

IN THE HIGH COURT OF SIERRA LEON

(LAND, PROPERTY AND ENVIRONMENTAL DIVISION)

BETWEEN:

ABIBATU CONTEH - PLAINTIFF

AND

FODAY SESAY & OTHERS - DEFENDANT

COUNSEL

S. Will Esq. for Plaintiff

L. J. Kamara Esq for the Defendants

RULING DELIVERED THIS <sup>29</sup> DAY OF FEBRUARY 2024 BY HONOURABLE MRS. JUSTICE JAMESINA E. L. KING J.A

**Background**

1. This Court delivered a Ruling on 11<sup>th</sup> April 2022 granting an interim injunction to the Plaintiff in respect of the land situate, lying and being at N'garahun Road, Nigarahun town in the Western Area of the Republic of Sierra Leone enclosing an area of 33.0793 acres pending determination that this Court has jurisdiction to hear the action for a declaration of title to the said land.
2. On a close perusal of the papers filed reference was made in the Plaintiff's conveyance dated 1<sup>st</sup> June 2010 that the said property is situate lying and being in Koya Chiefdom, Port Loko District in the Northern Province of the Republic of Sierra Leone and if that is the case the Court will have no jurisdiction to determine title to the property.
3. The determination in respect of the location of the property is a jurisdiction issue and not a determination of a point of law under Order 17 as I had stated in my earlier decision, but should the property be found to be in the Northern Province, this Court will not have any jurisdiction in the matter which will bring the action to an end. See section 21 of the Courts Act 1965.
4. Responding, Counsel for the Plaintiff submitted that section 21 of the Courts Act does not apply as the Plaintiff's land is not in the provinces but in the Western Area. He also stated that section 15 of the Local Courts Act does not apply to the Plaintiff's claim.
5. He further submitted that by virtue of the Constitutional Instrument 154 of 2017 the Ward Boundary Delimitation, the Western Area Rural District Council shows a boundary delimitation of the wards in the Western Rural Area. The Plaintiff's land is found in Ward 379

in the Western Area and the land as described in the Conveyance is a “misdescription” or has been wrongly described.

6. He also referred to the Statutory Instrument No. 147 of 2017 the Ward Boundary Delimitation of Port Loko District Council and noted that N’garahun Road, Nigarahun Town is not included in the list of wards in the said District.
7. He concluded that by virtue of Constitutional Instrument No. 4 of 2019 which shows the divisions of the High Court, this Court under its lands, property and environment division can try this matter.
8. Having regard to the above, I am satisfied that this matter can proceed to trial and give directions as follows:
  1. The Plaintiff shall set down the action for trial as soon as pleadings are closed and not later than 14 days from this Order. The length of the trial is estimated to last for 14 days.
  2. Each party shall prepare and contemporaneously serve on the other witness statements of the factual witness it intends to call at the trial of this matter within 14 days from the date of this Order.
  3. Within 14 days from the date the action is set down for trial the Defendants shall identify to the Plaintiff and provide those documents central to their case to be included in the court bundle.
  4. The Plaintiff shall at least 7 clear days before the date fixed for trial, lodge two bundles consisting of one copy of each of the following documents:
    - a. copies of the pleadings and any amendments thereto;
    - b. a list of issues in dispute and admission of facts (if any) arising out of the issues, nature of the evidence to be relied upon (oral or documentary) and any agreed evidence;
    - c. a list of witnesses to be called at the trial by each party; and
    - d. witness statements which have been exchanged and expert reports which have been disclosed, together with an indication of whether the contents of such documents are agreed;
    - e. Summary of any propositions of law to be advanced together with a list of authorities to be cited and
    - f. A chronology of relevant events.
  4. That at least 2 days before the trial the Plaintiff shall properly compile and number the pages of the court bundle.
  5. At the end of the evidence adduced, each party shall submit written closing address and a list of authorities with the Registrar of the Court together with copies of authorities cited which are not available to the court.

6. This matter is adjourned to 25<sup>th</sup> March 2024 and on that date these directions should have been complied with and the date will be fixed for trial to commence.
7. The Defendants Solicitor shall be served with this order and an affidavit of service filed accordingly.

A handwritten signature in blue ink, consisting of stylized initials and a surname, positioned above a dotted line.

HON. MRS. JUSTICE JAMESINA E. L. KING J.A.