IN THE HONORABLE 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 : CEAINEH D. CLINTON-JOHNSON.....ASSOCIATE JUSTICE
BEFORE HIS HONOR : BOAKAI N. KANNEH……...….....ASSOCIATE JUSTICE

Charles Brown of the U.S.A., represented by his Attorney-In-Fact Cerue Williams of the City of Monrovia, Liberia…….. Appellant

Versus

Madam Ellen F. Brown and Peter Brown, of the City of Monrovia, Liberia ..…..…..… Appellees

Appeal

GROWING OUT OF THE CASE

Madam Ellen F. Brown and Peter Brown, of the City of Monrovia, Liberia……..…..… Petitioners

Versus

His Honor Scheaplor Dunbar, Assigned Circuit Judge, Sixth Judicial Circuit, Civil Law Court, March Term, 2025, Montserrado County, Liberia …….. 1st Respondent

And

Charles Brown of the U.S.A., represented by his Attorney-In-Fact Cerue Williams of the City of Monrovia, Liberia…….. 2nd Respondent

Petition for the Writ of Certiorari

Heard: June 15, 2026 Decided: August 28, 2026

MR. JUSTICE KABA DELIVERED THE OPINION OF THE COURT

On May 25, 2024, the appellant, Mr. Charles Brown, instituted an action of Summary Proceedings to Recover Possession of Real Property in the Gardnersville Magisterial Court against the appellees, Madam Ellen F. Brown and Mr. Peter Brown. The parties are siblings engaged in a dispute over the same parcel of real property.

Upon the filing of the complaint, the magistrate issued a writ of summons and notices of assignment for the hearing of the appellant's action. Following the hearing, the magistrate entered a default judgment in favor of the appellant and ordered that the appellees be ousted and evicted from the disputed property on the

ground that they had failed to appear despite several notices of assignment issued by the court.

Subsequently, the appellees filed a motion to rescind the judgment, alleging that they had not been served with the writ of summons or the notices of assignment. They therefore challenged the validity of the proceedings on due process grounds. After hearing arguments on the motion, the magistrate denied the motion and reaffirmed the judgment previously entered.

Not satisfied with the magistrate's ruling, the appellees instituted summary proceedings before the Judge of the Sixth Judicial Circuit, Civil Law Court for Montserrado County. They contended that they had never been brought under the jurisdiction of the Magisterial Court because of the alleged lack of service of process and that the enforcement of the judgment against them violated their constitutional rights to due process and property.

The Circuit Judge duly cited the parties, heard the matter, and reviewed the records of the Magisterial Court. Upon consideration of the records, the trial judge agreed with the appellees, reversed the magistrate's ruling, and ordered that the matter be remanded to the Magisterial Court for a trial de novo so as to afford the appellees an opportunity to be heard.

The appellant excepted to the ruling and announced an intention to take advantage of the law controlling. The appellees likewise excepted in part, specifically to the trial judge's failure to order that they be restored to possession of the property pending the new trial after having been evicted pursuant to the magistrate's default judgment. The records further reveal that, following their partial exception, the appellees filed a petition for a writ of certiorari. They argued, among other things, that once the trial judge determined that proper service of process had not been made upon them and consequently reversed the magistrate's judgment, he should also have ordered that they be restored to possession of the property from which they had been evicted.

In his returns, the appellant asserted that he was the bona fide owner of the disputed property and that the appellees had deliberately failed to honor the court's writs and notices of assignment. The appellant further contended that the magistrate's denial of the motion to rescind constituted a final ruling from which an

appeal, rather than summary proceedings, was the appropriate remedy. He therefore maintained that the magistrate's judgment was legally sound and should not have been disturbed. The appellant also argued that certiorari would not lie under the circumstances because the remedy is available only to review interlocutory rulings, whereas the appellees were seeking review of a final judgment.

After hearing the parties, the Chambers Justice granted the petition for a writ of certiorari. In her ruling, the Chambers Justice held that although the trial judge had reversed the magistrate's judgment and ordered a new trial, it was incumbent upon him to expressly direct that the appellees be restored to possession of the disputed property pending the final determination of the case.

The determinative issue presented for our review is whether the Chambers Justice committed reversible error when she held that the trial judge should have ordered the appellees restored to possession of the disputed property after reversing the judgment of the Gardnersville Magisterial Court and remanding the matter for a trial de novo.

The facts giving rise to this controversy are substantially undisputed. The appellant instituted an action of Summary Proceedings to Recover Possession of Real Property against the appellees in the Gardnersville Magisterial Court. Following proceedings before that court, a default judgment was entered in favor of the appellant, and the appellees were evicted from the disputed property. Thereafter, the appellees challenged the judgment on a motion to rescind, asserting that they had not been served with the writ of summons or notices of assignment and therefore had been denied the opportunity to appear and defend their interests. The magistrate denied the motion.

The appellees subsequently instituted summary proceedings before the Civil Law Court, contending that the Magisterial Court lacked jurisdiction over their persons because of the alleged absence of service of process. Upon review of the records, the trial judge agreed with the appellees, reversed the magistrate's judgment, and ordered a trial de novo. However, despite reversing the judgment that formed the basis of the appellees' eviction, the trial judge did not order that the appellees be restored to possession of the property pending the rehearing of the matter. Aggrieved by that omission, the appellees petitioned for a writ of certiorari. The

Chambers Justice granted the writ and held that the trial judge should have expressly ordered the restoration of the appellees to possession of the property. It is from that ruling that the appellant now seeks review before the Full Bench.

