

IN THE COURT OF APPEAL  
IN THE AKURE JUDICIAL DIVISION  
HOLDEN AT AKURE

DELIVERED ON MONDAY THE 8<sup>TH</sup> DAY OF AUGUST, 2022  
BEFORE THEIR LORDSHIPS

AYORODE O. LOKULO-SODIPE  
HABEEB ADEWALE. O. ABIRU  
YUSUF ALHAJI BASHIR

JUSTICE, COURT OF APPEAL  
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APPEAL NO CA/AK/58/2021

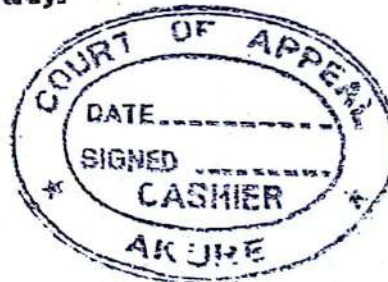
BETWEEN

Alhaji Abdul Kareem Adegboye  
Honorable Adegboye Taiwo Rataq

Appellants

AND

Prince Lawal Oloyede Oyekunle  
(Mogaji/Head of Abioye Ruling House)  
Prince (Mogaji) Ganiyu Ademola Adedeji  
(Mogaji/Head of Awojobi Ruling House)  
Prince Ibranim Adebayo  
(Mogaji/Head of Abinsilo Ruling House of Awo)  
Prince Waheed Jimoh  
(Mogaji/Head of Okunji Ruling House of Awo)  
Adeniji Alimi Sulaiman  
Alarape Akeem Abioye  
Adebayo Abiodun Tajudeen  
The Executive Governor of Osun State  
The Commissioner for Local Government  
& Chieftaincy Affairs  
The Chairman, Egbedore Local  
Government Council  
The Attorney General of Osun State



Respondents

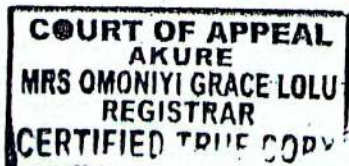


The actions of the Appellants, in conjunction with the eighth to the eleventh Respondents, were in total disregard for this Court and they are contemptuous. This is a proper case for this Court to invoke its disciplinary powers against the Appellants. Now, what is this Court to do in the circumstances? In answering this question, Kalgo, JCA, (as he then was) stated in the case of Ezegbu Vs First African Trust Bank Ltd *supra* at page 736C-E thus:

"What then is the remedy of the Court where it finds itself in this situation? I have earlier said that any court found in the same situation would frown against it. I also add that the Court must in addition take positive and mandatory step in order to instill judicial discipline on the erring party and in order to maintain, restore and preserve the dignity and respect of the Court. This includes the undoing of what has been done by the erring party irrespective of what the Court will decide on the merits, when the matter is properly heard. ..."

In other words, this Court has the power to undo what the Appellants did in abuse of the process of the Court in an attempt to overreach and present the Court with a *fait accompli* – Vaswani Trading Co Ltd Vs Savalakh & Co (1972) 12 SC 77, Ivory Merchant Bank Ltd Vs Partnership Investment Ltd (1996) 5 NWLR (Pt 448) 362, Unipetrol (Nig) Plc Vs Abubakar (1997) 6 NWLR (Pt 509) 470, Effiom Vs Ironbar (2000) 3 NWLR (Pt 650) 545, Bass & Matt Enterprises (Nig) Ltd Vs Keystone Bank Ltd *supra*, All Progressive Congress Vs Karfi *supra*. This Court will make consequential orders in this appeal to do exactly this and these are orders that this Court can make without the first to the fourth Respondents having formally asked for them. They are aimed at punishing the contemptuous actions of the Appellants, aided by the eighth to the eleventh Respondents – Registered Trustees, Apostolic Church Vs Olowoleni *supra* at 538-539G-B.

