



## IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA, SITTING IN ITS OCTOBER TERM, A.D. 2022

BEFORE HER HONOR: SIE-A-NYENE G. YUOH	CHIEF JUSTICE
DEFORE HER HONOR: IAMESETTA H. WOLOKOLIE	ASSOCIATE JUSTICE
BEFORE HIS HONOR: JOSEPH N. NAGBE	ASSOCIATE JUSTICE
BEFORE HIS HONOR: YUSSIF D. KABA	ASSOCIATE JUSTICE
BEFORE HIS HONOR. 103311 D. N. IS.	
(appac)	
Mutual Benefit Assurance Company (MBAC), represented by and )	•
thru its authorized representative and all other officers of the	
City of Monrovia, LiberiaAppellant	
	ADDEAL
Versus	APPEAL
Bea Mountains Mining Corporation (BMMC), represented by and	
thru its General Manager, Mr. Halil Ozdemir, of the City of	
Monrovia, LiberiaAppellee	
	)
GROWING OUT OF THE CASE:	)
	)
Mutual Benefit Assurance Company (MBAC), represented by and	)
thru its authorized representative and all other officers of the	)
City of Monrovia, Liberia Petitioner	)
	) PETITION
Versus	) FOR A WRIT OF
	) PROHIBITION
Her Honor Eva Mappy Morgan, Chief Judge, His Honor Chan-	)
Chan A. Paegar, Associate Judge, and His Honor Othello S.	1
Payman, Associate Judge	)
Payman, Associate Judge	, ,
And	
Alla	)
Bea Mountains Mining Corporation (BMMC), represented by and	)
thru its General Manager, Mr. Halil Ozdemir, of the City of	<u> </u>
Monrovia, Liberia	)
Wioritovia, Electration	

		)	
GROWING OUT OF THE C	ASE:	· ).	
		)	
Bea Mountains Mining Co	rporation (BMMC), represented by	and )	
	Mr. Halil Ozdemir, of the City of	)	
Monrovia, Liberia	Plain	tiff )	
· ·		)	
Versus		)	ACTION OF
		)	DEBT
Mutual Benefit Assurance	Company (MBAC), represented by	and )	
thru its authorized repres	entative and all other officers of th	e )	
City of Monrovia, Liberia.	Defend	ant )	

## <u>JUDGMENT</u>

When this case was called for hearing, Counsellor Aloysius Jappah appeared for the appellant. Counsellors Eugene L. Massaquoi and Kunkunyon Wleh Teh appeared for the appellee.

Having carefully reviewed the records, heard the arguments and contentions advanced by the counsels representing the parties, and considered the laws cited and relied upon by the parties in this case, it is hereby

## ADJUDGED:

That the appellant having announced an appeal to the Honorable Supreme Court, filed its approved bill of exceptions within the time allowed by the appeal statute, and thereby ousting the trial court of jurisdiction and subsequently taxed the bill of costs emanating therefrom, the appellant cannot abort the appeal process and substitute it with an application for a writ of prohibition; and

That all appeals growing out of judgments (awards) emanating from the Commercial Court, whether by arbitration or through regular trial, are governed by Article IV of the Act which created the Commercial Court of Liberia; hence, the appellant should proceed to perfect its appeal *nun pro tunc*.

Wherefore and in view of the foregoing, the ruling of the Chambers Justice quashing the alternative writ and denying the issuance of the peremptory writ of

prohibition is affirmed and the appeal therefrom is denied. The Clerk of this Court is ordered to send a Mandate to the Commercial Court to resume jurisdiction over this case and give effect to this Judgment. Costs are to abide final determination. AND IT IS HEREBY SO ORDERED.

GIVEN UNDER OUR HANDS AND THE SEAL OF THE HONORABLE SUPREME COURT OF LIBERIA THIS 25<sup>TH</sup> DAY OF JANUARY, A.D. 2023

Jamesetta H. Wolokolie

Associate Justice, Supreme Court of Liberia

Joseph N. Nagbe

Associate Justice, Supreme Court of Liberia

Yussif D. Kaba

Associate Justice, Supreme Court of Liberia

Note: Madam Chief Justice Yuoh, having presided in Chambers as an Associate Justice prior to her ascendency as Chief Justice, and made a determination in this case, did not participate in the hearing; hence, she did not sign this Judgment.