

IN THE HIGH COURT OF SIERRA LEONE  
CIVIL JURISDICTION  
(LAND, PROPERTY & ENVIRONMENT DIVISION)

BETWEEN:

SORIE SANKOH — PLAINTIFF/APPLICANT  
(SUNG BY HIS ATTORNEYS MRS. DEBORAH OCTAVIA WILLIAMS  
& MR. OUSMAN SANKOH)  
NO. 13, ANNIE WALSH STREET  
FREETOWN

AND

MARIE JALLOH — DEFENDANTS/RESPONDENTS  
ALHAJI SESAY  
KINNY SANDY  
HASSAN BANGURA  
YABOM KAMARA  
ALIMU JALLOH  
SIKA STEVENS STREET  
OLD WHARF, WELLINGTON  
FREETOWN

REPRESENTATION:

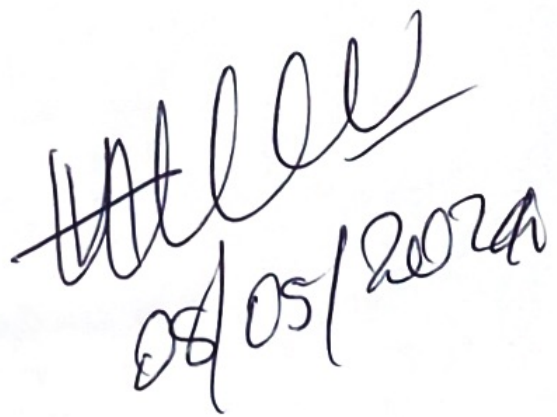
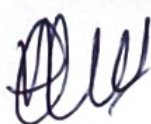
K.R. Sawanneh Esq. — Plaintiff/Applicant

Fornah-Sesay, Cummings, Showers & Co. - (Solicitors on record for Defendants/Respondents)

Ruling Delivered by the

Hon. Mrs. Justice Amy J. Wright J.

on the *8th* day of *May* .....202*1*



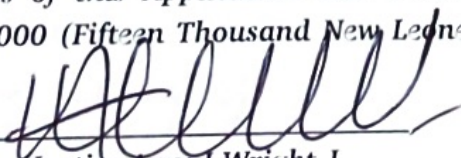


1. The Application before this Court is by way of a Judge's Summons dated the 8th day of October 2021 filed for and on behalf of the Plaintiff/Applicant herein for the Orders as prayed for on the face of the Judges Summons and as contained in the Plaintiff's Statement of Claim endorsed in the Writ of Summons (commencing this action) dated the 24th day of June 2021 to wit: (1) A Declaration that the Plaintiff is the fee simple Owner and entitled to possession of all that piece or parcel of Land and hereditaments situate lying and being at Siaka Stevens Street, Old Wharf, Wellington, Freetown in the Western Area of the Republic of Sierra Leone by virtue of a Deed of Conveyance dated the 23rd day of October 1990 registered as No. 1501/90 in Volume 443 at page 98 in the Record Books of Conveyances kept in the Office of the Administrator & Registrar-General in Freetown measuring an area of 1.2006 Acres or thereabouts on a Survey Plan numbered L.S.2306/90 dated the 10th day of October 1990. (2) Immediate recovery of possession of the Plaintiff's Land which is being claimed by the Defendants. (3) Damages for Trespass and wrongful entry upon the said Land. (4) Delivery up and cancellation of any conflicting Deeds, Instruments, Plans and other documents and consequential rectification of all appropriate Registers. (5) An Injunction to restrain the Defendants whether by themselves, their servants, agents, privies, assigns or howsoever called from entering, remaining upon or in any way interfering with the Plaintiff's said property. (6) Further or other consequential Order(s) that this Honourable Court deems fit and just. (7) Costs.
2. The Application is supported by the affidavit of Deborah Octavia Williams sworn to on the 8th day of October 2021 with several exhibits attached thereto. The Deponent in the said affidavit deposes that this matter was commenced by way of a Writ of Summons dated the 24th day of June 2021 which was duly served on the Defendants/Respondents herein and an Appearance was entered for and on their behalf on the 16th day of July 2021. It is further deposed that on the 5th day of October 2021, a search was conducted at the Office of the Master & Registrar of the High Court and the search revealed that no defence was filed for and on behalf of the Defendants/Respondents and it was only a Notice and Memorandum of Appearance that was filed on their behalf. She further deposed that she believes that the Defendants/Respondents have no defence to the action herein and justice would be well served if Summary Judgment is entered in favour of the Plaintiff/Applicant in order to save time and costs.
3. Counsel for the Plaintiff/Applicant relied on the entirety of the affidavit in support and asked the Court to grant the Application as prayed for to enable the Plaintiff regain possession of his property. There was no affidavit in opposition on file to the Application herein.
4. *Order 16 R (1) of the High Court Rules 2007 provides that: "where in an action to which this rule applies a Defendant has been served with a statement of claim and has entered appearance, the plaintiff may, on notice apply to the Court for judgement against the Defendant on the grounds that the Defendant has no defence to a claim included in the Writ or to a particular part of the claim except to the amount of any damages claimed" Order 16 Rule 3 (1) provides that "unless on the hearing of an application under Rule 1, either the Court dismisses the application the defendant satisfies the Court with respect to the claim or the part of a claim to which the application relates, that there is an issue or question in dispute which ought to be tried or that there ought for some other reason to be a trial of that claim or part, the Court may give such judgement for the plaintiff against that defendant on that claim or part, the Court may give such judgement for the plaintiff against that Defendant on that claim or part as may be just having regard to the nature of the remedy or relief claimed" Order 16 R 4 (1) provides that "A defendant may show cause against an application under Rule 1 by affidavit or otherwise to the satisfaction of the Court"*
5. To succeed on an Order 16 Application, the Applicant must establish that there is no defence to the claims made by the Plaintiff/Applicant and that there are no triable issues to the matter before the Court. The Defendant/Respondent on the other hand, must state in affidavit and in argument that there is indeed a



