IN THE HONORABLE SUPREME COURT OF THE REPUBLIC OF LIBERIA, SITTING IN ITS MARCH TERM, A.D. 2025

BEFORE HER HONOR: SIE-A-NYENE G. YUOH……....CHIEF JUSTICE
BEFORE HER HONOR: JAMESETTA H. WOLOKOLIE…….....ASSOCIATE JUSTICE
BEFORE HIS HONOR : YUSSIF D. KABA……..…..ASSOCIATE JUSTICE
BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SR.,……....ASSOCIATE JUSTICE
BEFORE HER HONOR: CEAINEH D. CLINTON JOHNSON…..ASSOCIATE JUSTICE

Madam Esther K. Venn of the City of Monrovia, Montserrado County, Liberia……Appellant	)	
Versus	)	APPEAL
Marie Johnson, Thomas Yaya Nimely and James Gibson all of Duazon, Margibi County, Liberia…….Appellees	)	
GROWING OUT OF THE CASE:	)	
Marie Johnson, Thomas Yaya Nimely and James Gibson all of Duazon, Margibi County, Liberia……..Movants	)	
Versus	)	MOTION FOR RELIEF FROM JUDGMENT
Madam Esther K. Venn of the City of Monrovia, Montserrado County, Liberia…… Respondent	)	
GROWING OUT OF THE CASE:	)	
Madam Esther K. Venn of the City of Monrovia, Montserrado County, Liberia……..……Plaintiff	)	ACTION OF EJECTMENT
Versus	)	
Marie Johnson, Thomas Yaya Nimely and James Gibson all of Duazon, Margibi County, Liberia…… ..Defendants	)	

Heard: April 29, 2025 Delivered: August 14, 2025

MADAM JUSTICE WOLOKOLIE DELIVERED THE OPINION OF THE COURT

Our review of the records of this case reveals that the appellant, Madam Esther K. Venn, plaintiff in the court below, filed a complaint against the appellees, Marie Johnson, Thomas Yaya Nimely and James Gibson, defendants below, alleging that she, appellant, is the owner of ten (10) acres of land lying in the Township of Duazon which she acquired in 1994; that

upon visiting the subject property in 2010, she discovered that the appellees, Marie Johnson and Thomas Yaya Nimley, had constructed on portion of the land without her consent, while co-appellee James Gibson was constructing a structure thereon; that irrespective of the appellant issuing the appellees several warnings, their conduct remained unabated, and as a result, she filed a complaint with the Bureau of Lands and Survey to investigate the matter; that the Commissioner of the Bureau invited the parties to an investigation and thereafter advised the appellees to vacate the property, but they failed to do so. The appellant being unable to possess her property amicably, upon the advice of the Commissioner, she proceeded to file an action of ejectment before the 13th Judicial Circuit Court, Margibi County, on July 19, 2013; that the sheriff of the 13th Judicial Circuit, reported that upon proceeding to serve the court papers on co-appellee Marie Johnson and the other two defendants, one of the defendants, James Gibson, received and acknowledged the court precepts; however, co-appellees Marie Johnson and Thomas Yaya Nimley instructed their caretakers not to receive the writ of summons and appellant's complaint attached thereto.

The appellant further alleged that the appellees occupation of her land had caused her to hire legal services at a cost of United States Two Thousand Dollars (US$2,000) and to undergo other legal expenses totaling Liberian Dollar Thirty Thousand (LD30,000) which she demands from the defendants as specific damages, in addition to general damages for all the embarrassment and inconveniences she had encountered in the institution of the action. Appellant annexed to her complaint a land deed and an investigation report from the Bureau of Lands and Survey, and prayed the court to have the defendant evicted and ousted from her property.

The records reveal that the appellees failed and refused to file their answers to the appellant's complaint, prompting a request from appellant's counsel for a clerk's certificate. The records also reveal that the clerk having sent out an assignment from the court on September 11, 2014, for hearing of the case on September 15, 2014, however, the sheriff's report stated that all three of the appellees refused to receive and sign for their copies of the assignment.

