

IN THE HONOURABLE SUPREME COURT OF THE REPUBLIC
OF LIBERIA, SITTING IN ITS MARCH TERM, A.D. 2026

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: CEANEH D. CLINTON-JOHNSON..... ASSOCIATE JUSTICE
BEFORE HIS HONOR: BOAKAI N. KANNEH ASSOCIATE JUSTICE

Varney Mambu Dennis, the Intestate Estate of)
David Coleman by and thru its Administrators)
De Bonis Non, David A. Garnet, Ambrose,)
Logan and all occupants under their control of)
S.D. Cooper Road, Congo Town, Montserrado)
County, Liberia.....Petitioners)
)
Versus) Petition for Re-argument
)
The Intestate Estate of James Morris by and)
thru its Administrator, Richard B. Quadeh of)
S. D. Cooper Road, Paynesville, Montserrado)
County, Liberia.....Respondent)

GROWING OUT OF THE CASE:

Varney Mambu Dennis, the Intestate Estate of)
David Coleman by and thru its Administrators)
De Bonis Non, David A. Garnet, Ambrose,)
Logan and all occupants under their control of)
S.D. Cooper Road, Congo Town, Montserrado)
County, Liberia.....Appellants)
)
Versus) Appeal
)
The Intestate Estate of James Morris by and)
thru its Administrator, Richard B. Quadeh of)
S. D. Cooper Road, Paynesville, Montserrado)
County, Liberia.....Appellee)

Heard: March 23, 2026

Decided: May 21, 2026

MADAM JUSTICE CLINTON-JOHNSON DELIVERED THE OPINION OF THE COURT

This petition for re-argument emanates from this Court’s unanimous Opinion affirming the ruling of the trial court in an ejectment action where the trial judge affirmed the jury’s verdict, in which the respondent was ordered placed in possession of its property thereof by this Court, according to the metes and bounds of its deed that was pleaded.

In the petition for re-argument, the petitioners are contending that this Court ignored the issue of the trial court’s denial of a motion for investigative survey, for reason that the said motion was untimely filed; that the act of this Court, in ignoring the said issue, constitutes

disregard to this Court's own rules in respect of the conduct of investigative survey as the fundamental basis in aiding the Court to reach a determination in cases of ejectment; that without an Investigative Survey, this Court and the parties will never know whether the contested plot of land is the same being occupied by the petitioners and contested or claimed by the respondent; and prayed that this Court grants their prayers for re-argument of the appeal in the interest of transparency and grant unto the petitioners that which is legal and just in these premises.

The respondent, in response to the petitioners' petition for re-argument, filed its returns and averred that this Court should dismiss the petition for re-argument on ground that during argument of the appeal before this *Court en banc*, it was argued that the petitioners, filed said motion for investigative survey during trial in the court below which was denied because it was belated as trial had commenced and the said motion was a pretrial motion, hence its denial by the trial court was not a reversible error; that the said investigative survey issue was extensively argued before this Court *en banc* and that this Court, in its sound and legal mind unanimously ruled against the petitioners herein and ordered that the property be possessed by the respondent by the metes and bounds of the deed pleaded.

Considering the facts and circumstances of this case, this Court will address the lone issue that is determinative of this petition for re-argument; which is, whether or not this Court inadvertently overlooked some facts, or point of law to justify a reconsideration of its Judgment rendered on August 14, 2025, which placed the respondent in possession of the disputed property. This Court answers in the negative.

The justification for granting a petition for re-argument is laid down in Rule 9, Part 1 of the Revised Rules of this Supreme Court which provides, "that for good cause shown to the Court by petition, a re-argument of a cause may be allowed only once when a palpable substantial mistake is made by inadvertently overlooking some facts, or point of law..."

In a litany of cases, this Court, hoary with age, has consistently upheld the justification for a petition for re-argument as contained in Rule 9, Part 1 of the Revised Rules of this Supreme Court which provides that "...A petition for re-argument is intended to call the Court's attention to the points of law and fact previously raised in the argument and which the Court inadvertently overlooked to pass upon..." *American International Underwriters (AIU) v. Fares Import Export*, 30 LLR (1982); *LAMCO J.V. Operating Co. v Azzam et al*, 31 LLR 649 (1983), *Freeman et al. v Webster* [1961] LRSC 29; 14 LLR 493 (1961), *Union National Bank v MC.C.* [1973] LRSC 31 22 LLR 32 (1973)

This Court has further opined that re-hearings are not granted as a matter of right, and not allowed merely for the purpose of re-argument or because a party disagrees with the Court's decision; unless there is a reasonable probability that the Court had arrived at the erroneous conclusion or overlooked some important question or matter necessary to a correct decision; or that a motion for re-argument will be denied where the points of the motion are either an elaboration of issues fully briefed and argued, or while dealing with a subject not completely briefed, bring to the court's attention new matters to which consideration was not given before reaching a decision. *Lamco J.V. Operating Co. v. Azzam et al*, 31 LLR 649, 654 (1983).

