

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

BETWEEN:

ALLIEU BAMBA  
SUING BY HIS ATTORNEY  
ARUNA BAMBA  
NO. 16 ADOLPHUS STREET  
CLINE TOWN  
FREETOWN.

- PLAINTIFF/APPLICANT

AND

MR. MOHAMED BANGURA  
10 SHENGBENDEH DRIVE  
JUBA HILL  
FREETOWN.

- DEFENDANT/RESPONDENT

BEFORE THE HON. MR. JUSTICE JOHN BOSCO ALLIEU, J.A.

RULING DATED THE 6<sup>th</sup> DAY OF JUNE 2023.

COUNSEL:

K.R. SAWANEH FOR THE PLAINTIFF/APPLICANT  
E. KARGBO FOR THE DEFENDANT/RESPONDENT

RULING

I

By Notice of Motion dated 15<sup>th</sup> March 2023, Counsel for the Plaintiff/Applicant, K.R. Sawaneh Esq. applied for the following Orders:

1. That this Hon. Court strikes out the Statement of Defence filed by the Defendant/Respondent on the 2<sup>nd</sup> day of April 2015 and that Judgment be entered for the Plaintiff/Applicant herein against the Defendant for the reliefs claimed by the Plaintiff in the Writ of Summons dated 25<sup>th</sup> February 2015 to wit:
  - a) A declaration that the Plaintiff is the fee simple owner of all that piece or parcel of land and hereditaments situate lying and being at Off Main Motor Road, Juba Hill, Freetown, in the Western Area of the Republic of Sierra Leone which is more particularly delineated on Survey Plan marked L.S. No. 1067/2001 and attached to Conveyance dated the 27<sup>th</sup> day of June 2001 duly registered as No. 853/2001 at page 72 in volume 543 of the Record Books of Conveyances kept at the Registrar General's Office in Freetown.

- b) Immediate recovery of possession of the said piece or parcel of land situate lying and being at Off Main Motor Road, Juba Hill, Freetown, in the Western Area of the Republic of Sierra Leone which is more particularly delineated on Survey Plan marked L.S. No. 1067/2001 and attached to Conveyance dated the 27<sup>th</sup> day of June 2001 duly registered as No. 853/2001 at page 72 in volume 543 and Conveyance dated the 15<sup>th</sup> March 2001 and registered as No. 400/2001 in volume 540 at page 96 of the Record Books of Conveyances kept at the Registrar General's Office in Freetown.
  - c) Damages for Trespass
  - d) An injunction restraining the Defendant whether by himself, his servants, agents, privies, or howsoever called from entering or remaining on the said piece or parcel of land or any portion thereof or interfering with the Plaintiff's use and enjoyment of the said land or from disposing of the said land or any portion thereof by any reason whatsoever.
  - e) Any further relief (s) that this Hon. Court may deem fit and just.
  - f) Costs.
2. Any other Order(s) as this Hon. Court deem fit and just.
  3. Costs.

In support of his Application is the Affidavit of Aruna Bamba sworn to on 15<sup>th</sup> March 2023 to which the following Exhibits are attached:

- |                |   |   |
|----------------|---|---|
| “AB1”          | - | Power of Attorney dated 25 <sup>th</sup> October 2014.  |
| “AB2 A & B”    | - | Writ of Summons instituting this action dated 25 <sup>th</sup> February 2015 and the Amended Writ of Summons pursuant to Court Order dated 20 <sup>th</sup> May 2016.   |
| “AB3 A, B & C” | - | Notice and memorandum of Appearance dated 6 <sup>th</sup> March 2015 and statement of defence dated 2 <sup>nd</sup> April 2015 all filed by the Defendant's Solicitor for and on his behalf.  |
| “AB4”          | - | Reply dated 18 <sup>th</sup> July 2016.   |
| “AB5”          | - | Court Bundles filed for and on behalf of the Plaintiff/Applicant herein pursuant to Court Orders dated 8 <sup>th</sup> May 2018 and 19 <sup>th</sup> July 2022 respectively but with solicitor for the Defendant/Respondent willfully failing and or neglecting to comply with the said Court Orders. |

Counsel for the Plaintiff/Applicant made this Application pursuant to Order 17 rule 1(1) (a) & (b) of the High Court Rules 2007.

## II

Counsel for the Defendant, E. Kargbo Esq, on Tuesday 4<sup>th</sup> April 2023, informed this Hon. Court that he could not recall the identity of his client, the Defendant, and advised this Hon. Court that Notices of hearing be served on the occupiers of the premises and which will ultimately lead to the identification of the Defendant.

The said notices were served but the Defendant did not show up.

This file was then withdrawn for ruling on 25<sup>th</sup> April 2023.



### III

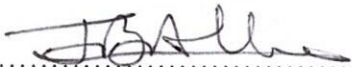
I have considered that this is a proper Application pursuant to Order 17 rule 1(1) (a) & (b) of the High Court Rules 2007 which states as follows:

“The Court may on the application of a party or of its own motion determine any question of law or construction of any document arising in any cause or matter at any stage of the proceedings where it appears to the Court that –

- (a) the question is suitable for determination without a full trial of the action; and
- (b) the determination will finally determine subject only to any possible appeal, the entire cause or matter or any claim or issue in the cause or matter;

Based on the foregoing I hereby find for the Plaintiff/Applicant and ORDER as follows:

1. That Judgment is hereby entered for the Plaintiff/Applicant herein against the Defendant/Respondent for the reliefs claimed by the said Plaintiff/Applicant in his Writ of Summons dated 25<sup>th</sup> February 2015 and its amendment made thereof by virtue of Court Order dated 20<sup>th</sup> May 2016 to wit:
  - a) That the Plaintiff is the fee simple owner of all that piece or parcel of land and hereditaments situate lying and being at Off Main Motor Road, Juba Hill, Freetown, in the Western Area of the Republic of Sierra Leone which is more particularly delineated on Survey Plan marked LS No. 1067/2001 and attached to Conveyance dated the 27<sup>th</sup> day of June 2001 duly registered as No. 853/2001 at Page 72 in Volume 543 of the Record Books of Conveyances kept at the Registrar General's office, Freetown.
  - b) That the Plaintiff recover immediate possession of the said piece or parcel of land situate lying and being at Off Main Motor Road, Juba Hill, Freetown, in the Western Area of the Republic of Sierra Leone which is more particularly delineated on Survey Plan marked L.S. No. 1067/2001 and attached to Conveyance dated the 27<sup>th</sup> day of June 2001 duly registered as No. 853/2001 at page 72 in volume 543 and Conveyance dated the 15<sup>th</sup> March 2001 and registered as No. 400/2001 in volume 540 at page 96 of the Record Books of Conveyances kept at the Registrar General's Office in Freetown
  - c) That the Plaintiff be entitled to damages for Trespass which said Damages to be assessed and taxed accordingly.
  - d) An injunction is hereby granted restraining the Defendant whether by himself, his servants, agents, privies, or howsoever called from entering or remaining on the said piece or parcel of land or any portion thereof or interfering with the Plaintiff's use and enjoyment of the said land or from disposing of the said land or any portion thereof by any reason whatsoever.
  - e) Costs of this Application to be costs in the cause.



HON. JUSTICE JOHN BOSCO ALLIEU, J.A.