At the outset, this Court observes that a substantial portion of the appellant's arguments is directed not at the ruling of the Chambers Justice, but rather at the propriety of the trial judge's decision reversing the magistrate's judgment. The appellant contends that the appellees improperly utilized summary proceedings to challenge a final judgment of the Magisterial Court and that their proper remedy was an appeal. The appellant further argues that the trial judge erred in entertaining the matter and in reversing the magistrate's ruling.

This Court held that: A final judgment is one which disposes of the case either by dismissing it before a hearing is had upon its merits or, after trial, by rendering judgment either in favor of plaintiff or defendant. An interlocutory judgment is one that determines some preliminary or subordinate point or plea or settles some step, question, or default arising in the progress of a cause, but does not adjudicate the ultimate rights of the parties. Butler-Abdullah v Pearson et al 36 LLR 592 (1989). Summary proceedings or investigations are remedial processes whereby circuit courts review reported irregularities committed by magistrates, justices of the peace, and constables without the aid of a jury. Pratt v Badio et al 30 LLR 558 (1983). Summary proceedings against magistrates and justices of the peace and summary proceedings to recover the possession of real property are two different proceedings under the statutes; the former being a remedial process dealing with arbitrary and irregular acts of justices of the peace and magistrates brought to a circuit court by a party whose legal rights are violated, and the latter dealing with possessory rights to recover possession of real property. Jeff et al. v. Hall et al. 38 LLR 396 (1997). While these arguments may raise important procedural questions, they are not properly before this Court. The records reveal that following the trial judge's ruling, the appellant merely excepted thereto but failed to pursue any remedial process to obtain review of that ruling. Consequently, the correctness of the trial judge's decision is not before us. The only matter properly presented is whether the Chambers Justice correctly determined that the appellees should have been restored to possession after the magistrate's judgment was reversed.

It is a well-established principle of our jurisprudence that when a judgment is reversed, vacated, or set aside, the legal foundation upon which actions were taken

pursuant to that judgment ceases to exist. A reversal is not an empty judicial declaration. Rather, it nullifies the legal efficacy of the judgment and ordinarily restores the parties to the position they occupied before the judgment was entered. The law recognizes that a judicial determination found to be erroneous cannot continue to produce legal consequences after it has been invalidated. The doctrine is rooted in fundamental notions of fairness and due process. A litigant who successfully challenges a judgment should not remain burdened by the consequences of that judgment while simultaneously enjoying the benefit of its reversal. To permit such a result would render the reversal illusory and deprive it of practical effect.

The records before us establish that the appellees were in possession of the disputed property before the institution of the summary proceedings in the Magisterial Court. Their dispossession resulted solely from the magistrate's judgment. Once that judgment was reversed by the Circuit Court, the legal basis for the appellees' eviction was extinguished. The eviction could no longer derive legitimacy from a judgment that had been declared invalid. It is a well-established principle of our jurisprudence that when a ruling has been enforced and subsequently reversed by the appealing court, the parties ought to be returned to *status quo anti.* A reversal operates not merely upon the written decision itself but also upon actions taken pursuant to that decision. To hold otherwise would permit the effects of a vacated judgment to survive notwithstanding the judicial determination that the judgment cannot stand. The purpose of appellate review is not merely to declare error but to restore the parties, insofar as practicable, to the position they occupied before the erroneous judgment was entered. Thus, where a party has been deprived of possession of property solely by virtue of a judgment that is subsequently reversed, elementary principles of justice and due process require that such a party be restored to possession pending further proceedings, unless some independent legal basis exists for maintaining the dispossession.

The trial judge's order directing a trial *de novo* necessarily recognized that the rights of the parties remained unresolved and that the matter required further adjudication. Under such circumstances, the proper course was to restore the parties to the *status quo ante* pending final determination of their respective rights. The phrase *status quo ante* refers to the last actual, peaceable, and uncontested condition that existed before the occurrence of the disputed event. In the present

case, that condition was the appellees' possession of the disputed property prior to the execution of the magistrate's judgment.

Had the trial judge ordered a new trial while allowing the appellant to retain the benefits of a judgment that had already been reversed, the appellees would continue to suffer the consequences of a judicial determination that no longer possessed legal validity. Such a result would be inconsistent with both logic and law. Courts are not only empowered to correct error but are also obligated to ensure that their corrective actions have a meaningful effect.

We therefore agree with the Chambers Justice that the reversal of the magistrate's judgment necessarily required restoration of the appellees to possession of the property pending the rehearing of the case. The failure of the trial judge to expressly include such relief in his order constituted an omission that warranted correction.

The appellant argues that because the appellees may have pursued an improper remedy before the Circuit Court, they were not entitled to restoration of possession. However, as previously stated, the validity of the trial judge's ruling is not before this Court. That ruling remains binding and effective until reversed through appropriate judicial proceedings. Having failed to seek a timely review thereof, the appellant cannot now use this appeal as a vehicle to collaterally attack the merits of the trial judge's decision.

Accordingly, we hold that the appellate court having reversed the ruling of the magistrate court but failed to return the parties to *status quo ante*, the Chambers Justice was within the pale of the law when she ordered the parties to be returned to *status quo ante*.

WHEREFORE, AND IN VIEW OF THE FOREGOING, the alternative writ issued is upheld, and the peremptory writ ordered is sustained. The Clerk of this Court is hereby ordered to send a Mandate to the court below, commanding the judge presiding therein to resume jurisdiction and order the appellee repossessed consistent with the judgment of this Opinion. Costs are disallowed. AND IT IS HEREBY SO ORDERED.

WHEN THIS CASE WAS CALLED FOR HEARING, COUNSELLOR SAYMA SYRNIUS CEPHUS APPEARED FOR THE APPELLEES. COUNSELLOR JAMES N. KUMEH APPEARED FOR THE APPELLANT.