

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

Kadijatu B. Jalloh, by and thru her Attorney in fact)
Alpha O. Jalloh and Amos Kantan of Monrovi,)
LiberiaAPPELLANT)

Versus) APPEAL

Intestate Estates of Thomas N. Miller, by and thru)
its Administrator George Abu Miller of Monrovia,)
Liberia.....APPELLEE)

GROWING OUT OF THE CASE:)

Intestate Estates of Thomas N. Miller, by and thru)
Its Administrator George Abu Miller of Monrovia,)
Liberia.....PLAINTIFFS)

Versus) EJECTMENT

Kadijatu B. Jalloh, by and thru her Attorney in fact)
Alpha O. Jalloh and Amos Kantan of Monrovia,)
Liberia.....1st DEFENDANT)

And)

Fouta Corporation.....2nd DEFENDANT)

Heard: November 20, 2025

Decided: February 16, 2026

MR. JUSTICE KANNEH DELIVERED THE OPINION OF THE COURT

The instant action of ejectment is before us on appeal from a ruling rendered by the assigned trial judge of the Sixth Judicial Circuit, Civil Law Court, Montserrado County, during its March Term of Court A .D. 2024, where the contesting parties for two (2) distinct parcels of land traced their respective title instruments to separate grantors.

The relevant facts as culled from the records show that on June 1, 2023, the Intestate Estate of Thomas Miller, plaintiff in the court below, filed a sixteen-count action of ejectment against Kadijatu B. Jalloh by and thru her attorneys-in-fact Alpha O. Jalloh and Amos Kantan and Fouta Corporation Liberia before the Sixth Judicial Circuit, Civil Law Court alleging *inter alia* that it is the legitimate owner of two (2) separate parcels of land measuring five point five three (5.53) lots, lying and situated in Congo Town, Montserrado County, Republic of Liberia; that the appellee

purchased the subject property in 1989 from madam Kadijatu B. Jalloh; that the appellants without any color of right and in complete disregard of the appellee's property rights illegally encroached on the appellee's premises despite several verbal warnings and written notices from the appellee to have the appellant vacate its premises; and that damages will lie against the appellant for its illegal and wrongful withholding of the appellee's premises. To substantiate these allegations against the appellant, the appellee attached two (2) separate deeds: the first deed containing three point zero five (3.05) lots of land; the second deed containing two point four eight (2.48) lots of land; all purchased by the appellee from madam Kadijatu B. Jalloh in 1989.

We take judicial cognizance of the fact that the appellee filed the action of ejectment naming two (2) persons, namely, madam Kadijatu B. Jalloh by and thru her attorneys-in-fact Alpha O. Jalloh and Amos Kantan and Fouta Corporation. We also note that all of the parties were duly served as shown by the Sheriff's Returns.

However, a surprising turn of event occurred when Alpha O. Jalloh who was named in the complaint as one of the attorneys-in-fact for madam Kadijatu Jalloh denied being attorney-in-fact for madam Kadijatu Jalloh and on June 15, 2023, filed a sixteen-count answer to the allegations contained in the appellee's complaint in his own name, (Alpha O. Diallo) thereby bringing himself under the jurisdiction of the court. The crux of appellant Alpha O. Diallo's answer is that, contrary to the claims of the appellee, he is the legitimate owner of the property having duly purchased same from Eliza Sue Minor Johnson and Delecia Early Minor. In substantiation of his allegation of ownership to the disputed property, appellant Diallo attached to his answer an Administrator's Deed. However, a thorough review of the deed attached to the appellant's answer shows that it is in the name of one Alpha A. Jalloh. We shall address this issue later in this Opinion.

As to madam Kadijatu Jalloh and Fouta Corporation, the records show that they were both ruled to bare denial for their failure to file answers within the ten-day statutory period for the filing of responsive pleadings. The records further revealed that madam Kadijatu Jalloh and Fouta Corporation having been duly served notices of assignment repeatedly failed to appear for the hearing, prompting the trial judge to grant the appellee's application for default judgment against them. It is also the law that "the failure of a party, upon service of process, to appear, file or proceed to trial, is a ground for a default judgment against the defaulting party. Chapter 42, Section

42.1, 1LCL Revised, Civil Procedure Law. This is the practice in the lower courts. However, this Court has said that the granting of a default judgment does not necessarily end the matter; it does not entitle the complainant to relief without proof of the allegations set forth in his pleading and a final judgment cannot be rendered on a default judgment without proof of the allegations in the pleading. *The Management of Forestry Development Authority v. Walters*, 34 LLR, 777. This Court has also held that "A default judgment is an imperfect judgment that must be made perfect by the production of sufficient evidence by the plaintiff in substantiation of his claim". *Salala Rubber Corp. v. Garlawolu*, 39 LLR 609. This means that Alpha O. Diallo is the only appellant in this appeal.

