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IN THE SUPREME COURT OF SIERRA LEONE

CORAM:

The Hon. Mr. Justice C.A. Harding, J.S.C. - Presiding
The Hon. Mrs. Justice A.V.A. Awunor-Tenner - J.S.C.
The Hon. Mr. Justice S. Beccles Davies - J.S.C.

SC. Misc. App. No. 2/86

KADIATU JALLOH - APPLICANT
VS.
NATIONAL INSURANCE CO. LTD - RESPONDENT

Gibson Okeke Esq., for Applicant

Mrs. Shanineh Bash-Taqi, for Respondent

RULING DELIVERED ON THIS 18TH DAY OF MARCH 1986

BECCLES DAVIES, J.S.C.:-The applicant Madam Kadiatu Jalloh seeks leave to issue an Order of Certiorari "to remove into this Honourable Court for the purpose of being quashed an Order or judgment dated the 31st day of January 1986 authorising the National Insurance Company Limited No. 18/20 Walpole Street for possession of No. 14 Walpole Street the Matrimonial home of the applicant and THREE OTHER WIVES of the late Alhaji Abubakar Jalloh of No. 14, Walpole Street." The order or judgment dated 31st January 1986 referred to in the application was made by the High Court.

The power of this Court to issue an order of certiorari is to be found in Section 105 of The Constitution of Sierra Leone 1978 (Act No. 12 of 1978).

Section 105 provides -

"The Supreme Court shall have supervising jurisdiction over all other Courts in Sierra Leone and over any adjudicating authority; and in exercise of its supervisory jurisdiction shall have power to issue such directions, orders or writs

or orders in the nature of habeas corpus, certiorari, mandamus or prohibition as it may consider appropriate for the purposes of enforcing or securing the enforcement of its supervisory powers."

The applicant has involved the provision of Section 105.

The Order of Certiorari lies at the instance of an aggrieved party for the purpose of removing the proceedings of the inferior Courts of record or other persons or bodies of persons exercising judicial and quasi-judicial functions and determining whether such proceedings shall be quashed, or to quash them. It will issue to quash a determination for want or excess of jurisdiction, error on the face of the record, breach of the rules of natural justice, or where the determination was procured by fraud, collusion or perjury.

The proceedings which are the subject of this application were commenced and concluded in the High Court. Final judgment was entered for the respondents. Several grounds have been urged in the applicant's statement. The short point to be decided is can an order for certiorari be made quashing the judgments of inferior courts of civil jurisdiction? The answer to that question is No. (See Halsbury's Laws of England 3rd Ed. Vol II at page 130.) Where it is stated that certiorari does not lie to quash the judgments of inferior courts of civil jurisdiction. See also LAWES v HUTCHINSON (1835) 3 DOWL 506 at pp. 508.

In the circumstances the application for leave is refused.

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(Hon. Mr. Justice S. Beccles Davies, Jc)

I agree.....
(Hon. Mr. Justice G.A. Harding, JSC) P.

I agree.....
(Hon. Mrs. Justice A.V.A. Awunor-Renner