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

BEFORE HIS HONOR : YAMIE QUIQUI GBEISAY, SR……….……….CHIEF JUSTICE
BEFORE HER HONOR : JAMESETTA H. WOLOKOLIE…………….ASSOCIATE JUSTICE
BEFORE HIS HONOR : YUSSIF D. KABA………………………….…ASSOCIATE JUSTICE
BEFORE HER HONOR : CEAINEH D. CLINTON-JOHNSON.............ASSOCIATE JUSTICE
BEFORE HIS HONOR : BOAKAI N. KANNEH……………...….........ASSOCIATE JUSTICE

Executive Parking Services Incorporated, by and thru it CEO, Mr. Joseph Blake, and all other occupants to be identified operating under the authority of Executive Parking Services Inc. of Via Town, Bushrod Island, Monrovia, Liberia……..……………….…..……Appellant	
Versus	APPEAL
His Honor Scheaplor R. Dunbar, Assigned Circuit Judge Sixth Judicial Circuit, Civil Law Court, Montserrado County, and the Intestate Estate of Vamuyah Corneh and Vamuyah Sheriff, by and thru its Administrator A. Vamuyah Corneh, III, of Via Town, Bushrod Island, Monrovia, Liberia …………..…………Appellee	
GROWING OUT OF THE CASE:	
Executive Parking Services Incorporated, by and thru it CEO, Mr. Joseph Blake, and all other occupants to be identified operating under the authority of Executive Parking Services Inc. of Via Town, Bushrod Island, Monrovia, Liberia……..…………....……...…Petitioner	
Versus	PETITION FOR A WRIT OF CERTIORARI
His Honor Scheaplor R. Dunbar, Assigned Circuit Judge Sixth Judicial Circuit, Civil Law Court, Montserrado County, and the Intestate Estate of Vamuyah Corneh and Vamuyah Sheriff, by and thru its Administrator A. Vamuyah Corneh, III, of Via Town, Bushrod Island, Monrovia, Liberia ……………….……Respondent	
GROWING OUT OF THE CASE:	
Executive Parking Services Incorporated, by and thru it CEO, Mr. Joseph Blake, and all other occupants to be identified operating under the authority of Executive Parking Services Inc. of Via Town, Bushrod Island, Monrovia, Liberia……..…………….………….…Movant	
Versus	MOTION TO JOIN
The Intestate Estate of Vamuyah Corneh and Vamuyah Sheriff, by and thru its Administrator A. Vamuyah Corneh, III, of Via Town, Bushrod Island, Monrovia, Liberia …………………….……….……... Respondent	

Heard: January 13, 2026 Decided: February 13, 2026

MR. JUSTICE KANNEH DELIVERED THE OPINION OF THE COURT

This appeal is from the ruling of our esteemed Colleague, Madam Justice Ceaineh D. Clinton Johnson, who presided in Chambers during the March Term of Court, A.D. 2025. The Justice in Chambers, upon hearing had on the petition for the issuance of the writ of certiorari, quashed the alternative writ, and denied the issuance of the peremptory writ of certiorari prayed for by the appellant, Executive Parking Services by and thru its CEO, Mr. Joseph Blake.

The relevant facts as culled from the records reveal that on January 3, 2025, the appellee, the Intestate Estate of Vamuyan Corneh and Vamuyan Sirleaf by and thru its administrator A. Vamuyan Corneh, III, filed a three-count action of ejectment against the Executive Parking Services by and thru its CEO Joseph Blake, claiming a parcel of land measuring 2.4 acres, lying and situated in Vai Town, Bushrod Island, Monrovia, Liberia; that the said property was acquired in May 1977 through a public land sale from the Republic of Liberia ; that the appellant, in complete disregard of the appellee's property right, has illegally and unjustifiably encroached upon the appellee's property and has constructed a car parking lot thereon; that every attempt to have the appellant relinquish possession of the appellee's property proved futile; and that for the wrongful occupation of the appellee's property by the appellant, damages will lie as a matter of law.

The appellant, Executive Parking Services by and thru its CEO Joseph Blake, filed a six-count answer basically alleging that the appellee's complaint is a product of fraud and misrepresentation; that the true owner of the property, subject of the present proceedings, is their lessor, the Intestate Estate of Johnny Larty Kiadii; that the appellant is legitimately occupying the said property based on a lease agreement with their lessor, the Intestate Estate of Johnny Larty Kiadii; that they have peacefully occupied the said property for more than twenty (20) years without interference from the appellee; and that they (appellant) did not wrongfully withhold the disputed property for which damages will lie.