On June 24, 2023, the appellee filed its reply to the appellant Alpha O. Diallo's answer essentially recounting the averments in its complaint and basically denying the allegations raised in the co-appellant's answer.

Subsequently, appellant Alpha O. Diallo filed a motion for investigative survey and the appellee filed resistance thereto. On March 20, 2024, the trial judge ruled denying the appellant's motion for investigative survey on grounds that the appellant, not having presented title deed in his own name, the matter should be sent to the jury for determination. Thereafter, the case was rule to trial with each of the parties presenting evidence through witness testimonies and documentary evidence to substantiate their allegations.

At the close of the evidence, the trial judge forwarded the matter to the jury for their determination. Following deliberation, the jury returned a unanimous verdict of non-liable in favor of the appellee. The appellant thereafter filed a motion for new trial and same was resisted by the appellee, heard and denied by the trial court. The court entered a Final Ruling affirming the jury's unanimous verdict, holding that the trial jurors are the sole judges of the credibility of each witness and they are the sole judges of the value or weight to be given to the testimony of each witness; that in the mind of the court, the evidence that was made available to the trier of facts was sufficient to enable them reach a verdict; that only the Honorable Supreme Court is competent to re-evaluate, re-weigh or re-determine evidence presented by the parties during the trial, and overturn the conclusion reached by the jurors.

The appellants noted exceptions to this ruling of the trial judge by filing a twenty-six-count bill of exceptions. This Court has determined that only count one (1) of the appellant's bill of exceptions is pertinent for the determination of the issues raised, and will limit our review to same accordingly. The Supreme Court has opined that "it is not bound to pass on all of the issues raised in the counts in the bill of exceptions but only those it finds pertinent to the disposition of the case." *CBL v. TRADEVCO*, Supreme Court Opinion, October Term 2012; *Knuckles v. TRADEVCO*, 40 LLR 49, 53 (2002); *Vargas v. Morns*, 39 LLR 18, 24; *Rizzo et. al v. Metzger et. al*, 38 LLR 476, 478 (1997); *Transport of Belgium v. Family Textile Center*, 38 LLR 49, 52 (1995).

1. Appellant says that the refusal of court to grant appellant's motion for investigative survey to evaluate the metes and bounds of the deeds and determine whether or not they were genuine deeds was an inadvertent error on the part of Your Honor since said refusal did not afford the jurors as laymen to have appreciated the conspicuous and damning deficiencies in the appellee's certified copy deeds submitted to this Court. Said submission is found commencing on line 23 page 17 of the minutes of the March 21, 2024 sitting. The refusal/denial is on the last paragraph of page 18. For this inadvertent failure to grant 1st Defendant's reasonable and legally supported request as provided for in numerous opinions of our Court, review of the trial should be held by the appellate court.

6. The professional surveyor sent by Liberia Land Authority, Roland Garko, who had testified and provided expert opinions before this court in previous cases, was objected to answer any questions on the deeds and their metes and bounds on grounds that he is not an expert and said objections were sustained by Court without stating the specific grounds on which the objection was sustained. More than ten questions were objected to and, if even three of those questions were allowed to be answered as was in the case of the Director of Archives, this expert on deeds would have confirmed what was resounded: that Plaintiff's deeds did not form a polygon or properly close, and that each of Plaintiff's deeds was different from the purported grantor deed. Questions to this witness can be found on sheet 1 to 4 of the minutes of April 4 sitting. The purpose of his appearing is reiterated in paragraph 4 of the first sheet.

For this failure to allow the expert to educate the jurors as laymen, this case should be reviewed by the Appellate Court.

In count 1 of the bill of exceptions, the appellant has contended that the refusal of the trial judge to grant appellant's motion for investigative survey to evaluate the metes and bounds of the appellee's deeds and determine whether or not they are genuine was an inadvertent error by the trial judge. Hence, the verdict as presented by the jury was manifestly against the weight of the evidence.

This Court has held in numerous Opinions that the purpose of an investigative survey is to help the court to settle certain technical aspects of a case which will aid the court in determining an issue and can be used as an evidentiary tool in helping the court to determine a particular technical nature or controversy of a matter before it. This is done, as in the case of a land dispute, when the technicians, under the direction of the court, conduct a survey identifying the metes and bounds and exact location of a parcel of land that may be a subject of controversy. *Gardiner v. James*, Supreme Court Opinion, March Term, 2015; *KML v Metzger, Sr. et al*, 42 LLR 216, 218 (2004).

