



CHIEF JUSTICE  
SUPREME COURT OF LIBERIA



JUDICIAL BRANCH  
TEMPLE OF JUSTICE  
MONROVIA, LIBERIA

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA  
SITTING IN ITS MARCH TERM, A.D. 2016

BEFORE HIS HONOR: FRANCIS S. KORKPOR, SR.....CHIEF JUSTICE  
BEFORE HIS HONOR: KABINEH M. JA'NEH ..... ASSOCIATE JUSTICE  
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE.....ASSOCIATE JUSTICE  
BEFORE HIS HONOR: PHILIP A.Z. BANKS, III .....ASSOCIATE JUSTICE  
BEFORE HER HONOR: SIE-A-NYENE G. YUOH .....ASSOCIATE JUSTICE

Reginald Goodridge, of the city of Monrovia )  
..... APPELLANT )

Versus

) APPEAL/ACTION OF  
) EJECTMENT

The Testate Estate of Dr. John N. Togba Represented )  
By and thru Mr. Moenti Young, Mrs. Delores Mensah, )  
Administrators Cum Testamento Annexo of the late )  
Dr. John N. Togba, also of the City of Monrovia )  
..... APPELLEE )

JUDGMENT WITHOUT OPINION

At the call of this case, Counsellor Sayma Syrenius Cephus of CEMAR Law Offices appeared for the appellant. Counsellor G. Wiefueh Alfred Sayeh of Sayeh and Sayeh, Inc., appeared for the appellee.

During argument before this Court, Cllr. Sayma Syrenius Cephus, by leave of Court, brought to our attention that a motion for enlargement of time was filed by the appellant before the lower

court which motion is still pending undetermined and that the trial court committed a reversible error when it proceeded to strike co-defendant Reginald Goodridge's answer for late filing without hearing the motion for enlargement of time.

Counsellor G. Wiefueh Alfred Sayeh, counsel for appellee/complainant, conceded that the motion for enlargement of time should have been heard and determined before determining whether or not the appellant's answer should be stricken.

A review of the records in this case shows that indeed there is a motion for enlargement of time filed by the appellant in the trial court on March 16, 2004 which was never passed upon.

We quote the motion:

"And now comes co-defendant/movant in the above entitled cause of action and most respectfully praying this Honorable Court for enlargement of time to interpose his defenses and / or responsive pleadings showeth therefor, to wit:-

1. That your humble movant has not been reasonably served in person with any writ of summons in the above cause of action.
2. That movant/defendant belatedly read a publication in the NEWSPAPER on February 29, 2004, of and concerning the institution and pendency of an ejectment action against him and others before the Civil Law Court, when in fact he has never left the bailiwick of the Republic of Liberia, neither has he known of the pendency of such action and concealed his person.
3. That your humble movant has filed an answer simultaneously with this motion interposing several defenses and hereby craves Your Honor and this Honorable Court to enlarge the time and date required for filing movant's answer so that movant may be within the ten (10) days allowed by law for filing his said answer. Attached is the

photostat copy of the said publication marked movant's exhibit "A" to form a cogent part of these motions.

Hence, movant contends that because of inevitable happening, same being lack of knowledge of the filing of this action and now service of the summons emanating therefrom on his person, he is entitled to the enlargement of time to defend his property rights, especially in an action of ejectment.

WHEREFORE, it is the prayer of your humble movant/defendant that Your Honor and this Honorable Court will grant unto him such enlargement of time to file his responsive pleading this being an action of ejectment where movant's constitutional rights to acquire real property is involved; and to further grant unto your movant/ defendant all such reliefs justice and right may demand in the premises."

A further review of the records reveals that although this motion for enlargement of time was resisted on April 1, 2004, it was never assigned for hearing and ruling. In spite of this, the Trial Judge, His Honor Emery S. Paye, entered a ruling striking the appellant's answer, thereby placing him on bare denial.

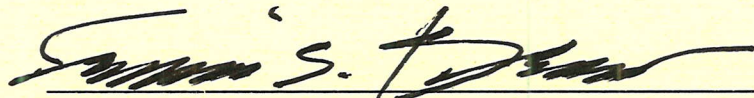
Having considered the records and the positions of the parties, and given the fact that the pre-trial motion to enlarge time filed by the appellant was never heard and determined, it is hereby

**ADJUDGED:**

That it was a reversible error for the trial judge to have stricken the appellant's answer without first hearing the motion for enlargement of time to ascertain whether or not the late filing of the answer was due to excusable neglect. Moreover, this Court being satisfied that the concession of the appellee/complainant is in keeping with law, there is no need to hear argument into this case on its merits.

WHEREFORE, AND IN VIEW OF THE FOREGOING, the Clerk of this Court is hereby ordered to send a mandate to the judge presiding in the court below to resume jurisdiction over this case and hear and determine the motion for enlargement of time. Costs to abide the final determination of this case. It is so ordered.

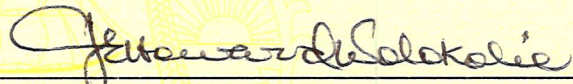
GIVEN UNDER OUR HANDS AND THE SEAL OF THE SUPREME COURT OF LIBERIA THIS 17<sup>th</sup> DAY OF JUNE, A.D. 2016



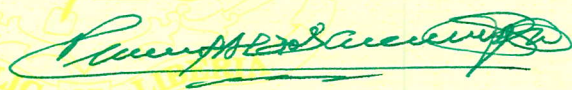
Francis S. Korkpor, Sr.  
CHIEF JUSTICE, SUPREME COURT OF LIBERIA



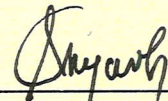
Kabineh M. Ja'Neh  
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA



Jamesetta H. Wolokolie  
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA



Philip A. Z. Banks, III  
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA



Sie-A-Nyene G. Yuoh  
ASSOCIATE JUSTICE, SUPREME COURT OF LIBERIA