On February 3, 2025, the appellee filed a two-count reply essentially restating the averments in its complaint and further arguing that it is entitled to summary judgment as a matter of law since the appellant did not attach to its answer the lease agreement with the Intestate Estate of Johnny Larty Kiadii as a way of demonstrating proof of its authorization to occupy the subject property.

On February 14, 2025, the Intestate Estate of Johnny Larty Kiadii by and thru its administrator Boima Kiadii, filed a four-count motion to intervene contending that it is the legitimate and bonafide owner of the disputed property and as proof of its ownership, the estate proffered a public land sale deed dated July 5, 1987, from the Republic of Liberia to Johnny Larty Kiadii; that intervenor also indicated that the appellant is occupying the subject property based on expressed authorization from the estate as a result of the lease agreement executed between the Intestate Estate of Johnny Larty Kiadii and the appellant; that a motion to intervene is the appropriate remedy for a person who is not a party to a suit but has sufficient stake in the matter; and that the interest of the estate will be adversely affected if the motion to intervene is not allowed as a matter of law.

On March 14, 2025, the trial judge, having heard the motion to intervene denied same on grounds that the appellant did not attach to the motion to intervene an intervenor's answer. The records further revealed that the counsel for the appellant noted exceptions to the above-stated ruling of the trial judge; however, the record is void of any step taken by the intervenor to perfect its appeal as required under Section 51.4 of the appeal statute. It is the law that "where a party announces an appeal but neglects to complete the other mandatory steps under the appeal statute, the appeal is a fit subject for dismissal. *Ahmar v. Gbartoe*, 42 LLR, 117, 119 (2004). Hence, the appellant's grantor having failed to follow the dictates of the appeal statute for the perfection of an appeal, it cannot enjoy the benefit of any form of appellate review before this Court, and is bound by the judgment of the lower court as regards the denial of the motion to intervene.

Subsequently, on March 19, 2025, the appellant filed an eight-count motion to join basically reiterating the averments in the motion to intervene filed by the Intestate Estate of Johnny Larty Kiadii by and thru its administrator Boima Kiadii to the effect that the Intestate Estate of Johnny Larty Kiadii is the lawful owner of the disputed property; that the lease agreement which gave the appellant the authority to occupy the subject property was executed between the Intestate Estate of Johnny Larty Kiadii and the appellant; and that a motion to join the estate to the present action is necessary to allow the prevailing party to have complete relief and to give the Intestate Estate of Johnny Larty Kiadii the opportunity to protect its property rights.

On April 10, 2025, the appellant's motion to join was denied by the trial judge on grounds that the motion was only intended to circumvent the trial court's ruling on

the intervenor's motion to intervene which was denied based upon the intervenor's failure to file an answer along with its motion to intervene as dictated by the statute.

The appellant, being dissatisfied with the trial judge's denial of the motion to join its grantor, filed a seven-count petition for certiorari which we incorporate herein below:

1. "Petitioner is the defendant in the main suit who filed a Motion to Join its grantor/lessor *The Intestate Estate of the Late Johnny Larty Kiadii*, by and thru its Administrator, Boima Kiadii, but same was denied by His Honour, Judge, Scheaplor R. Dunbar on April 10, A.D. 2025 on grounds that the motion was to circumvent his previous ruling. See attached and marked as exhibit P/1, a copy of said ruling, dated April 10, A.D. 2025 for your ease of reference.

2. Petitioner says that, as defendant and in its responsive pleading and answer, while addressing the complaint, petitioner/defendant gives notice that they were not the proper party and that their proper party and true owner would have been joined to the pending action for proper and full relieve. Furthermore, petitioner says that same was properly expressed in its motion to join; as attached and marked as exhibit P/2 in bulk, to form a cogent part of this petition.

3. Further to the above, petitioner says that the respondent/complainant resisted the motion to join on grounds that it was stare-decisis and moot. To the contrary, petitioner argued that the motion to intervene and the motion to join were two separate motions with the former being filed by the intervener and the latter being filed by the defendant now petitioner; and the two motions carries two separate and distinct parties who are movants. Attached hereto and marked as exhibit P/3 in bulk is the motion to intervene as proof of evidence that said motion was separate and distinct from the motion to join. (P/2 already attached).

4. Petitioner says certiorari will lie in the instant case to review the error of a Trial Judge or subordinate court while a matter is pending when such errors materially prejudice or injure the rights of a party". *OLIVIA DUGBEH ET AL VS. NIMLEY ET AL*, 359, SYL. (2), TEXT AT PAGE 362. In the instant case, both defendant/petitioner and their grantor/lessor rights can only be protected by the granting of the

aforesaid motion. Petitioner says that the trial judge erred and made a reversible error to have denied the motion to join as same prejudice and injured the rights of the petitioner, defendant in these proceedings, and its grantor/lessor.

