

**LIBERIA WATER & SEWER CORPORATION**, Petitioner, v. **HIS HONOUR NAPOLEON B. THORPE**, Assigned Judge of the Civil Law Court, Sixth Judicial Circuit, Montserrado County, and **JAMES PEAL**, Respondents.

APPEAL FROM THE RULING OF THE CHAMBERS JUSTICE DENYING THE PETITION FOR ISSUANCE OF THE WRIT OF CERTIORARI.

Heard: November 7, 1989. Decided: January 9, 1990.

1. Multiplicity of suits and delay of justice should be discouraged, as it tends to review cases in piecemeal.
2. Certiorari will not be granted to review an interlocutory ruling on a question of law.

The Board of General Appeals of the Ministry of Labour rendered a ruling in favour of the Liberia Water & Sewer Corporation against its employee, Mr. James Peal. Counsel for Mr. Peal excepted to the ruling and filed a petition with the Civil Law Court, Sixth Judicial Circuit, for judicial review, but he did not serve a copy of his petition on the Liberia Water & Sewer Corporation within ten days after the rendition of the ruling of the Board of General Appeals. In addition to its returns to the petition, the Liberia Water & Sewer Corporation filed a motion to dismiss the petition for judicial review for reason that the writ of summons was served on it later than the ten days allowed by statute. The trial judge heard the motion to dismiss and the resistance thereto, ruled denying the motion, and assigned the petition for hearing. Counsel for the Liberia Water & Sewer Corporation excepted to the ruling and filed a petition for a writ of certiorari with the Chambers Justice, claiming that the trial judge committed a reversible error by denying the motion to dismiss. The alternative writ of certiorari was issued and a hearing was conducted. At the end of the hearing, the Chambers Justice denied the peremptory writ of certiorari and quashed the alternative writ. The Liberia Water & Sewer Corporation excepted and announced an appeal to the Full Bench of the Supreme Court.

On appeal, the Supreme Court ruled that the decision of the trial court on the motion to dismiss was an interlocutory ruling on questions of law and that ordinarily, certiorari will not be granted to review an interlocutory ruling on a question of law. The ruling of the Chambers Justice was therefore *affirmed*.

*Alexander C. Zoe* appeared for the petitioner. *Roland Barnes* appeared for the respondents.

MR. JUSTICE KPOMAKPOR delivered the opinion of the Court.

On October 19, 1982, Counsellor B. Mulbah Togbah of the Cooper and Togbah Law Office filed a petition for a writ of certiorari on behalf of his client, Liberia Water & Sewer Corporation, in the chambers of our former colleague, Mr. Justice Frank W. Smith. The facts are stated by Mr. Justice Smith. The essence of the petition is, however, that co-respondent James Peal petitioned the Civil Law Court for the Sixth Judicial Circuit for a judicial review of the decision of the Board of General Appeals of the Ministry of Labour, but neglected to serve a copy thereof on the Liberia Water & Sewer Corporation, the respondent, within the statutory period of ten (10) days. The respondent therefore moved the court to dismiss the petition for judicial review. The trial judge denied the motion and ordered a notice of assignment issued for the hearing of the petition for judicial review. The petitioner in these certiorari proceedings contended that the trial judge by denying his motion had committed a reversible error and therefore sought the aid of the Chambers Justice to correct the error.

In sustaining the returns to the writ of certiorari, Mr. Justice Smith ruled that the trial judge committed no error because a motion to dismiss dealt with a question of law which the trial judge had a duty to pass upon, especially when the petitioner has noted his exceptions in the court below to the ruling denying his motion and the main case not having been delved into. The procedure adopted by the petitioner, according to our colleague, contravened certain fundamental principles of law, which are: (1) review of the cases by the Supreme Court in piecemeal causes delay of justice; and (2) that multiplicity of suits through remedial process, such as certiorari, ought to be discouraged. *Raymond Concrete Pile Company v. Perry*, 13 LLR 522 (1960).

This Court is in agreement with our distinguished colleague, Mr. Justice Smith, when he held that, ordinarily, certiorari will not be granted to review an interlocutory ruling on a question of law. See *Raymond Concrete Pile Company, supra*.

In view of the foregoing, we affirm the ruling of the Justice in Chambers in these certiorari proceedings to the effect that the alternative writ of certiorari is denied; and the Clerk of this Court is ordered to send a mandate to the court below, commanding the judge therein presiding to resume jurisdiction over the action of wrongful dismissal and proceed with the hearing and render judgment according to the evidence in the case. Costs against the petitioner. And it is so ordered.

*Ruling affirmed; petition denied.*