It is evident from the above-cited principles of law as enshrined in the decisional laws of this Court that the primary purpose of an investigative survey is to aid the court in addressing certain technical issues as regards the metes and bounds of the deeds proffered by the respective parties. However, in the instant case, the records reveal that the deed proffered by the appellant was in the name of one Alpha A. Jalloh who was never brought under the jurisdiction of the court and neither a party to the suit, and that the appellant did not present any deed in his own name. So, the obvious question we ask ourselves is: What would have been the essence of conducting an investigative survey where the party calling for the said investigative survey does not have any deed in his name? All we see here is a fishing expedition!

This Court has held in a litany of Opinions that mere allegations cannot constitute proof without being supported by evidence, because it is evidence alone which enables the court, tribunal, or administrative forum to pronounce with certainty the matter in dispute. *Universal Printing Press v. Blue Cross Insurance Company*, Supreme Court Opinion, March Term A.D. 2015. Hence, the appellant having failed to proffer a valid deed in his name for the purpose of the court granting his request for the conduct of an investigative survey, we fail to see how the trial judge erred in denying the appellant's request for investigative survey.

As to the contention of the appellant as embedded in count six (6) of the bill of exceptions to the effect that the appellee's deed does not form a polygon or properly close, this Court says that assuming the appellee's deed does not form a polygon as the appellant as contended, we fail to see what standing the appellant has to raise this issue especially noting the fact that the appellant did not present a valid deed in his own name. This Court has held that a party seeking to demonstrate standing must assert his or her own rights and cannot raise the claims of a third party or third parties who are not before the court; nor can such a party make claims of generalized injury common to the body politic-the claimed injury must be individualized and unique or personal to the plaintiff. Therefore, this assertion of the appellant must crumble as a matter of law. Additionally, it is also the law that each party in an ejectment action must recover on the strength of his own title and not upon the weakness of his adversary's title. *Teahjay v. Dweh et. al*, Supreme Court Opinion, October Term, 2013; *Chronicles Newspaper & Brown v. RL*, Supreme Court Opinion, March Term 2015.

It is trite law, practice and procedure in this jurisdiction that issues of fact are within the exclusive province of the jurors or where a party waives the right to jury trial the judge sits alone as the trier of facts and the Supreme Court has been unwavering in holding that it is the function of a jury or a judge sitting without a jury, to hear and decide the factual issues upon the evidence adduced at a trial; that a verdict presented by the petit jurors may be set aside, where the verdict is contrary to the weight of the evidence or in the interest of justice. *Embassy Suites Corporation v. The Management of Ecobank*, Supreme Court Opinion, March Term 2023; *Ketter v. Jones et al.* 41LLR 81, 85 (2002); Civil Procedure Law, Rev. Code 1: 26.4. Hence, the jury verdict not being contrary to the weight of the evidence, the trial judge's confirmation of same does not constitute a reversible error and we so hold.

Before concluding this Opinion, we see from the records that the appeal bond, the bill of exceptions, a power of attorney issued by Kadijatu B. Jalloh, all referenced Alpha O. Jalloh as an attorney-in-fact for Kadijatu B. Jalloh. In fact, in 2022, Alpha O. Jalloh filed an action of summary proceedings to recover possession of real property before the Sixth Judicial Circuit, Civil Law Court as an attorney-in-fact for Kadijatu Jalloh. Moreover, the records show other pieces of evidence bearing the name of Alpha O. Jalloh as an attorney-in-fact for Kadijatu B. Jalloh. However,

Alpha O. Jalloh in count fourteen (14) of his answer denied ever serving as an attorney-in-fact for Kadijatu B. Jalloh. This is fraud at its highest peak.

WHEREFORE AND IN VIEW OF THE FOREGOING, the final ruling of the Sixth Judicial Circuit, Civil Law Court, which confirmed the verdict of the jury, is hereby affirmed. The appellant is ordered ejected, ousted and evicted from the subject property and the appellee placed in possession thereof. The Clerk of this Court is ordered to send a Mandate to the court below commanding the judge presiding therein to resume jurisdiction over this case and give effect to this Judgment. Costs are ruled against the appellant. AND IT IS HEREBY SO ORDERED

Ruling affirmed.

When this case was called for hearing, Counsellors Micah Wilkins Wright and Nathaniel B. Comehn appeared for the appellant. Counsellor Abraham B. Sillah, Sr. appeared for the appellee.