At the call of the case on September 15, 2015, the absence of the appellees was noted and the appellant's counsel requested that the court grants a motion for default judgment consistent with the *Liberian Civil Procedure Rev. Code* 1:42, and have the appellant proceed with her case. The court granted the motion and ordered that the matter be proceeded with. The jurors were selected and the appellant proceeded to present evidence to the court and jury by bringing forth two witnesses, Elfreda Venn Goaneh and Lemu Goaneh, to testify.

Witness Elfreda Venn Goaneh testified that the appellant purchased ten (10) acres of land in 1994, and had the deed probated and registered before returning to the United States; that in 2008, she returned to Liberia with some business partners to carry out investment on the land, but she noticed several buildings and a foundation on the land; that the appellant found out later that her grantor had sold the land to the appellees under false representation that the appellant had given her consent to the transactions; that because of this falsification, the appellant filed a complaint to the Commissioner of the township who had the matter investigated and thereafter advised the appellees to vacate the property, but they refused and this caused the appellant to institute the action of ejectment.

The witness further stated that on three different occasions the appellees were ordered by the court to appear, but they refused and instructed their caretakers on the land not to accept any document from the court. The witness went on to identify the appellant's land deed and same was entered into evidence.

The appellant's second witness, Lemu E. Goaneh, testified that her aunty, the appellant, is the owner of the disputed property; that they had visited the land on several occasions, and on one occasion, the appellant's grantors proposed to have her aunt relocated to another land but this was never done.

Counsel for the appellant rested with the production of oral and documentary evidence after the appellant's' second witness, and thereafter requested the judge presiding for entry of default judgment, and to charge the jury to return a verdict of liable against the appellees.

His Honor Judge A. Sikajipo Wollor, who presided over the case, submitted the case to the jury, and the jurors deliberated and returned with a verdict of liable against the appellees. On September 29, 2014, Judge Wollor ruled, confirming the jury's verdict finding the appellees liable to the appellant; he then ordered that the appellees pay to the appellant damages in the amount of United States Thirty Thousand Dollars (US$30,000) for their illegal detention and wrongful withholding of the appellant's property.

Due to the absence of the appellees, the court-appointed counsel received the ruling, noted exception thereto, and announced an appeal to the Supreme Court.

Following the entering of final judgment, we see from the records that a writ of possession was not issued until July 19, 2018, when her Honor Mardea T. Chenoweth, the Resident Circuit Judge of the 13th Judicial Circuit Court, wrote to the Inspector General of the Liberia National Police to assist the sheriff to ensure that the writ of possession was served on the appellees; that the sheriff's report shows that the appellant was put in possession of the property on July 24, 2018.

The appellant subsequently, on August 1, 2018, filed a bill of information before the lower court, alleging that following her being placed in possession of the property by the sheriff with assistance from the police, the appellees criminally and violently removed the locks and unsealed the doors in callous, reckless and blatant disregard for the order of the court, and had illegally re-entered the property and occupied the structures on the property without the appellant's permission. The co-appellee Marie Johnson and the other two defendants were cited by the court.

The co-appellee Marie Johnson appeared on August 16, 2018, through her legal counsel, Counsellor Albert S. Sims, of the Sherman and Sherman, Inc. and filed returns to the bill of information, denying that she broke doors to her structure since she and her husband had an incomplete structure on the disputed property which had no doors; that in fact she and her husband are owners of four acres of the disputed property which they acquired from the Intestate Estate of Jimmy Blaine through its administrators Joe Mason and John Jaywheh in 2009, the same grantor, the Court notes, that sold the land to the appellant, Esther Venn, in 1994. Co-appellee Johnson denied that she was ever served a summons bringing her under the jurisdiction of the court; denying that she ever instructed her caregiver from receiving the writ of summons because she had no caregiver on the property; that she was never evicted from the subject property; that her structure built on her four (4) acres of land is not completed and therefore it was impossible for the sheriff to have locked the building and sealed the doors.

We also see that almost four (4) years after the court's ruling on September 29, 2014, Counsellor Sims on August 16, 2018 filed a motion for relief from judgment captioning the co-appellee Marie Johnson and one John Fahnbutu as the movants. The Court however notes that despite its numerous warnings to lawyers to be diligent in their preparation of papers brought before the courts, Counsellor Sims in his averments in the motion for relief from judgement, speak to Marie Johnson and Thomas Yaya Nimley, alleging that they were not served with summons in the case; that on July 22, 2013, the date the sheriff is said to have served the writ of summons, co-appellee Marie Johnson was without the bailiwick of the Republic, specifically in the USA, while co-appellee Nimley was in Grand Gedeh County; that they not having been brought under the jurisdiction of the court by personal service of the writ of summons, the judgment obtained in the action of ejectment cannot bind them or be enforced against them.

