



IN THE HIGH COURT OF SIERRA LEONE
COMMERCIAL & ADMIRALTY DIVISION
FAST TRACK COMMERCIAL COURT



Case No: FTCC 035/16

BETWEEN:

YOURS (SL) LIMITED

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PLAINTIFF/RESPONDENT

AND

PAH INTERNATIONAL CO. LTD

-

DEFENDANTS/APPLICANTS

PA. SANTHIKIE MAMBAY KANU

REPRESENTATION

YADA WILLIAMS & ASSOCIATES

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COUNSELS FOR THE PLAINTIFF

BEFORE THE HON. MR. JUSTICE SENGU M. KOROMA
JUDGMENT DELIVERED ON THE DAY OF APRIL, 2016.

JUDGEMENT

1. This is an application by way of Judges Summons dated the 3rd day of March, 2016 for the following orders:-
 - a. That Judgment be entered for the Plaintiff pursuant to Order 16 of the High Court Rules, 2007 for the following:-
 - i. Recovery of the sum of Le 219,000,000.00
 - ii. Damages for breach of contract
 - iii. Damages for fraud
 - iv. Interest
 - v. Further or other reliefs
 - vi. Costs
2. At the hearing of the Application, the Plaintiff/Applicant relied on the affidavit of Ibrahim Kargbo Sworn to on the 3rd March, 2016 together with the following exhibits attached thereto:
 - Exhibits "A" and "B" - Copies of the Writ of Summons and the statement of claim
 - Exhibits "C" and "D" - Copies of the Memorandum and Notice of Appearance
 - Exhibit "E" - Copy of Purchase Agreement between the parties
 - Exhibit "F" - Copy of Request made dated 8th April, 2014 by the 2nd Defendant to his Bank for the outstanding sum of Le 219,000,000.00 to be paid over to the Plaintiff.
 - Exhibit "G", "H", "J" - Copies of cheques issued by the 2nd Defendant acting for and on behalf of the 1st Defendant to the Plaintiff.
3. Mr. Bernard E. Jones, Counsel for the Plaintiff in his submission relied on paragraphs 6-12 of the affidavit in support herein. He argued that the debt was not in dispute as by exhibits F, G,H and J, the Defendants purported to discharge their indebtedness but the said negotiable instruments were dishonoured. Mr. Bernard Jones finally referred this court to paragraph 17 of the affidavit in support in which the deponent swore that he had been informed by the firm of Yada Williams and Associates and verily believe that the Defendants do not have any defence to this action. Indeed, the Defendants did not file any defence.
4. Order 16 of the High Court Rules, 2007 provides for the preliminary requirements for an application for Summary Judgment. These are as follows:-
 - a. The Defendant must be served with a statement of claim and has entered appearance.
 - b. The Plaintiff may, on notice apply to the court for Judgment against the Defendant on the ground that the Defendant has no defence to a claim outlined


in the Writ, or to a particular part of the claim except as to the amount of any damages claimed.

- c. The application shall be made by summons supported by affidavit verifying the facts on which the application is based and that in the deponent's belief, there is no defence to that claim. In the instant case, the Defendant^s have not filed any defence to the action. In any event exhibits F,G,H and J ^{have} established that the Defendants attempted to repay the exact amount of money being claimed by the Plaintiff.

5. From the affidavit evidence and submission of Counsel for the Plaintiff, the standard procedure to be followed in an application for Summary Judgment has been complied with. The Plaintiff has therefore proved its claim on a balance of probabilities and is entitled to Judgment.

6. For the reasons given above, I hereby order as follows:-

- a. That Judgment be entered for the Plaintiff in the sum of Le 219,000,000.00 (Two Hundred and nineteen Million Leones)
- b. Damages for breach of contract to be assessed
- c. Damages for fraud to be assessed
- d. Interest to be assessed.
- e. No order as to costs at this stage.


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Signed: Justice Sengu Koroma, J