5. Petitioner further says that the Ruling of the Respondent, Judge, His Honor Scheaplor R. Dunbar is interlocutory and same will affect the rights and interest of Petitioner if the writ of certiorari is not issued. The case. JIDSANC, INC ET AL VS. WEST TECH P.L.C GROUP OF COMPANIES ET AL, 35LLR, PAGE 742, SYL. (9). The supreme said that: "Certiorari concerns itself only with the records; it is to review the records and correct prejudicial errors of a trial Court during the pendency of a case."
6. Petitioner says that the motion to join filed by petitioner/defendant is in no way intended to circumvent the respondent judge previous ruling as said ruling was made and based on technical or procedural grounds and not on the merit. In other words, the respondent judge merely denies an intervention on statutory ground and not the intervener; hence, same was without prejudice. See attached and marked as exhibit P/4 in bulk, a copy of the respondent judge previous ruling, on the motion to intervene.
7. The petitioner says that this writ of certiorari is the proper and adequate legal remedy available to review and correct the trial/respondent judge erroneous ruling. Petitioner says also that if this writ of certiorari is not issued to review and correct the prejudicial errors same will grossly affects the interest and rights of Petitioner/defendant same will work to the detriment of the petitioner; as there will be no contestation of deeds."

On July 21, 2025, the Chamber Justice, conducted full hearing into the petition and thereafter, on August 21, 2025, upheld the ruling of the trial judge, quashed the alternative writ, and denied the issuance of the peremptory writ of certiorari, and from which ruling the present appeal emanates. We quote pertinent excerpts from the ruling of the Chamber Justice as follows, to wit:

> On July 21, 2025, the court entertained argument into the amended petition and the returns thereto, and having listened to the arguments

from the counsels representing the parties, two issues present themselves for determination:

"(a) Is the petitioner the proper party or does the petitioner have the standing to file a motion to join its grantor/lessor as a party? and

(b) Given the facts and circumstances, would certiorari lie?

The facts as culled from the records of this case revealed that the respondent, the Intestate Estate of Vamuyah Corneh and Vamuyah Sheriff, through its administrator, A. Vamuyah Corneh, III, filed an action of ejectment against the petitioner, Executive Parking Services, Inc. in the Sixth Judicial Circuit, Civil Law Court for Montserrado County. Subsequent thereto, the grantor/lessor of the petitioner, the Intestate Estate of Johnny Larty Kiadii, filed a motion to intervene, absent an intervenor answer; that when the case was called for hearing and the counsels representing the parties having argued *pro et con*, the trial court ruled as follows:

"Section 5.63 of our Civil Procedure Law clearly provides a party seeking to intervene in a matter must serve the motion to intervene along with the responsive pleading or an answer. Movant having failed to file an answer to the motion to intervene, the said motion is hereby denied and dismissed and this case is ordered proceeded with. And it is hereby so ordered."

The counsel for the movant, not satisfied with the decision of the court, noted exception to the ruling and gave notice to the court that it would take advantage of the statute controlling. However, there is no showing in the records indicating the steps taken by the movant or its counsel thereafter. This Court is yet to understand why the movant sat on its right to an appeal. Under this circumstance, as the Supreme Court has held in a litany of opinions, it was incumbent upon the movant to have sought remedy through an appeal because the ruling of the trial judge had ended the movant's standing as a party.

In the case: *Cooper Heirs et al v. Swope et al*, 39 LLR 220, 236 (1998), the High Court espoused that "a ruling denying a motion to intervene is

appealable because if granted it would make the movant a party to the suit and once denied, the movant would have no more standing as a party in the case. The denial of the motion puts finality to the intervenor's side of the case, whether the judge labels the ruling interlocutory or otherwise."

Conversely, the petitioner, against whom the said ejectment action was filed and is a party defendant in the trial court, has now appeared in the selfsame court, and on behalf of its grantor/lessor, the intervenor, whose motion to intervene was denied and dismissed by the trial court but took no further steps, filed a motion to join same. This brings the Court to the issue, is the petitioner the proper party or does the petitioner have standing to file a motion to join its grantor/lessor as a party?

