

**IN THE COURT OF APPEAL**  
**HOLDEN AT BENIN CITY**

**APPEAL NO: XXX**

**BETWEEN:**

**MR. AB** ..... **APPELLANT/RESPONDENT**

**AND**

- |   |   |                               |
|---|---|-------------------------------|
| <b>1. THE GOVERNOR OF EDO STATE</b>     | } | <b>RESPONDENTS/APPLICANTS</b> |
| <b>2. ATTORNEY-GENERAL OF EDO STATE</b> |   |                               |

**MOTION ON NOTICE**  
**BROUGHT PURSUANT TO ORDER 3, RULE 4 OF THE COURT OF APPEAL**  
**RULES, 2002 AND UNDER THE INHERENT JURISDICTION AND**  
**POWERS OF THE COURT**

**TAKE NOTICE** that this Honourable Court will be moved on ..... the ..... day of ..... 2006, at the hour of 9 0' clock in the forenoon or so soon thereafter as Counsel can be heard on behalf of the Respondents / Applicants herein, praying this Honourable Court for the following orders:

1. An Order for extension of time, within which to file the Respondents' Brief of Argument, the time allowed by the Rules, having expired;
2. To deem as filed and served, the said Respondent's Brief of Argument, attached and referred to as Exhibit 'A', in the affidavit in support of this motion;
3. For such further order or other orders, as this Honourable Court may deem fit to make in the circumstances of this case.

DATED AT BENIN CITY, THIS ..... DAY OF ..... 2006

**GURU GURU ESQ.**  
LEGAL OFFICER,  
FOR: RESPONDENTS / APPLICANTS

**FOR SERVICE ON:**

THE APPELLANT / RESPONDENT

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| <b>2. ATTORNEY-GENERAL OF EDO STATE</b> |   |                               |

**AFFIDAVIT IN SUPPORT OF MOTION**

I, **GURU GURU (M)**, Nigerian, Christian, Legal Officer in the Edo State Ministry of Justice, do hereby make oath and state as follows:-

1. That I am the Legal Officer assigned to prepare the papers in respect of this appeal.
2. That I am very conversant with the facts of this case.
3. That I have the consent and the authority of the Respondents / Applicants to depose to this affidavit.
4. That the Appellant's Brief of Argument was served on the Ministry of Justice on the 31st of May, 2005.
5. That the time granted to the Respondents / Applicants under the Rules, to file their Brief of Argument, has since expired.
6. That the delay in filing the Respondent's Brief within time was due to some serious logistic problems in the Ministry, arising from acute shortage of stationeries.
7. That I had to use my personal funds to prepare the Respondent's Brief of Argument, which I hereto attach as Exhibit 'A'.
8. That the delay in filing our Brief was neither deliberate nor an attempt to frustrate the hearing of this appeal.

9. That it will be in the interest of justice to grant this application.
10. That I depose to this affidavit in good faith to the best of my knowledge, information and belief and in accordance with the provisions of the Oaths Act, Laws of the Federation of Nigeria, 1990.

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**DEPONENT**

**Sworn to at the Court of Appeal Registry, Benin City,  
this ..... day of ..... 2006.**

**BEFORE ME:**

**COMMISSIONER FOR OATHS**