The appellant filed her resistance to the motion for relief from judgment, stating that the judgment was entered on September 29, 2014, by Judge Wollor, and four (4) years thereafter, the assigned Judge, Her Honor Ceaineh D. Clinton Johnson of concurrent jurisdiction was

without legal authority to reverse or even amend said ruling; that the appellees were served the writ of summons consistent with law as per the sheriff's report; that further, the appellant obtained title to the subject property in 1994, and her grantor parted with title, therefore the same grantor could not sell the property to the appellees ten years later since said grantor no longer had title to said property; thus, the transaction between the appellees/movants and their purported grantor was fraudulent and criminal.

We note that Judge Ceaineh Clinton Johnson called for the hearing on the bill of information of August 27, 2018, and on September 6, 2018, ruled as follows:

> "On August 27, 2018 I listened to the argument pro and con and the resistance filed, and I say that the only issue before me today is to find out whether or not the instructions of Judge Mardea Chenoweth that was issued out of this court on the 24th day of July 2018 was carried out by the Sheriff of this Court. During arguments plaintiff counsel cited section 25.1 and Co-respondent Counsel cited Section 25.5 and 25.6; which speaks to Judicial Notice of Law, Burden of Proof and Best Evidence respectively. This Court ponder over the averment of the co-respondent return to the information that no precepts was served, and that she was never ousted from her property. This information leads the court mind to wonder how did the co-respondent Marie Johnson come to this court and no precept was served on her, and what was the basis for her returns.
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> Hoary with age in our jurisprudence it is a second principal on the authority of the judge of concurrent jurisdiction. The last order in this case was the order of Judge Chenoweth to possess the plaintiff of the subject property, and under no authority both by law and reasoning can I question Judge Chenoweth instruction to possess the plaintiff of the property.
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> It is also a subject principle of law that the sheriff's returns is presumed to be true and correct until otherwise disproved. The sheriff's returns to the writ of possession says that on the 24th of July, 2018 a writ of possession was served on the within named defendants to be identified through their various caretakers; the caretakers received the writ of possession on behalf of their bosses, and they were ousted, evicted and vacated from the premises, and the plaintiff Esther K. Venn was put in possession as per the ruling of the Court. This returns as ruled by the Supreme Court of settled principle of law is presumed to be true. And as such, it is this court's ruling to accept the returns of the Sheriff.
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> Wherefore and in view of the foregoing, the court says that co-respondent Marie Johnson through her caretaker was constructively served and so this court orders that plaintiff/informant is hereby re-possessed as per the order before the Court, from Judge Chenoweth.
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> Mr. Clerk, you are hereby ordered to effectuate this order by having the sheriff repossessed plaintiff / informant Esther Venn as per her previous status. This court says that no further/ request for remedies will be heard by this court until the sheriff's returns is made that plaintiff / respondent Esther Venn has been repossessed of her property as it instructed by Judge Chenoweth. And So Ordered.
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> Given under my hand and Seal of this Honorable Court this 06th day of September, A.D. 2018
>
> Ceaineh D. Clinton Johnson
> ASSIGNED CIRCUIT JUDGE"

Counsel for co-appellee Marie Johnson noted exception and stated that he would take advantage of the statute controlling in such matter.

This Court notes here that the caption of the motion for Relief from Judgment carries the name of Marie Johnson and one John Fahnbutu as the petitioners, but the averments in the motion refer to Marie Johson and Thomas Yaya Nimley as petitioners, exhibiting some of the many carelessness of legal counsellors which this court has constantly frown on. This Court says that since John Fahnbutu was never named as a party in the ejectment action and was never joined as a party, he cannot be considered a party to the petition for Relief from Judgment in this case, as only a party or his legal representative can be relieved from a final ruling of the trial court which concludes him (CPLR I: 41.7.2); that also, James Gibson having received the court's precepts as per the sheriff's report and failed to raise any issue or appear in court as per the court's assignments, he cannot contest the final ruling made by the trial court in a Relief from Judgment. The proper parties to the appeal before us therefore, are Marie Johnson and Thomas Yaya Nimley who contend that their due process rights were violated by the trial court when it failed to serve them with summons to bring them under the jurisdiction of the court.

