

IN THE COURT OF APPEAL OF SIERRA LEONE

BETWEEN:-

IN THE MATTER OF PRECIOUS MINERALS
MARKETING COMPANY(SIERRA LEONE) LIMITED
A N D

IN THE MATTER OF THE COMPANIES ACT CAP. 249
SHEIK ABDULAI ABDULKALIQ BIN-RAFAAH - APPLICANT/RESPONDENT

A N D
PRECIOUS MINERALS MARKETING
COMPANY (SIERRA LEONE) LIMITED -RESPONDENT/APPLICANT

CORAM:-

- Hon. Mr. Justice N.D. Alhadi - J.A.
- Hon. Mr. Justice M.E. Tolla-Thompson - J.A.
- Hon. Mr. Justice F.C. Gbow - J.A.

DUNSTANT S. VINCENT FOR THE APPELLANT/RESPONDENT
F.M. CAREW FOR THE RESPONDENT/APPLICANT

RULING DELIVERED THIS 6th DAY OF JUNE, 2000

ALHADI J.A.

By Notice of Motion dated the 30th day of May, 2000 the Respondent/Applicant seeks the following Order. "For an order staying all further hearing and determination of this Appeal until the Proposed Appeal to the Supreme Court of Sierra Leone is heard and determined."

In support of the application the learned solicitor for the Appellant/Respondent has filed an affidavit in which he deposed to reasons why a stay should be granted. By his Supplemental Affidavit he has intimated the court that he has filed the Notice of Appeal to the Supreme Court pursuant to Section 123(1) of the Constitution, Act No.6 of 1991.

The solicitor for the Applicant/Respondent has filed an affidavit opposing the application. He has deposed that no special circumstances have been disclosed in the affidavit evidence in support of the application.

We have considered the arguments on both sides and we are of the view that where the decision of the superior court will go to the jurisdiction of this court adjudicating in a matter before it, it is a good reason why such proceedings should be stayed until the outcome of the proceedings in the superior court. We therefore grant the order that the appeal proceedings in this matter be stayed until the appeal now pending in the Supreme Court be heard and determined.

Costs in the cause.

Alhadi (Sgd) Hon.Mr. Justice N.D.Alhadi-J.A.
 I agree *Tolla* Hon. Mr. Justice M.E. Tolla-Thompson-J.A.
 I agree *F.C. Gbow* Hon. Mr. Justice F.C. Gbow - J.A.