The petitioner, as movant, and in count six of its motion to join, contends that the trial court should join its grantor/lessor in order to be accorded adequate relief by protecting and defending their property right. This Court must remark here that however good intentioned the motion is, the practice the petitioner is attempting to adopt is a novelty. More appalling in this case is that the petitioner, without any authority from whomsoever, filed the motion to join a party that was denied intervention, but does the motion in its name, and asserts therein that it is the defendant in the action of ejectment. This is a strange and complex occurrence which has no foundation in law in our jurisprudence; hence this Court finds said argument to be unimpressive and ineffective, and must crumble.

The Supreme Court has held that a party wanting to bring an action on behalf of a third party must assert his or her own right or show sufficient authority; not just making claims of generalized injury. *The Management of Ecobank v. Embassy Suite Corporation*, Supreme Court Opinion, March Term, A.D. 2023; *Citizen Solidarity Council v. RL*, Supreme Court Opinion, March Term, A.D. 2016. In view of all that has been said, coupled with the laws cited, it is the holding of this Court that the petitioner was not the proper party to file motion to join its grantor/lessor.

As to the second and final issue that: given the facts and circumstances, would certiorari lie? As stated earlier in this Ruling, the petitioner, no sooner the trial court denied and dismissed the motion to intervene filed by its grantor/lessor, did not encourage the said grantor to appeal the decision of the trial court, but chose to file on behalf of the grantor a motion to join; which practice is a strange phenomenon, and not tenable in law, especially so, the petitioner not leaning on any authority to so do. The trial court having ruled denying and dismissing the motion to intervene, ordering the case to be proceeded with; the petitioner was without any authority to file a motion to join any party, it being a defendant in the said case. It is the law that "certiorari concerns itself only with the records; it is to review the records and correct prejudicial errors of a trial court during the pendency of a case". *Jidsanc Inc. et al v. Pearson et al*, 35 LLR 742, 749 (1988). The law says further that "the writ of certiorari will not be granted where adequate relief can be obtained through regular appeal". *Vargas v. Reeves*, 39 LLR 368, 373 (1998).

Having reviewed the records in this case as mandated by the laws cited, and having not found the trial judge's ruling to be inconsistent therewith, this Court is reluctant to grant the writ of certiorari as prayed for by the petitioner."

The appeal is now before the Supreme Court *en banc* for a review of the ruling of the Justice in Chambers on the question of whether the Justice in Chambers erred in affirming the trial judge's ruling denying the appellant's motion to join its grantor in the ejectment suit, and whether, as a matter of law, certiorari should lie.

The Civil Procedure Law, Rev. Code 1: 5.5 (1) (2) and 5.52 (2) on joinder state as follows, to wit:

§ 5.51. When joinder required.

1. Parties who should be joined. Persons (a) who ought to be parties to an action if complete relief is to be accorded between the persons who are parties to such action, or (b) who might be inequitably affected by a judgment in such action shall be made plaintiffs or defendants therein.

2. Compulsory joinder. When a person who should join as a plaintiff refuses to do so, he may be made a defendant or, in a proper case, an involuntary plaintiff. When a person who should be joined according to the provisions of paragraph 1 has not been made a party and is subject to the jurisdiction of the court, the court shall order him summoned to appear in the action.

§ 5.52. Effect of failure to join.

2. Nonjoinder not waived. The objection that a court cannot proceed in the absence of a person who should be joined is not waived at any time before judgment in the trial court. If the court on appeal finds that joinder of an additional party is indispensable to an enforceable judgment, it shall remand the case to the trial court for retrial after joinder of such party.

The doctrine of joinder serves two (2) important purposes, *viz.*: it provides complete relief to persons who are parties to the suit, and it prevents injury to individual(s) who might be inequitably affected by a judgment in such action.

We must now apply these principles of law to the ruling of the Justice in Chambers, which affirmed the trial judge's decision denying the appellant's motion to join its grantor, to determine whether certiorari will lie under the fact and circumstances of this case.

Applying this standard to the facts and circumstances of this case, we must revert to the trial records. Our review of the trial records established that the appellant, in all of its pleadings, indicated that it is not the legitimate owner of the subject property for which the instant action of ejectment is filed against it; that it only has possessory interest and temporary title in the property as a byproduct of the lease agreement between it and her grantor; and that the disputed property legitimately belongs to its grantor, the Intestate Estate of Johnny Larty Kiadii; and that it is for above-quoted reason that the appellant filed the motion to join its grantor to the present action.