The appellees on September 17, 2018, filed a petition for prohibition before the Justice in Chambers, praying for a writ of prohibition to undo the alleged illegal enforcement of the ruling of the lower court in the action of ejectment; they alleged that the writ of summons out of which the action of ejectment was heard and determined was never served on them since co-appellee Marie Johnson was in the United States of America, while co-appellee Thomas Yaya Nimley was in Grand Gedeh County; hence, they were not brought under the jurisdiction of the court and the final ruling of the trial court could not be concluded against them. We see that on September 27, 2018, the clerk of the lower court received a communication from the Justice in Chambers citing the parties to a conference and placing a stay on all actions of the lower court pending the outcome of the conference.

The conference was held and the Clerk of the Supreme Court thereafter, on October 23, 2018, sent the following communication to the Assigned Judge Clinton Johnson. The communication reads as follows:

> "By directive of Her Honor Sie-A-Nyene G. Yuoh, Associate Justice presiding in Chambers, you are hereby mandated to resume jurisdiction and proceed to hear and dispose of the motion for relief of judgment as the parties have agreed. The Justice therefore declined to issue the writ as prayed for."

We do not see in the records a hearing on the motion for relief from judgment until February 19, 2019, when co-appellee Marie Johnson filed a bill of information before Judge Yamie

Quiqui Gbeisay, Sr., the assigned Judge, informing the trial court that she was not served a summons which brought her under the jurisdiction of the court before a default judgment was rendered against her and the court ordering her dispossessed of her property; that she had filed a motion for relief from judgment which the previous assigned Judge, Judge Clinton Johnson had declined to hear and which prompted her to file a petition for a writ of prohibition before the Justice in Chambers; that in a conference called by the Justice, the parties had agreed to go back to the trial court and hear the motion for Relief from Judgment and a Mandate was sent to the court below to this effect. The co-appellee in her bill of information prayed the assigned Judge Gbeisay to assign the motion and have same disposed of as mandated by the Justice in Chambers.

The appellant filed her returns to the co-appellees' bill of information, stating that the averments in the bill of information were lies intended to mislead the court; that Judge Clinton Johnson did not render a ruling but simply enforced the ruling of her predecessor judge; that the appellee in disobedience to the court's order had often at the time of execution of the writ of possession obstructed the court's order, and when the appellant was placed in possession, the appellee and the other defendants would lawlessly and violently repossess the property and they are presently in possession of the property.

His Honor Judge Gbeisay, on February 14, 2019, cited the parties to appear for hearing on the motion for relief from judgment, and on February 21, 2019, he heard the motion and thereafter ruled as follows:

> "On July 19. 2013, the plaintiff in these proceedings, Madam Esther K. Venn, filed an action of ejectment against defendants, Marie Johnson, Thomas Yaya Nimely and James Gibson. Sheriff's returns shows that Marie Johnson and Thomas Yaya Nimely instructed their caretakers not to accept the writ of summons accompanied by the plaintiff complaint. Following a default judgment and a writ of possession issued, the movants Thomas Yaya Nimley and Marie Johnson moved the court to relief them from judgment, contending that the sheriff return is false, in that on the date mentioned by the sheriff return, Madam Marie Johnson was out of Liberia and Mr. Thomas Yaya Nimley was in Grand Gedeh County, making it difficult if not impossible for them to instruct their caretakers not to accept court precept.
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> The motion was resisted and the respondents contended that both movants were constructively served. The records revealed that movants filed a petition for prohibition before the Justice in Chambers in an effort to halt this court form imposing default judgment. Her Honor Associates Justice in Chambers Sie-A- Nyene Yuoh, on October 23, 2015, declined to issue the writ of prohibition but mandated this court to resume jurisdiction and proceed to hear and dispose of the motion to relief from judgment as per the parties' agreement.
>
> This court listened to the argument pros and cons by the parties and ordered the movant, specifically, Mrs. Johnson, to provide proof that she was out of Liberia at the time of the service of the precept. In response, Madam Johnson, by and thru her lawyer

