

Neutral Citation Number Misc. App.116/23 A6  
Division

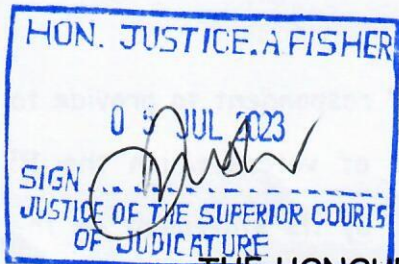
General and Civil

Case No: Misc-app 116/2023

**IN THE HIGH COURT OF JUSTICE**  
**HOLDEN AT FREETOWN**  
**GENERAL AND CIVIL DIVISION**

Law Court Building  
Siaka Stevens Street  
Freetown

Date: 5 July 2023



**Before:**

**THE HONOURABLE MR JUSTICE FISHER J**

**Between:**

**All People's Congress (APC)**  
**Lansana Dumbuya Esq**

**1<sup>st</sup> Applicant**  
**2<sup>nd</sup> Applicant**

**-and-**

**Electoral Commission for Sierra Leone**  
**The Chief Electoral Commission**

**1<sup>st</sup> Respondent**  
**2<sup>nd</sup> Respondent**

**No Appearance for the Plaintiffs**  
**AT Turay for the defendants**

**Hearing date: 5 July 2023**

**APPROVED JUDGEMENT**

I direct that copies of this version as handed down may be treated as authentic.

**THE HONOURABLE MR JUSTICE FISHER J**

**The Honourable Mr Justice Fisher J:**

1. The plaintiffs in this action filed an originating notice of motion dated the 7<sup>th</sup> day of June 2023, seeking a number of orders. In summary, they prayed for the following orders:
  1. An order of mandamus directing the 1<sup>st</sup> respondent to provide to the 1<sup>st</sup> applicant the national register of voters which the 1<sup>st</sup> respondent had undertaken to release, by its statement on the release of final voter registration figures for the update of the 2022 voter registration exercise dated 24<sup>th</sup> December 2022, comprising of the following:
    - I. Voter identification number.
    - II. Date and place of birth.
    - III. Name and address.
    - IV. Sex and.
    - V. Signature or thumbprint.
  2. An order of certiorari directed at the 2<sup>nd</sup> respondent, quashing all regulations, manual rules, procedures at variance with section 88(3), 91(1), 92(2) and 92(3) of the Public Elections Act no 17 of 2022.
  3. Any other orders the court deems fit.
2. The application is supported by the affidavits of Lansana Dumbuya and Dr Richard Konteh, sworn to on the 7<sup>th</sup> day of June 2023, with a total of ten exhibits attached.




3. The defendants entered an appearance through the law firm of Abdulai and Associates date 15<sup>th</sup> June 2023.
4. Upon a review of the documents, it became apparent that the plaintiffs had not filed a statement of case in accordance with the provisions of order 52 rule 6 sub rule 2 of the High Court Rules 2007. The plaintiff was required to file the statement of case within seven days (7) of the application being filed. A failure to file a statement of case in accordance with the said order is dealt with under Order 52 rule 6 sub rule 3, which mandates the court to dismiss the application for non-prosecution or to make any such order it considers appropriate.
5. When the matter resumed before me this morning, the plaintiffs did not appear and were not represented. Mr A T Turay appeared for the defendants and informed the court that they had not been served with a statement of case.
6. In the light of the absence of the applicants without notice, he therefore sought an order that costs be paid by the applicants in the sum of ten thousand new Leones (nLe 10000) as costs wasted for the day.
7. Having regard to the fact the matters prayed for by the applicants are now otiose, there is little point in enquiring further into this matter and in accordance with the provisions of Order 52 rule 6 sub rule 3, this matter would be dismissed for non-prosecution.
8. With respect to the issue of costs, the applicants have filed an application and notices were sent out by the court informing the parties of the hearing today and they have chosen not to appear or inform the court of the reasons for their absence. The defendants are entitled to their costs and in the circumstances, I shall grant the following orders.

UPON HEARING Mr AT Turay of Counsel for the plaintiffs; and UPON consideration of the Originating notice of motion and affidavits in support and exhibits thereto:

**IT IS HEREBY ORDERED AS FOLLOWS:**

- I. That the originating notice of motion dated the 7<sup>th</sup> day of June 2023 is hereby dismissed for non-prosecution.
- II. That the costs of this action, summarily assessed at nLe2,000 shall be borne by the plaintiffs jointly and severally and payable to the defendants, immediately upon being served with this order.

**HON. JUSTICE A FISHER**  
The Hon Mr Justice A Fisher J  
09 JUL 2023  
SIGN   
JUSTICE OF THE SUPERIOR COURTS  
OF JUDICATURE