

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

BEFORE HIS HONOR: YAMIE QUIQUI GBEISAY, SRCHIEF 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

Kadijatu B. Jalloh, by and thru her Attorney-In-Fact, Amos Kantan and)
Alpha O. Diallo, all of the City of Monrovia, Liberia.....Petitioner)

Versus

) PETITION FOR
) RE-ARGUMENT

The Intestate Estate of Thomas N. Miller, represented by and thru its)
Administrator, Mr. George Abu Miller of the City of Monrovia, Liberia)
.....Respondent)

GROWING OUT OF THE CASE:

Kadijatu B. Jalloh, by and thru her Attorney-In-Fact, Amos Kantan and)
Alpha O. Diallo, all of the City of Monrovia, Liberia.....Appellant)

Versus

) APPEAL

The Intestate Estate of Thomas N. Miller, represented by and thru its)
Administrator, Mr. George Abu Miller of the City of Monrovia, Liberia)
.....Appellee)

HEARD: March 23, 2026

DECIDED: May 21, 2026

MR. CHIEF JUSTICE GBEISAY DELIVERED THE OPINION OF THE COURT

The Petitioner, Kadijatu B. Jalloh, by and thru her Attorney-In-Fact, Amos Kantan and Alpha O. Diallo, has filed before this Court a petition for re-argument praying that this Court revisit and set aside its judgment rendered on February 12, 2026, during the October A.D. 2025 Term of Court, in which this Court affirmed the judgment of the Sixth Judicial Circuit Court, Montserrado County, in an ejectment action.

The facts reveal that the Intestate Estate of Thomas N. Miller, by and thru its administrator, George Abu Miller, respondent herein, instituted an ejectment action in the court below alleging that it is the owner in fee simple of a parcel of land situated in Congo Town, Republic of Liberia, and that the petitioner unlawfully occupies said premises without color of title.

The petitioner denied the allegations and asserted that she is the lawful and legitimate owner of the subject property, which she acquired through honorable purchase.

After trial, the circuit court entered judgment for the respondent, holding that respondent established a clear, legal and superior title and that the petitioner failed to establish a clear, legal, and superior title, as required in ejectment actions and found that the respondent is the legitimate and lawful owner of the said land. The petitioner excepted and announced an appeal to the Supreme Court. The Supreme Court, upon entertaining arguments and examining the facts and evidence of the case, rendered an Opinion on February 12, 2026, affirming the ruling of the lower court, concluding that the petitioner did not possess legitimate ownership of the said land and that the respondent is the legitimate owner of the land and that the respondent satisfied the statutory requirements to show legitimate ownership of the said property.

Petitioner now seeks re-argument of this Court's February 12, 2026, Opinion, contending that this Court inadvertently misapprehended the evidence and overlooked controlling principles of Liberian property law.

We deem it necessary to quote succinct parts of that Opinion to form a basis for our conclusion herein. This Court, in its February 12, 2026, decision, opined that:

"This Court has held in numerous Opinions that the purpose of an investigative survey is to help the court to settle certain technical aspects of a case which will aid the court in determining an issue and can be used as an evidentiary tool in helping the court to determine a particular technical nature or controversy of a matter before it. This is done, as in the case of a land dispute, when the technicians, under the direction of the court, conduct a survey identifying the metes and bounds and exact location of a parcel of land that may be a subject of controversy. Gardiner v. James, Supreme Court Opinion, March Term, 2015; KML v Metzger, Sr. et al, 42 LLR 216, 218 (2004).

It is evident from the above-cited principles of law as enshrined in the decisional laws of this Court that the primary purpose of an investigative survey is to aid the court in addressing certain technical issues as regards the metes and bounds of the deeds proffered by the respective parties. However, in the instant case, the records reveal that the deed proffered by the appellant was in the name of one Alpha A. Jalloh who was never brought under the jurisdiction of the court and neither a party to the suit, and that the appellant did not present any deed in his own name. So, the obvious question we ask ourselves is: What would have

been the essence of conducting an investigative survey where the party calling for the said investigative survey does not have any deed in his name? All we see here is a fishing expedition!"