It is the law in this jurisdiction that "the primary objective in suits of ejectment is to test the title of the parties and to award possession of the property in dispute to that party whose chain of title is so strong as to effectively negate his adversary's right to recovery". *Tulay v. Salvation Army (Liberia) Inc.*, 41 LLR 262, 275(2002); *Duncan v. Perry,* 13 LLR 510, 515 (1960). It is a mandatory requirement and a well enunciated principle of law, found in several Opinions of the Supreme Court that "a

plaintiff in every ejectment action must recover on the strength of his own title and not upon the weakness of the defendant's title". *Teahjay v. Dweh,* Supreme Court Opinion, October Term, A.D. 2013, decided January 2014; *Williams et al v. Karnga et al*, 3 LLR 234, 236 (1931).

This Court has also held that a tenant of a leased estate becomes absolute owner of demised premises during the existence of the lease while the landlord right is confined to that of reversionary interest: *Lerchel v. Eid*, 34 LLR, 648, 662 (1988).

Given the appellant's repeated caveat that it does not have exclusive title to the subject property and that its grantor should be joined to the present action, we fail to see the legal basis of the trial judge's denial of the appellant's request to join its grantor. First, an ejection action is a contest of title and no party can prevail in an ejectment action based on a title traceable to a third party who is not under the jurisdiction of the court. Moreover, the primary basis for a motion to join is to provide complete relief to persons who are parties to the suit, and to prevent injury to individual(s) who might be inequitably affected by a judgment in such action. Assuming the ejectment case would have proceeded without the appellant's grantor who has reversionary interest in the said property being joined as a party defendant, how could the appellee in this action have complete relief? Moreover, any judgment emanating from the action between the appellant and the appellee would have inequitably affected the appellant's grantor. This Court has held that "no judgment can conclude a person not a party to the suit, nor can it affect the property of such a person unless he has been brought under the jurisdiction of the court." *International Bank Liberia Limited v. Ocean Eleven Fitness Club*, Supreme Court Opinion, March Term 2023. Hence, the trial judge should have known that this is an ejectment action which must be handled with extreme caution as the deprivation of a person's property rights without just cause and without the safeguards of the law is a grave human rights violation.

This Court has held in a litany of Opinions that while it favors the speedy disposition of cases; however, it frowns on any method that ignores the rights of party litigants. Speedy trial means responsible and cautious speed, avoiding the deprivation of the parties' rights. Speedy trial as guaranteed under the Constitution is no license or excuse for a judge to hastily dispose of a matter by depriving individuals who have genuine stake in the matter from being joined as a party to the suit such as was done in this case. Those who are charged with the duty of dispensing justice must do so

in the spirit of cool neutrality, and the court must always rule with a mind void of partiality; our courts must be free from reproach or suspicion of unfairness, as the Judiciary should enjoy an elevated rank in the estimation of mankind. *The Corporation of IBN v. Pearson and Sirleaf*, 31 LLR 72, 75 (1983); Davis v. Yangbe. Hence, the trial judge committed reversible error when he denied the appellant's motion to join its grantor as a party to the suit.

Certiorari, says the law, is a special proceeding to review and correct decisions of officials, boards, or agencies acting in a judicial capacity, or to review an intermediate order or interlocutory judgment of a court.
Civil Procedure Law, Rev. Code 1:16.21(1); *Jawhary v. Greaves*, 40 LLR 489, 491 (2001). It also concerns itself only with records; it is to review records and correct prejudicial errors of a trial court during the pendency of a case. *Jidsanc Inc. et al v. Pearson et al*, 35 LLR 742, 752 (1988). Hence, a writ of certiorari is an extraordinary remedy available to correct gross irregularities, actions in excess of jurisdiction, or failures to proceed according to law on the part of a lower court or administrative authority.

This Court has consistently held that where the lower court's conduct threatens to prejudice a party's fundamental rights before final judgment, the writ may issue to prevent injustice, particularly where ordinary appeal is unavailable or inadequate at that moment. Therefore, in consonance with the *Civil Procedure Law*, Rev. Code 1: 5.52, this Court hereby orders the joinder of the appellant's grantor as a party defendant in the instant action in order for complete relief to be had.

WHEREFORE AND IN VIEW OF THE FOREGOING, the ruling of the Justice in Chambers confirming the ruling of the trial judge in which he denied the appellant's motion to join its grantor is reversed. Accordingly, the alternative writ of certiorari issued is sustained and the peremptory writ granted. The Clerk of this Court is ordered to send a Mandate to the judge presiding in the court below to resume jurisdiction and give effect to this Judgment. AND IT IS HEREBY SO ORDERED.

When this case was called for hearing, Counsellor Morley N. Gray, Jr. appeared for the appellant. Counsellors Mamee S. W. Gogbah, Jr. and David B. Kolleh, Jr. appeared for the appellee.