

C.C. 318/02

2002

T No. 10

IN THE HIGH COURT OF SIERRA LEONE  
LAND AND PROPERTY DIVISION

BETWEEN:

SUBUOLA O THOMPSON -

PLAINTIFFS

AKIBAJA AKITOYE AKIWANDE AKIWUMI

(EXECUTORS OF THE ESTATE OF AKIWNANDE AKIWUMI

BY THEIR ATTORNEY AKILANO MODUPE AKIWUMI)

AND

- DEFENDANTS

1. MRS SUSAN HUGHES

2. KAI BANYA

3. FRANK B SHARKA

4. AUGUSTINE SAHR SHEKU

MR SIDIE M TUNIS & MRS NABEELA F TUNIS

- APPLICANTS

COUNSEL:

BERTHAN MACAULEY JNR. for the Plaintiffs

C J PEACOCK ESQ for 1<sup>st</sup> and 4<sup>th</sup> Defendants

2<sup>nd</sup> and 3<sup>rd</sup> Defendants absent and unrepresented

BEFORE THE HONOURABLE MR JUSTICE NC BROWNE-MARKE

JUSTICE OF APPEAL

ORDERS MADE THE 10<sup>TH</sup> DAY OF DECEMBER, 2012

UPON READING the Notice of Motion dated the 22 day of November, 2012  
filed by SIDIE M TUNIS and NABEELA F TUNIS jointly, and the affidavit in  
support thereof deposed and sworn to IBRAHIM KANU on the same day; AND  
UPON HEARING the said IBRAHIM KANU ESQ of Counsel for the said  
Applicants; BERTHAN MACAULEY JNR of Counsel for the Plaintiffs; and C J  
PEACOCK ESQ of Counsel for the 1<sup>st</sup> and 4<sup>th</sup> Defendants, the 2<sup>nd</sup> and 3<sup>rd</sup>  
Defendants being absent and unrepresented;

IT IS THIS DAY ORDERED as follows PURSUANT TO ORDER 18 RULE 4(1)  
AND RULE 6(2)(b) OF THE HIGH COURT RULES, 2007:

1. Leave is Granted to the Applicants herein, MR SIDIE M TUNIS & MRS  
NABEELA F TUNIS to be joined as 5<sup>th</sup> and 6<sup>th</sup> Defendants respectively, in the  
Action herein.

2. Consequentially, the Plaintiffs are Granted Leave to further amend the amended writ of summons herein issued on 19 April, 2002 so as to add as Defendants therein, the said MR SIDIE M TUNIS as 5<sup>th</sup> Defendant, and the said MRS NABEELA F TUNIS as 6<sup>th</sup> Defendant therein. The further amended writ of summons shall be filed and served within 10 days of the date of this Order.

3. The new 5<sup>th</sup> and 6<sup>th</sup> Defendants shall enter appearance to the amended writ of summons within 20 days of the date of this Order.

4. They are also granted Leave to file and serve their respective statements of defence or joint statement of defence, within 25 days of the date of this Order. As the trial is in progress, with the 2<sup>nd</sup> presenting his case, all documents to be relied on by the new 5<sup>th</sup> and 6<sup>th</sup> Defendants at the trial, shall be filed and served at the time of filing of their respective defences or joint defence

5. The Plaintiffs shall, if they so desire, file and serve a Reply to the 5<sup>TH</sup> and 6<sup>th</sup> Defendants statement or statements of defence within 30 days of the date of this Order. Pleadings shall be deemed closed again, after such filing.

6. All documents filed herein by the Plaintiffs, shall be served on 5<sup>th</sup> and 6<sup>th</sup> Defendants, and, if they have entered appearance by a Solicitor or Solicitors, on such Solicitor and Solicitors, at least 7 days before the adjourned date of the trial.

7. Since 5 days have elapsed since the hearing of the Application herein, the trial shall now continue on 15<sup>th</sup> January, 2013 instead of 8<sup>th</sup> January, 2013 as indicated by the Court at that hearing.

8. The Costs of this Application, and/or occasioned by the Orders made herein, shall be borne by the 5<sup>th</sup> and 6<sup>th</sup> Defendants, such Costs to be Taxed if not agreed.



THE HONOURABLE MR JUSTICE N C BROWNE-MARKE