or order. Outside this, **the Supreme Court cannot ordinarily review its own judgments. It follows that this Court having decided on an issue, and its decision embodied in its judgment or order that has been made effective, is functus officio and cannot reopen the matter and substitute a different decision to the one already decided.**

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The application is hereby dismissed. I equally adopt the award of punitive costs against the Applicant's Counsel.



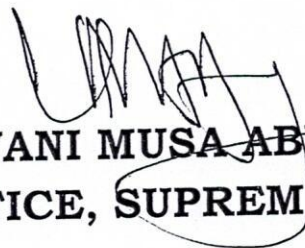
22/6/26

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Tisha Gurama Esq

REGISTRAR

SUPREME COURT OF NIGERIA




UWANI MUSA ABBA AJI
JUSTICE, SUPREME COURT

APPEARANCES:

S. M. DANYARO, ESQ, **FOR THE APPLICANT.**

Y.C. MAIKYAU, SAN, U.O. SULE, SAN, ABDULLAHI
YAHAYA, SAN, WITH ABDULRAHMAN BELGORE, A.I.
WASAGU, M. F. BELGORE, S. U. MADAKI AND Y. J. BAKO,
FOR THE RESPONDENTS.


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Abdullahi Gureema Esq
REGISTRAR
SUPREME COURT OF NIGERIA

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