"This Court has held in a litany of Opinions that mere allegations cannot constitute proof without being supported by evidence, because it is evidence alone which enables the court, tribunal, or administrative forum to pronounce with certainty the matter in dispute. Universal Printing Press v. Blue Cross Insurance Company, Supreme Court Opinion, March Term A.D. 2015. Hence, the appellant having failed to proffer a valid deed in his name for the purpose of the court granting his request for the conduct of an investigative survey, we fail to see how the trial judge erred in denying the appellant's request for investigative survey."

The Court went on to say further: *"Before concluding this Opinion, we see from the records that the appeal bond, the bill of exceptions, a power of attorney issued by Kadijatu B. Jalloh, all referenced Alpha O. Jalloh as an attorney-in-fact for Kadijatu B. Jalloh. In fact, in 2022, Alpha O. Jalloh filed an action of summary proceedings to recover possession of real property before the Sixth Judicial Circuit, Civil Law Court as an attorney-in-fact for Kadijatu Jalloh. Moreover, the records show other pieces of evidence bearing the name of Alpha O. Jalloh as an attorney-in-fact for Kadijatu B. Jalloh. However, Alpha O. Jalloh in count fourteen (14) of his answer denied ever serving as an attorney-in-fact for Kadijatu B. Jalloh. This is fraud at its highest peak."*

Our standard for re-argument in this jurisdiction stems from *Rule IX of the Revised Rules of the Supreme Court*. This rule provides in part that *"for good cause shown to the Court by petition, a re-argument of a cause may be allowed only once when some palpable substantial mistake is made by inadvertently overlooking some fact or point of law."*

We must state here that re-argument is not a matter of right but rather an extraordinary remedy granted only in narrow circumstances and cannot be used to relitigate issues already passed upon, nor to introduce new arguments that could have been raised earlier.

We now move to the petitioner's contentions to determine if there was any inadvertence on the part of this Court as the petitioner has alleged. The petitioner has argued in its petition for re-argument that: it is impossible to re-possess appellee (respondent herein) of 5.53 lots of land when the respondent's (grantor's deed), covers only 3.4 lots of land and that even if any and all adjacent alleys were to be added to the respondent's land, the land claimed by the respondent will not match the ground location, thereby making the ruling practically

unenforceable and therefore, the matter should be re-argued and if need be, the case can be remanded for the trial court to evaluate this discrepancy.

We do not see where this contention fits in for re-argument or where this Court overlooked this point. Firstly, this Court, in its previous opinion rendered on February 12, 2026, opined that the appellant (petitioner herein) did not show any evidence in the records that point to ownership of the subject property in her name, the Court then concluded that the petitioner failed to proffer a valid deed in her name and therefore the trial court was right in denying the petitioner motion for investigative survey, as the petitioner did not prove from the records that she had any evidence of ownership for the said property. The petitioner's contention it is impossible to repossess the respondent of 5.53 lots of land when the respondent (grantor's deed) covers only 3.4 lots of land is untenable as the petitioner doesn't have any standing based upon the evidence in the records to challenge the respondent's claim of ownership to the said property; moreover, when the respondent is being repossess of the said land, it will be repossessed based upon the metes and bounds on its deed that was pleaded.

We move to the petitioner's second contention that Cllr. Senay Carlor pleaded the husband's deed instead of the rightful Kadiatu Jalloh deed; that the error was muted by the fact that the respondent introduced petitioner's original deed as its grantor's deed, which it (respondent) collected from the Paynesville Magisterial Court; that this Court has opined that the burden of proof to establish title to real property rests exclusively on the plaintiff, and that any failure by the defendant to show title to any property, the subject of litigation, cannot serve to thereby vest title in the plaintiff.

We affirm this Court's consistent holding that "a plaintiff in an action of ejectment must recover on the strength of his own title and not on the weakness of the defendant's title but that principle does not assist the petitioner in the present case. The record is devoid of any deed, title instrument, or color of title in the petitioner's name. By contrast, the respondent placed before the trial court a valid, probated, and registered deed issued in its own name, thereby satisfying the evidentiary burden required under Liberian property law.