presented a plane ticket to the Court to the effect that she travelled to America before the writ was served. Certainly, there is still doubt in the mind of the Court as to whether or not the Sheriff return is true, accurate and correct in the way desire by the defendant. The plane ticket also in itself does not show Madam Johnson return to Liberia prior to the serving of the court's precept. This in the mind of the court raises serious doubt. In view of the uncertainty of the sheriff's returns and considering that it is a real property contested and had been developed in the tune of thousands of U.S. dollars, this court deems it expedient that this case be heard on its merits so that any party losing his or her property will do so on the basis of the strength or superiority of his/her title deed, and the evidence adduced at trial, which is the object of an ejectment action. This court is of the opinion that this may have been the intent of the Justice in Chambers when she ordered that this Court should hear and determine the motion to relief from judgment. The Honorable Supreme Court repeatedly warned this Court to be careful, patient and kind when it comes to issues of real property.

WHEREFORE AND IN VIEW of the foregoing facts and circumstances, the movants' motion to relief from Judgment is hereby granted and the resistant thereto is hereby set aside. The default judgment entered by this court is hereby set aside and the movants are hereby ordered to file their responsive pleadings to the plaintiff's complaint in seven days as of today's date. This court shall give preference to the hearing of this case on its merits and to its determination in this term of court. And it is hereby so ordered."

We see from the ruling of the Judge that he proceeded to grant the motion for relief from judgment, set aside the default ruling entered by his predecessor Judge Wollor of concurrent jurisdiction, and ordered the named defendants in the action of ejectment to file their responsive pleadings to the complaint within seven days for the court to hear the case on its merits.

It is from this final ruling of Judge Gbeisay that the appellant noted exception and announced an appeal to the Supreme Court, filing a one-count bill of exception, contending that the Judge committed a reversible error when he granted co-appellees Marie Johnson and Thomas Yaya Nimley motion for relief from judgment, and set aside the final ruling of His Honor A. Sikajipo Wollor rendered on September 29, 2014.

Given the contentions of the parties, as well as the facts and circumstances, this Court ask, whether in proceeding to hear the motion for relief from judgment Judge Gbeisay could have set aside his predecessors' rulings and orders?

Referencing our Civil Procedure Law Section 41.7 (2) defines a motion for relief from judgment as follows:

"Grounds: On motion and upon such terms as are just, the Court may relieve a party or his legal representative from a final judgment for the following reasons:

a) Mistake, inadvertence, surprise, or excusable neglect;

b) Newly discovered evidence which, if introduced at the trial, would probably have produced a different result and which by due diligence could not have been discovered in time to move for a new trial under the provisions of section 26.4 of this title;

c) Fraud (whether intrinsic or extrinsic), misrepresentation, or other misconduct of an adversary party;

d) Voidness of judgment; or

e) Satisfaction, release, or discharge of the judgment or reversal or vacating of a prior judgment or order on which it is based, or in-equitableness in allowing prospective application of the judgment.

1. A motion under this section shall be made within a reasonable time after the judgment is entered.

2. **A motion under this section does not affect the finality of a judgment or suspend its operation (emphasis ours).** This section does not limit the power of a court to entertain an independent action to relieve a party from a judgment or to grant relief to a defendant under section 3.44."

Referencing this provision of our Civil Procedure Law, in regard to the co-appellee Marie Johnson and Thomas Yaya Nimley's contention, we find that the only ground applicable above in their case is sub-section (d) – "Voidness of judgment", because Marie Johnson and Thomas Yaya Nimely contend that the judgment cannot operate against them since they were not served a summons in the ejectment action to bring them under the jurisdiction of the court, and that enforcement of the said judgment against them is violative of their right to due process.

The Sheriff's returns, this Court has held, is presumed accurate for all intents and purposes and is prima facie evidence of the facts stated therein, unless challenged, in which case, an investigation must be conducted. *Kindii et al v. Foster et al*, Supreme Court Opinion, March Term, A.D. 2010; *Pentee v. Zoe*, 38 LLR 485, 495 (1997). In the instant case, the investigation that sought to ascertain the truth of the matter relating to the Sheriff's returns was the hearing of the motion for relief from judgment. The sheriff's returns to service of the writ of summons, which was issued on the 19th Day of July 2013, and served on the 22nd day of July, 2013, is written verbatim below:

"Sheriff's Returns:

On the 22nd Day of July A.D. 2013 at the hour of 11:30 A.M., I duly served one of the within named defendants in person of James Gibson and he received his copy. But defendants Marie Johnson and Thomas Yaya Nimely told their caretakers to not receive their copy of the writ of summons. Hence, this serves as my returns.