It is significant to indicate, in determining whether or not any facts or points of law was overlooked, we quote verbatim this Court's Judgment of August 14, 2025:

“That in an action of ejectment where both parties present deeds which indicate that the contested properties are either overlapped or in separate locations, the court will make a logical determination by the aid of an investigative survey. However, when the motion for an investigative survey is not timely filed or when the case has already been decided, in the interest of justice, the winning party shall be placed in possession of the property by the aid of the surveyor based on the metes and bounds of his/her deed which was pleaded; and

That in the instant case, the court having denied the motion for investigative survey, trial proceeded with and final judgment entered in favor of the appellee; the court shall proceed to possess the appellee based on the metes and bounds of his deed.

WHEREFORE AND IN VIEW OF THE FORGOING, the final ruling of the trial court is affirmed and the appellee ordered placed in possession of its property according to the metes and bounds of its deed pleaded. The Clerk of this Court is ordered to send a Mandate to the lower court, 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 SO ORDERED.”

This Mandate of the Court clearly shows that the issue of the investigative survey was addressed by this Court in its Opinion when it opined that while it was the due process right of the petitioner to pray for an investigative survey in the trial court, it is also true that such right is time bound; that is to say, the motion for investigative survey, being a matter of law issue, should have being filed as a pretrial motion and determined before the matter was ruled to trial, but the petitioners failed to request the trial court for an investigative survey before trial commenced, as such, the petitioners suffered waiver and laches. The Supreme Court has been and remain very consistent in upholding the principle, that the courts will not do for party litigants that which they have an obligation or ought to do for themselves. *Jappeh v. Thian*, 35 LLR 82,89 (1988); *Sio v. Sio*, 35 LLR 92,97 (1988).

From the perusal of this case file, it is revealed that when the trial court denied the motion for investigative survey, the petitioners herein sought a redress before the Justice in Chambers, praying for the issuance of the alternative Writ of Certiorari but the Justice in

Chambers declined the issuance of the Writ of Certiorari and ordered the trial court to proceed with the hearing and determination of the case.

The records before this Court reveal that on April 22, 2022, the lawyers representing the parties were present during the selection of the petit jury and the taking of testimony of a witness; at this time, there was no motion for investigative survey before the trial court. On April 25, 2022, when the case was called for continuation of trial, during representation, the petitioners informed the court that they had filed a petition for investigative survey, which submission was resisted and denied on the ground that the said motion is a pretrial motion which must be filed before trial and the fact that the jury had been empaneled and trial had begun, the motion was filed belatedly. This ruling of the trial judge was unanimously decided by this Court, *en banc*, to be sound in law

This issue of the investigative survey having been addressed in the unanimous opinion of this Court on August 14, 2025, we do not see where any law or facts was overlooked nor do we see any legal basis to disturb the unanimous Opinion of this Court since the sole issue raised in the petitioners' petition is not a new issue that was not raised, briefed and determined by this Court.

We are of the opinion that the motion for investigative survey is a matter of law which must be filed as a pretrial motion and determined before the matter is ruled to trial. However, the failure to timely make such request constitutes waivers and laches.

It is our holding, that the issue of the investigative survey having been addressed by this Court and the petitioners' failure to show any other legal ground, facts or points of law which may have been inadvertently overlooked by this Court, this Court maintains its August 14, 2025 Judgment.

WHEREFORE AND IN VIEW OF THE FORGOING, the petition for re-argument is hereby denied and dismissed, and accordingly, the judgment rendered on August 14, 2025, is hereby confirmed and affirmed. 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 the Judgment of this Opinion. Costs are ruled against the petitioners. AND IT IS HEREBY SO ORDERED.

Denied.

When this case was called for hearing, Counsellor Dennis S. Sokan appeared for the petitioner. Counsellor James N. Kumeh appeared for the respondent.