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ELECTION PETITIONS - Reply - Filing - Right to file a reply by petitioner - Is when respondent raises new issues - Hence appellants' Exhibits 34, 35 & 36 not being reply to new issues - Was rightly struck out (H4) Emerhor v. Okowa p. 1587

ELECTION PETITIONS - Unlawful votes - Proof - Appellants failed to lead credible evidence - To prove unlawful votes allegedly credited to 1st respondent (H5) Emerhor v. Okowa p. 1587

ELECTION PETITIONS - Votes - Accreditation - Proof - Burden of proving non accreditation of votes is on petitioner - Hence CA was wrong to have relied solely on card reader - To nullify appellant's election (H8) Emmanuel v. Umana p. 1631

ELECTIONS - Annulment of - Fresh election - Where court annuls election and there is need to conduct fresh one - Order for fresh election ought to be made - Whether or not it was asked for (H6) Emerhor v. Okowa p. 1587

ELECTIONS - INEC - Powers - Limit - Notwithstanding Electoral Act s. 153 empowering INEC to issue guidelines for election - INEC is not authorized to amend provisions of the Act (H3) Emerhor v. Okowa p. 1587

ELECTIONS - Non compliance with the Act - Nullification - Election shall not be invalidated - If it appears to Election Tribunal that election was conducted substantially in accordance with Electoral Act (H4) Waziri v. Geidam p. 2007

ELECTIONS - Results - Regularity of - Presumption of regularity enjoyed by INEC's results are not rebuttable by postulations - But by cogent credible and acceptable evidence (H6) Emmanuel v. Umana

p. 1631

EVIDENCE - Admissibility - Court is entitled not to place probative value on evidence - Which does not pass the test of cross examination (H9) Emmanuel v. Umana p. 1631

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EVIDENCE - Evaluation - And ascription of weight to evidence is the duty of trial Court - Which heard and observed the demeanor of witnesses - Hence SC and CA do not perform such task (H3) Egharevba v. FRN p. 1543

EVIDENCE - Evaluation - CA findings that Exhibit M was evaluated along side other pieces of evidence cannot be faulted - As the Exhibit being all appellant is hanging on - Cannot confer possession (H2) Ehwrudje v. Warri Local Govt. p. 1563

EVIDENCE - Exhibit - Use of - Party who produces exhibit so that court could utilize it - Must not dump it on the court - But must tie it to relevant aspects of his case (H10) Emmanuel v. Umana p. 1631

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JUDGMENTS - Distinctive nature of - Decision of a court must always be considered in the light of its peculiar facts - As no case is identical to another - But only an authority for what it decides (H2) Udo v. State p. 1971

JUDGMENTS - Perversity - A decision is perverse when inter alia - It ignores or does not follow principle of law - Which is binding (H5) Emmanuel v. Umana p. 1631

JUDICIAL PRECEDENTS - Principle of - Supreme Court and other courts are bound by earlier decisions of the apex court - Where the law and facts in contention are similar (H2) Ogboru v. Okowa p. 1753

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MURDER - Ingredients - Proof - Prosecution must prove that the deceased died - That his death was caused by accused - And that the act of accused causing the death was intentional (H5) Udo v. State p. 1971

PLEADINGS - Averments - Evidence - Averments in pleadings which are unsupported by evidence go to no issue - And must be discounted (H2) Emmanuel v. Umana p. 1631

PROPERTY LAW - Possession - Stall - Even though appellant was in possession at a time - It does not translate to both parties being in concurrent possession - As actual possession was found to be in 2nd respondent (H1) Ehwrudje v. Warri Local Govt. p. 1563

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TRIBUNALS - Code of Conduct Tribunal - Composition - Quorum - By virtue of Interpretation Act s. 28 - Any sitting of the tribunal presided by the chairman and one member - Is valid (H1) Saraki v. FRN p. 1879

TRIBUNALS - Code of Conduct Tribunal - Power - The tribunal has quasi criminal jurisdiction - And as such it can legally issue bench warrant (H2) Saraki v. FRN p. 1879

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(applicable to Delta State), s. 319(1) Okoh v. State p. 1841
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