M. Sarkonah
Sheriff, Margibi County, R.L.
13th Judicial Circuit Court"

We take note that the sheriff's report states that except for the co-defendant James Gibson who was personally served and did not show up in his defense of the complaint in the action of ejectment, Marie Johnson and Thomas Yaya Nimely were not personally served with a summons, but that attempts were made to serve the summons on their caretakers who refused to take the summons allegedly upon the instruction of the appellants. Our Civil Procedure Law, Rev., Code1: 3.32; 3.33; 3.35; 3.38; 3.40, state:

3.32. Summons to be issued forthwith.

On the filing of a complaint, the clerk of the court, or in a court not of record the magistrate or justice, shall issue the writ of summons or other writs forthwith.

3.33. Form of summons.

The summons shall be directed to the ministerial officer of the court in which the action is brought; shall state the court and names of the parties, together with their addresses if known; shall be signed by the clerk and bear the seal of the court; shall state the time within which the defendant is required to appear and defend; and shall notify him that in case of his failure to do so judgment by default will be rendered against him for the relief demanded in the complaint. In a court not of record, a statement of the substance of the complaint shall be included in the summons.

3.35. Resummons.

If the return on a summons states that the summons was not served on a defendant, a writ of resummons may issue as to such defendant. A writ of resummons differs from a writ of summons only by the insertion therein after the word "summoned" of the words "as you were before commanded." It shall be served and the return shall be made thereon in the same manner as if it were a summons.

3.38. Personal service of summons within Liberia.

1. Upon a natural person. Personal service of summons within Liberia upon a natural person other than an infant or incompetent shall be made by reading and delivering the summons to:

(a) The person to be served; or

(b) A person designated by the person to be served as his agent for service in a writing which shall be probated and registered in the office of the Registrar of Deeds of the county in which the person to be served resides within three years of service unless the designation has been revoked by filing a revocation or by the death or legal incompetency of the person or agent.

3.40. Service by publication and mailing.

If the return on the writ of resummons shows that the defendant has not been served and if the plaintiff makes application not later than ten days after such return, the court shall order service of the summons to be made by publication. An order for service by publication shall direct that the summons be published together with a brief statement of the object of the action in a recognized newspaper for a specified time, at least once in each of four successive weeks. The first publication shall be made within twenty days after

the order is granted. On the day of each publication, a copy thereof together with a copy of the complaint shall be mailed by registered mail to the last known address of the defendant."

We are taken aback that the ministerial officers would insist on serving the summons on the caretakers of the appellants when the law requires that service of summons be personally served (LCLR,1: 3.38) on the defendants, except where he designates a person to be served as his agent and same being done in writing. In this case where the appellees insisted on keeping themselves obscured from service, we find it strange that the trial court did not take steps to have the appellees served by publication as required under ILCL Rev. section 3.40.

This Court has held that personal service or process means the actual or direct delivery of the summons or a copy thereof to who it is directed or to someone who is *authorized* to receive it in his behalf (party). Since the appellees were not served personally or by publication and the purported caretakers were not authorized by them to receive the summon, we confirm the ruling of Judge Gbeisay, ordering that the co-appellees Marie Johnson and Thomas Yaya Nimely be relieved from judgment and allowed to file their answer to the appellant's complaint within seven (7) days as of the reading of this Court's Mandate, and the matter be proceeded with on its merits.

Our understanding of the Chambers Justice's Mandate is that the parties having agreed in a meeting with the Chambers Justice to proceed to the court below and hear the motion for relief from judgment, they were to return and have the motion called and the contention of co-appellees verified. In fact, the sheriff's own report written above states that the co-appellees Marie Johnson and Thomas Yaya Nimely were not personally served.

