

IN THE SUPREME COURT OF SIERRA LEONE**TUESDAY 24TH OCTOBER 2000**

CORAM: Hon. Mr. Justice D.E. F. Luke, - C.J.
 Hon. Mr. Justice A.B. Timbo - JSC
 Hon. Mr. Justice H.M. Joko-Smart - JSC
 Hon. Mr. Justice S.C.E. Warne - JSC
 Hon. Mr. Justice V.A.D. Wright - J.A.

SC.MISC.APP.4/2000

REV. DANIEL ADEMU JOHN - APPLICANT
 (ATTORNEY FOR REV. ARCHIBALD GBAMBALD JOHN)
 (EXECUTOR OF THE ESTATE OF REV. CUSTAVUS ADEMU JOHN)

AND

ABU BLACK LUGBU
 ALIE FOFANAH - RESPONDENTS
 LAMIN DAINKEH

R. A. Ceasar Esquire for the APPLICANT

A.F. Serry-Kamal Esquire FOR THE RESPONDENTS

Mr. R.A. Ceasar

This is an application by way of Misc. App. 4/2000 dated 16th June 2000 in which the applicant is asking the Court that the Ruling of this Honourable Court delivered by three Justices on 22nd September 1999 granting a Stay of Execution of the judgment of the Court of Appeal dated 17th June 1993 be varied discharged or reversed by the full Court

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pursuant to section 126 (b) of the Constitution of Sierra Leone (Act No. 6 of 1991 on the following grounds:

- (1) That the said Ruling if not varied discharged or reversed will defeat the ends of Justice in that there is no appeal pending in the Supreme Court.
- (2) That the orders contained in the said Ruling have not been complied with by the Respondents.
- (3) That the said order presently existing is a bar preventing the applicant from enforcing the Judgment of the Court of Appeal dated 17th June 1993 in his favour.

Applicant will rely on the affidavits of Rev. Daniel Ademu John and Roland Ade Ceasar both sworn to on the 16th June 2000 together with the exhibits annexed thereto and filed herewith.

The Exhibits are as follows:

Exh. A is a photocopy of his Power of Attorney executed by Rev. Archibald Gbambala John. Exhibit B is the Writ of Summons, C – Judgment of the Court of Appeal to the Supreme Court, E – records of the Supreme Court dated 21st September 1999 and E – ruling dated 22nd September 1999.

The purpose of the Application is not to complain of an irregularity but because section 126(b) of the Constitution is the only way we can come to this Court to vary reverse or discharge its order.

Mr. Serry-kamal does not really objects except that the affidavit of the deponent should not have been in his name.

Court: Application granted. Order of 22nd September 1999 is discharged. No order as to costs.

Hon. Mr. Justice D.E.F. Luke
Chief Justice.