case for trial. I refer to paragraph 14/1/4 at page 165 of The Annual Practice 1999 edition where the test and powers of the Court to grant an Order under a Summary Judgment are clearly stated to wit:- (i) A statement of claim must have been served on the Defendant which was done in this instant case. (ii) The affidavit in support of the Application must comply with the Rules. In this case, the affidavit in support of the Application herein deposed to by Deborah Octavia Williams is in compliance with the High Court Rules 2007. The Defendant must give notice to defend the cation against him. (iii) A Notice & Memorandum of Appearance was duly filed on the 16th day of July 2012 for and on behalf of the Defendants/Respondents. In this instant case, the Plaintiff/Applicant has fulfilled all the requirements for obtaining a Summary Judgement under Order 16 of the HCR 2007. On the facts of the case before this Court, can I say that there are no issues or questions in dispute which ought to be tried, there does not seem to be any as the Defendants have not filed a defence to the claims against them, neither is there an affidavit in opposition on file to the Application herein.

6. In light of the above, I can safely conclude that as the Defendants/Respondents have not filed a defence to the Plaintiff/Applicant's claims thus in effect, they have no defence to the said claims whatsoever and the Plaintiff/Applicant is entitled to Summary Judgement and I so hold. I shall accordingly grant the Orders as prayed for in the Plaintiff/Applicant's Application.
7. In the Premises Whereof AND UPON READING the Judges Summons dated the 8th day of October 2021 filed for and on behalf of the Plaintiff/Applicant herein and the supporting affidavit sworn to on the 8th day of October 2022 together with the exhibits attached thereto and filed therewith; AND UPON HEARING K. R. Sawanneh Esq. of Counsel for the Plaintiff/Applicant herein IT IS THIS DAY HEREBY ADJUDGED AND ORDERED As Follows:
  8. Judgement is hereby entered in favour of the Plaintiff/Applicant against the Defendants/Respondents in respect of the statement of claim endorsed in the Plaintiff/Applicant's Writ of Summons dated the 24th day of June 2021 to wit:
    - (a) the Plaintiff/Applicant herein is hereby declared to be the Fee Simple Owner and the Person entitled to possession of all that piece or parcel of land and hereditaments situate lying and being at Siaka Stevens Street, Old Wharf, Wellington Freetown in the Western Area of the Republic of Sierra Leone by virtue of a Deed of Conveyance dated the 23rd day of October 1990 registered as No.1501/90 in Volume 443 at page 98 in the Record Books of Conveyance kept in the Office of the Administrator & Registrar-General in Freetown measuring an area of 1,2006 Acres or thereabouts on a Survey Plan No. L.S.2306/90 dated the 10th day of October 1990.
    - (b) The Plaintiff /Applicant shall recover immediate vacant possession of the property described in a above.
    - (c) Damages for trespass and wrongful entry upon the property described in a above assessed at NL~~e~~. 15,000 (Fifteen Thousand New Leones) payable not less than three (3) days of the date of this Order.
    - (d) The Defendants/Respondents shall deliver all and any Deeds, Instruments, Survey Plans and any other documents which conflict with the title deeds of the Plaintiff/Applicant and the Administrator & Registrar-General shall, by virtue of this Judgement remove, cancel and expunge all said deeds in her Registers.
    - (e) An Injunction is hereby granted against the Defendants/Respondents whether by themselves, their servants, agents, privies and assigns or howsoever called from entering upon, remaining upon or in any way interfering with the Plaintiff/Applicant's property described in a above.
    - (f) Costs of this Application and incidentals is in favour of the Plaintiff/Applicant assessed at NL~~e~~.15,000 (Fifteen Thousand New Leones) payable not less than three (3) days of the date of this Order.

  
Hon. Mrs. Justice Amy J. Wright J

08/09/2021