

C.C.87

2018

B.

NO.6

IN THE HIGH COURT OF SIERRA LEONE
(LAND AND PROPERTY DIVISION)

BETWEEN:

MS. MARIE B. BANGURA
2VI SMART LANE
NEW ENGLAND
FREETOWN

-

PLAINTIFF

AND

MRS. MARIE RAWLINGS KAMARA
2V SMART LANE
FREETOWN.

-

DEFENDANT

COUNSEL:

E. KARGBO ESQ

-

DEFENDANT/APPLICANT

A.B. LANSANA ESQ

-

PLAINTIFF/RESPONDENT

BEFORE THE HONOURABLE MS. JUSTICE F. BINTU ALHADI J.

RULING DELIVERED ON THE 3rd OCTOBER 2018

IN THE HIGH COURT OF SIERRA LEONE
(LAND AND PROPERTY DIVISION)

BETWEEN:

MS. MARIE B. BANGURA

- PLAINTIFF/RESPONDENT

AND

MRS. MARIE RAWLINGS KAMARA

- DEFENDANT/APPLICANT

RULING

The Applicant's action commenced by a motion dated the 12th day of June 2018 seeking the following Orders:-

1. That the Court grant an interim stay of proceedings pending the hearing and determination of this application.
2. That the Court grant an Order striking out the Writ of Summons dated the 28th day of March 2018 for the following irregularities:
 - (i) That the writ of summons issued and served on the defendant herein discloses no reasonable cause of action and the claim is totally uncertain.
 - (ii) That the writ of summons was never issued out of the Master's Office or a District Registry as required by the High Court Rules.
3. Any other or Orders that the Court may deem just.
4. Costs.

In opposing the Application, Mr. Lansana argued inter alia that, Mr. Kargbo referred to a survey plan that had no bearing to the matter before the court. He said that it had no L.S. number and that the date on the document Exhibit 'MRK3' is 10th May 2017; whilst his document is 28th November 2007 and his L.S. number is LS2144/07. He submitted that his document was sealed and signed in consonance with Order 6 rule 11 of the High Court Rules 2007.

He however admitted that the seal was not clear and that he could not tell whether it was from the Registry. Mr. Lansana argued that his client must not suffer for the "bad job" of the Registry.

DECISION OF THE COURT

The Court
3/10/2018

I have carefully examined the matter before the Court; and I agree with the arguments of Mr. E. Kargbo. It is correct that exhibit "MRK 3", which is conveyance, attached to the affidavit of Mariama Rawlings Kamara sworn to on the 12th day of June 2018, is between the Government of Sierra Leone and a Mr. Femi Arnold Coker; which certainly has no relationship with Marie Bangura. Furthermore, there is nothing before pointing out that Marie Bangura has a power of attorney, which would qualify her to be acting in a representative capacity.


I am also of the view that the seal of the Court Registry is not affixed on the Writ of Summons; which brings into question whether it was properly issued before it was served on the defendant.

As mentioned earlier, I have carefully reviewed all of the documents submitted to this Court by both parties; and I am amazed that both senior counsel would abuse the Court's process and time by presenting frivolous, irrelevant and scandalous documents to the Court. It is evident that the transactions on both sides are suspect and should not have been brought before the court in the first place.

CONCLUSION

In view of the above stated,

1. The Writ of Summons dated the 28th day of March 2018 intituled CC87 2018 B. No. 6 Between Marie B. Bangura And Marie Rawlings-Kamara is HEREBY STRUCK OUT.
2. Each party bear its own costs.



Hon. Ms. Justice F. Bintu Alhadi J.

Dated: 3rd October 2018.