The petitioner argues that because the respondent challenged the authenticity of her deed, the respondent is attempting to prevail on the weakness of the petitioner's title. We find this contention of the petitioner fundamentally flawed. The respondent's case does not rest or depend on the petitioner's failure to produce a deed; rather, the respondent affirmatively established its own superior title through documentary evidence that is uncontroverted in the record.

The principles of law relied upon by the petitioner that a plaintiff in an ejectment action of ejectment must recover on the strength of his own title and not on the weakness of the defendant's title and that her (petitioner's) inability to show title does not, by itself, vest title in the respondent, are well settled principles.

However, these principles apply only where the plaintiff has produced some evidence of title that must be weighed against the defendant's competing claim. They do not apply where, as here, the petitioner has produced no deed whatsoever, and the respondent has produced a complete chain of title; thus, even though the law prohibits a party from prevailing solely on the weakness of the opponent's title, that doctrine is inapplicable where the opponent has no title at all, and the prevailing party has produced affirmative, documentary proof of ownership.

In such circumstances, the Court is not transferring title based on the petitioner's failure; it recognizes the respondent's independently established ownership; accordingly, it is evident from the records that the respondent's prevailing in this matter is not grounded in the petitioner's deficiency, but in the respondent's clear, legal, and superior title, which is the only valid title appearing in the entire proceedings.

The Court in its previous opinion noted this when it opined that: *"we fail to see what standing the appellant has to raise this issue especially noting the fact that the appellant did not present a valid deed in his own name. This Court has held that a party seeking to demonstrate standing must assert his or her own rights and cannot raise the claims of a third party or third parties who are not before the court; nor can such a party make claims of generalized injury common to the body politic-the claimed injury must be individualized and unique or personal to the plaintiff. Therefore, this assertion of the appellant must crumble as a matter of law."*

Additionally, it is also the law that each party in an ejectment action must recover on the strength of his own title and not upon the weakness of his adversary's title. *Teahjay v. Dweh et. al, Supreme Court Opinion, October Term, 2013; Chronicles Newspaper & Brown v. RL, Supreme Court Opinion, March Term 2015."*

We note the last point of the petitioner's petition and say that the same is untenable as it goes to challenge the respondent's deed. It is clear from the analysis herein that the petitioner did not present any form of ownership to the said property to warrant this Court to consider any challenge to the respondent's claim of ownership of the said property. Again this issue was addressed by this Court in its previous opinion, when it opined that the petitioner did not have any standing to challenge or raise the issues she was raising as she did not present a valid

deed in her own name, as a party seeking to demonstrate standing must assert his or her own rights, and cannot raise the claims of a third party or third parties who are not before the court; therefore, the petition for re-argument was unjustified as re-arguments 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 but 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." *Lamco J.V. Operating Co. v. Azzam et al*, 31 LLR 649, 654 (1983). We do not find where in this instant case that this Court overlooked or inadvertently did not pass on a salient issue.

Before closing this opinion, we deem it necessary to reiterate a long standing principle of law in this jurisdiction that a petition for re-argument is an extraordinary remedial device, invoked not merely to re-open matters already adjudicated, but solely to call the Court's attention to a controlling point of law or material legal principle which, through inadvertence, may have been overlooked in the rendering of its opinion. The purpose of re-argument is therefore narrow, limited and corrective in law: it exists to ensure that the Court's judgment reflects full and accurate consideration of the governing law, facts and evidence of a particular case, not to afford a dissatisfied party a second opportunity to contest this Court's conclusions or to introduce new theories that were never raised during the regular appellate process. A petition for re-argument cannot be used to re-litigate issues previously resolved, to re-weigh evidence already examined, or to challenge the soundness of this Court's reasoning. Its function is confined strictly to rectifying an omission of law, not to revisiting the merits of the case. Accordingly, where the petition identifies no legal principle or facts overlooked but merely seeks to argue matters fully addressed in the Court's opinion, the petition must be denied.

WHEREFORE AND IN VIEW OF THE FOREGOING, the petition for re-argument is denied and dismissed as this Court did not overlook any fact or point of law. 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 enforce the Judgment of this Court rendered on February 12, 2026. Costs are ruled against the petitioner. AND IT IS HEREBY SO ORDERED.