

SC CIV APP NO 6/2012

**IN THE SUPREME COURT OF SIERRA LEONE**  
**CIVIL JURISDICTION**

**BETWEEN:**

VICTOR ALPHONSO DEVENEAUX - PLAINTIFF/APPLICANT

AND

JOHN KAMARA - 1<sup>ST</sup> RESPONDENT/RESPONDENT  
MOHAMED KAMARA - 2<sup>ND</sup> RESPONDENT/RESPONDENT

**CORAM:**

HON MR JUSTICE P. O. HAMILTON - JSC

HON MR JUSTICE V. V. THOMAS - JSC

HON MRS JUSTICE V.A. D. WRIGHT - JSC

M P Fofanah Esq for the Appellant/Applicant

N D Tejan Cole Esq for the Respondent/ Respondent

*Ruling Delivered on the 10<sup>th</sup> June 2014*

Wright JSC- This is an application on behalf of the Appellant/Applicant for the following Orders:-

1. That the Appellant/Applicant's notice of Civil Appeal dated the 11<sup>th</sup> June 2012 which was dismissed by this Honourable Court on the 9<sup>th</sup> January 2014 be restored pursuant to Rule 103 of the Supreme Court Rules 1982 (Public Notice No. 1 of 1983).

2. That the Honourable Court enlarges the time within which the Appellant/Applicant is to file his case based on the grounds of appeal filed in the said Notice of Civil Appeal pursuant to Rule 41 (b) of the Supreme Court Rules 1982 (Public Notice No 1 of 1982).

The application is supported by the affidavit of Mohamed Pa-Momo Fofanah sworn to on the 14<sup>th</sup> January 2014 and the exhibits filed herein.

At the hearing A B Fofanah Esq. for the Plaintiff/Applicant relied on the contents of this affidavit dated 14<sup>th</sup> January 2014 and based his application under Rule 4(i) (b) of the Supreme Court Rules 1982.

N. D. Tejan-Cole Esq for Respondent/Respondent opposed the application on the ground that the Plaintiff/Applicant did not show sufficient reason why the application should be granted in that the Plaintiff/Applicant did not have sufficient funds to file his case at the relevant time and that his affidavit was defective.

Mohamed Pa-Momoh Fofanah Esq for the Plaintiff/Applicant replied that the Plaintiff/Applicant made full and frank disclosure of the facts and that the affidavit was not defective.

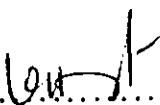
In the Civ App 4/2002 between Ibrahim A. N. Basma Applicant and Adnan Yousef Wansa Respondent and Bassam Ibrahim Basma – Applicant and Adnan Yousessef Wanza Respondent the Hon Mr Justice M E Tolla Thompson said “Procedural rules are intended to serve as hand maiden of justice and not to defeat it, and invoke the

courts discretionary power to waive strict application of the rules, in order to ensure that the parties have a fair opportunity to argue their case in the Supreme Court.

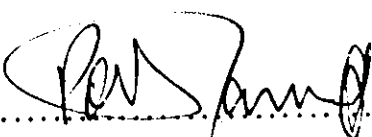
Having heard the arguments of both sides I grant the application under Rule 103 of the Supreme Court Rules 1982 in the interest of justice.

In the circumstances I order that the Appellant/Applicant notice of appeal dated the 11<sup>th</sup> June 2012 which was dismissed be restored and I grant an enlargement of time within which to file the <sup>his case</sup> appeal to the Supreme Court which is seven days from today's case.

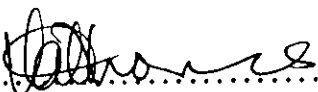
The Plaintiff/Applicant is to pay the Respondent/Respondent cost assessed at Le2,000,000.

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**HON MRS V.A.D. WRIGHT - JSC**

I AGREE ..... 

**HON MR JUSTICE P.O. HAMILTON- JSC**

I AGREE ..... 

**HON JUSTICE V. V. THOMAS – JSC**