This Court notes that the Appellants could not have acted as they did without the advice, support, and active connivance of their Counsel. This fact is obvious from the attitude displayed by Counsel in deposing a counter affidavit to admit the assertions of the facts made by Counsel to the first to fourth Respondents and in continuing to represent the Appellants without any obvious discomfiture at their actions. Perhaps more preposterous is the participation of the eleventh Respondent, the Attorney General of Osun State, the supposed Chief Legal Adviser of the State, in the whole saga. This is not right. It is unexplainable and cannot engender public confidence in our justice system. We must never lose sight of the fact that justice is rooted in public



confidence and the moment members of the society lose confidence in the system of administration of justice, a descent to anarchy begins.

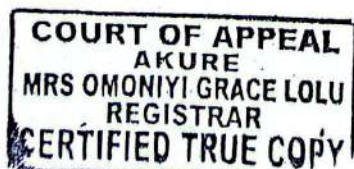
Lawyers as operators of the administration of justice system owe a duty, to the society that nurtured them and made them what they are, to ensure that they conduct their activities in a manner that edifies and brings honor, respect and belief to the justice system. They should not allow themselves to be used by litigants to bring the justice system into disrepute. It is pertinent that this Court reminds Counsel of the eternal words of a great jurist J Wesley McWilliams who writing in an American Bar Association Journal in January 1955 (41 ABA 18) wrote in an article he titled "*The Law as a Dynamic Profession*" thus:

"We belong to an ancient, to a great, to an honored profession. The practice of Law is a worthy calling. It has rewarded us with financial success and with prestige and leadership in our communities. It has given us much happiness and the good life. From it we have received the gratitude and respect of our friends and neighbors whom we have served. Our word affords intellectual pleasure with dignity and independence, in competition with our fellow Lawyers with whom we have cemented warm friendships and enjoyed happy companionships. For these blessings, we cannot but have a sense of gratitude and of obligation. The most productive, unselfish and wholly satisfying repayment of the obligation is constructive work to increase the effectiveness of our judicial system and the welfare of the profession."

The more Counsel imbibe and abide these admonitions, the better the justice delivery system becomes and the more fulfilling the sacrifice put in by the stakeholders in the system is. It is hoped that Counsel to the Appellants and the eleventh Respondent will learn from this and not make themselves willing tools in the hands of all and every type of people in future.

In conclusion, this Court finds and holds that this appeal lacks merit and is totally misconceived. It is hereby dismissed and the decision of the High Court of Osun State in Suit No HOS/84/2020 contained in the Ruling delivered by Honorable Justice O. A. Ayoola on the 13<sup>th</sup> of January, 2021 is affirmed. This Court further orders as follows:

- i. An order is hereby made setting aside the selection, the appointment, the approval and the installation of the second Appellant, Honorable Adegboye



Taiwo Rasaq, as the Alawo of Awo, some of which acts were carried out by the eighth to the eleventh Respondents, and they were carried out after this appeal had been entered on the 25<sup>th</sup> of June 2021 and was pending before this Court and the second Appellant is directed to vacate the stool forthwith.

- ii. The second Appellant, Honorable Adegboye Taiwo Rasaq, is hereby restrained from parading himself as or performing any of the functions of the Alawo of Awo or wearing or displaying any insignia of the office of Alawo of Awo, including beads, crowns and all other paraphernalia of the stool pending the final determination of this action by the lower Court.

The Appellants are directed to file their pleadings within twenty-one days of today and the case file is remitted to the lower Court for the continuation of proceedings in the matter. The lower Court is enjoined to accord the matter an accelerated hearing. The first to the fourth Respondents are each awarded the cost of this frivolous, mischievous and vexatious appeal assessed at N200,000.00 against the Appellants. These shall be the orders of this Court.

**HABEEB ADEWALE OLUMUYIWA ABIRU**  
**JUSTICE, COURT OF APPEAL**

Olamiposi Egbedini

Kehinde Adesiyani with A. L. Idris

Ambali Adisa, Dir. PD&CR, MoJ Osun State

No appearance for the 5<sup>th</sup> to the 7<sup>th</sup> Respondents

for the Appellants

for the 1<sup>st</sup> – 4<sup>th</sup> Respondents

for the 8<sup>th</sup> – 11<sup>th</sup> Respondents



18/8/22