

Misc. App. 14/16

IN THE COURT OF APPEAL OF SIERRA LEONE

WESTMINISTER AVIATION SERVICES (SL) LIMITED
(sued AS WESTMINISTER SIERRA LEONE LTD)

APPELLANT/APPLICANT

AND

**DAUDA BANGURA
& SUSAN CAULKER**

RESPONDENTS/RESPONDENTS

PRESIDING:

THE HON MR. JUSTICE REGINALD SYDNEY FYNN JA

Counsel;

G K Tholley Esq for the Applicant
A K Kamara Esq for the Respondent

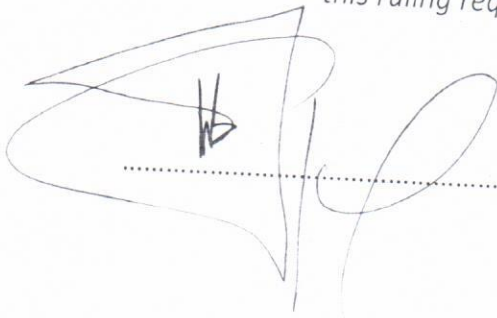
RULING dated 6th MAY 2016

1. The applicant has come to this court after asking the court below for leave to appeal against the ruling of MD Kamara J. (as she then was) dated 1st July 2015 and the stay of proceedings before that court. On 1st March 2016 M D Kamara J (as she then was) granted the applicant leave to appeal but refused the application for a stay of proceedings. The appellant /applicant proceeded to file an appeal dated 2nd March 2016.
2. I have perused the Notice of Appeal and I note that the nature of the objections raised go to the jurisdiction of the court below to try the matter at all.
3. It is the undisputed position of law that a successful party must not be lightly deprived of the fruits of his judgment and this includes most certainly the fruits of the ruling in an interlocutory application such as in the present case. (see Desmond Luke v. Bank of Sierra Leone and Firetex International v Sierra Leone TeleCommunications Ltd both unreported)

4. This rule is departed from only when an applicant can show that there are special circumstances. (as per Gelega King JA in Gladstone Decker v. Decker unreported)
5. I take the view that the power to grant leave to appeal from interlocutory rulings and decisions is not merely perfunctory and when exercised raises immediately a presumption that the grounds of appeal which have been certified are good grounds of appeal or that they raise some issue(s) which are worthy of further discussion and decision by the Court of Appeal. Where additionally those grounds are found to go to the question of the jurisdiction of the court below to try the matter; I am of the opinion that this combination constitutes special circumstances the strength of which would require a stay of proceedings in the court below. I adopt my reasoning in Dawnus v. Timmis Mining 2016 (Unreported)
6. I would therefore grant the application herein albeit on terms. I therefore make the following order:

Proceedings between the parties herein before the High Court are hereby stayed pending the hearing and determination of the appeal herein provided that;

- a) *The appellant/applicant deposits the sum of Le 20,000,000 in an interest bearing account specially opened for this purpose. The Applicant/Appellant and the Master and Registrar being joint signatories.*
- b) *The appeal shall be expedited and that the applicant herein shall facilitate the settling of the records and shall in no more than fourteen (14) days of this ruling request a panel for the hearing of the same.*



..... The Hon. Mr. Justice Reginald Sydney Fynn JA