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NO.5

IN THE HIGH COURT OF SIERRA LEONE
(LAND PROPERTY & ENVIRONMENTAL DIVISION)

BETWEEN:

YAKUBA KAMARA & ORS

-

PLAINTIFFS

AND

HAJA ZAINAB JALLOH

-

DEFENDANT

COUNSEL

E.T. KOROMA AND DANIEL KOROMA FOR THE PLAINTIFFS

O. JALLOH AND A.B.S. KAMARA FOR THE DEFENDANT

RULING

HONOURABLE MR. JUSTICE

ABDUL RAHMAN MANSARAY J.

6TH DAY OF OCTOBER 2026

The Application

1. This Court is called upon to determine the Defendant's application seeking, inter alia, leave to restore the Summons for Directions and to admit additional documents consisting of correspondence exchanged between the Defendant's solicitors and the Ministry of Lands, together with leave to subpoena Mr Tamba Dauda, Acting Professional Head and Director of Surveys and Lands.
2. Abu Bakarr Sorie Kamara's affidavit supports the application. The Defendant contends that the documents were received from the Ministry of Lands following correspondence initiated during the proceedings, and that the evidence is material to the effectual and complete determination of the issues before the Court. The Defendant further argues that the Plaintiffs would suffer no prejudice because the Plaintiffs are still presenting their case.
3. Mustapha Alfred Kamara's affidavit opposes the application. The Plaintiffs contend that the report from the Ministry of Lands has been in the court bundle since the commencement of the proceedings; that the Defendant had ample opportunity to investigate or challenge the report before trial; and that the proposed documents amount to an attempt to question the validity of an official report already before the Court. The Plaintiffs further submit that the application is dilatory and prejudicial.

The Issue and Analysis

4. The principal issue is whether the Court should exercise its discretion to admit the additional documents and permit the attendance of the proposed witness. It is well established that courts possess a broad discretion to permit the admission of further evidence where such evidence may assist the court in arriving at the truth and in doing substantial justice between the parties. The overriding consideration is whether the evidence is relevant, material and necessary for the fair determination of the dispute, balanced against any prejudice that may be occasioned to the opposing party.
5. Having reviewed the affidavits before me, I note that the correspondence sought to be introduced emanates from the Ministry of Lands, the same public authority responsible for the report which forms part of the existing court bundle. The Defendant asserts that it received responses from the Ministry only on 11 July 2025 and moved the Court thereafter. Uncontested evidence in the Defendant's further affidavit also shows that counsel informed the Court during proceedings of the intention to communicate with the Ministry and secured an adjournment for that purpose.

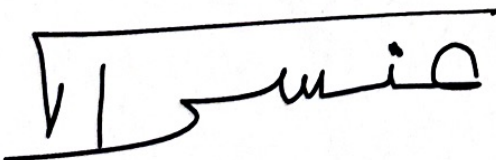
6. Although the Plaintiffs contend that the application ought to have been brought earlier, delay alone is not necessarily fatal where the evidence appears relevant and where any prejudice can be compensated by allowing the opposing party an opportunity to respond. I am not persuaded that admitting the correspondence would occasion irreparable prejudice to the Plaintiffs. On the contrary, excluding potentially relevant evidence from the public authority at the centre of the dispute may hinder the Court's ability to fully investigate the matters in controversy.
7. As regards the request to subpoena Mr Tamba Dauda, the Court has an inherent duty to receive the best available evidence. Where a witness is capable of clarifying official communications and records directly relevant to issues before the Court, his testimony may assist the Court in reaching a just determination.

The Findings

8. I therefore find that the interests of justice favour admitting the proposed documents and the proposed witness. Any concern regarding the weight, credibility or significance of such evidence can properly be addressed during cross-examination and in the final evaluation of the evidence.

The orders

9. Accordingly, the Defendant's application is granted, and I hereby order as follows:
 1. The documents identified in paragraphs 2(i) to 2(v) of the summons are admitted into the court bundle.
 2. The Defendant is granted leave to subpoena Mr Tamba Dauda, Acting Professional Head and Director of Surveys and Lands, to testify at the trial.
 3. The Plaintiffs shall be at liberty to challenge the documents and any testimony arising therefrom through cross-examination and the calling of rebuttal evidence if so advised.
 4. Costs shall be costs in the cause.



HONOURABLE MR. JUSTICE
ABDUL RAHMAN MANSARAY J.