This Court has enunciated in several cases, that where a party claims that it was not served a writ of summons either personally or by publication, thereby bringing him under the jurisdiction of the court, a ruling emanating from such a matter cannot and ought not to operate against him. *Joseph S. Feahn v. Her Honor Judge Mardea T. Chenoweth and Emmanuel L. Shaw*, Supreme Court Opinion, October Term A.D. 2022; *LIDC v. Thorpe, 31 LLR 714, 724 (1984).* The co- appellees in this case have contended that they were never served a writ of summons and the complaint filed by the appellant, and the sheriff's report does not rebut this; therefore, this Court holds that they were not legally brought under the jurisdiction of the trial court.

This Court however reiterates that a motion for relief from judgment does not call for a review of a final judgment; it goes to challenging the form and way the judgment is procured. *Joseph S. Feahn v. Her Honor Judge Mardea T. Chenoweth and Emmanuel L. Shaw*, Supreme Court Opinion, October Term A.D. 2022; *Sasay v. Sasay ,* 29 LLR 505, 507 (1982). We must reiterate

the numerous Opinions of this Court, that, "no trial judge has the power to review, modify, rescind, and/or reverse the acts or any decision by a colleague of concurrent jurisdiction on any point already passed upon by him, however erroneous the said act of this colleague may be; that said authority lies only with this Supreme Court: Emirates Trading Agency Company v. Global Import and Export Company, 42 LLR 204, 212-213 (2004); In Re Judicial Inquiry against Judge Emery S. Paye, Supreme Court Opinion, October Term, 2012; *Yeakula et al. v. R.L., Supreme Court Opinion, October Term, A.D. 2014.*

Addressing the issue whether Judge Gbeisay in his ruling on the motion for Relief from Judgment could have set aside his colleague Judge Wollor's ruling, this Court says that his order rescinding Judge Wollor's ruling was erroneous as it was tantamount to a review of his predecessors ruling. Our Civil Procedure Law does not allow a motion under this section to affect the finality of a judgment or suspend its operation (Civil Procedure Code Rev. I: 4I.7.2). Judge Gbeisay in granting the motion for relief from judgment and ordering the co-appellee to file her answer to the complaint, could not set aside the final ruling of Judge Wollor, a predecessor judge of concurrent jurisdiction. This act of the trial Judge was erroneous and contrary to settled Opinions of this Court that a judge of concurrent jurisdiction cannot set aside the ruling of his colleague judge, only the Supreme Court: Sarnor v. Leigh-Sherman, Supreme Court Opinion, March Term, A.D. 2012; Cooper et al. v. Kaba, 41 LLR 36, 40 (2002).

The parties having agreed in a conference called by the Chambers Justice to return to the trial court to have the motion for relief from judgment heard, the trial Judge did not err when he entertained the hearing of the motion; however, the Judge's order setting aside Judge Wollor's ruling was erroneous as it was tantamount to a review of his predecessor's ruling, and contrary to our Civil Procedure Rev,. Code I: 41.7.2) which does not permit a hearing of a motion for relief from judgment to affect the finality of a judgment or suspend its operation.

The Court however emphasizes its pronouncement in numerous Opinions, that real property matters must be treated with the outmost caution, it must be diligently disposed of, and judges who handle matters of real property are to afford all parties every chance and patience to appear and defend their cause by all mean accorded them by law.: *William v Tah et al.,* Supreme Court Opinion, October Term A.D 2010 *; Teah v Andrews et al*., 39 LLR 493, 504 (1999); *Kennedy et al v Goodridge et al.,* 33 LLR 398, 405 (1985).

WHEREFORE AND IN VIEW OF THE FOREGOING, the appellant's appeal is hereby denied. The Court orders that the appellees Marie Johnson and Thomas Yaya Nimely be served with the summons and complaint and be given seven (7) days to file their answer and the trial court proceed to hear the action of ejectment on its merits. The Clerk of this Court is ordered to send

a Mandate to the Thirteenth Judicial Circuit Court, commanding the judge presiding therein to resume jurisdiction over this case and enforce this Judgment. Costs are to abide final determination. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, THE APPELLANT WAS REPRESENTED BY COUNSELLOR ELISHA T.J. FORKEYOH. THE APPELLEES WERE REPRESENTED BY COUNSELLOR ALBERT S. SIMS OF THE JUSTICE ADVOCATES & PARTNERS INC.