

MISC. APP. 233/25 2025 S. NO. 17

IN THE HIGH COURT OF SIERRA LEONE

(FAMILY & PROBATE DIVISION)

IN THE MATTER OF THE CONFIRMATION OF PARENTAGE

IN THE MATTER OF SECTION 83 OF THE CHILD RIGHTS ACT NO.7 OF
2007

BETWEEN:

MØHAMED ALHAI MOMOH-JAH STEVENS -PLAINTIFF

AND
EDWINA HAWA JAMIRU -DEFENDANT

BEFORE HON. MR. JUSTICE A.K. MUSA(J)

DATED THE 01 DAY OF OCTOBER 2025

COUNSEL: - Y. Gborie (Ms) and M.A Jalloh Esq for the plaintiff and Defendant
in person

RULING

1. The plaintiff by originating summons dated 2nd May 2025 sought before this Honourable court the following reliefs:
 - i. An order directing that a Deoxyribonucleic Acid (DNA) test be conducted upon the minor child known as "Ms. Edwina H. Jamiru's daughter" allegedly from the purported relationship between the plaintiff and the Defendant born on the 10th April 2025, the purpose of determining paternity and confirming whether the plaintiff is, in fact, the biological father thereof.
 - ii. An order directing the Defendant to submit herself and the child for samples to be taken from them for the purpose of doing Deoxyribonucleic Acid (DNA) test to determine the paternity and confirming whether the plaintiff is, in fact, the biological father of the child.
 - iii. That in the event that the Deoxyribonucleic Acid (DNA) test conducted establishes that the plaintiff is the biological father of the child, an order that he shall be responsible for the child's

maintenance and upkeep until the said child attains the age of eighteen (18) years, in an amount to be determined in accordance with the laws of Sierra Leone relating to child support and maintenance, and such amount to be paid periodically as the court shall direct into an interest bearing account with a commercial bank opened and operated by the Defendant.

- iv. An interlocutory injunction restraining the Defendant whether by herself, her agents, privies, servants or any person acting on her instructions or behalf, from publishing, disseminating, or any manner publishing the contents of this originating process, any interlocutory or final proceedings arising therefrom, or any matter relating thereto, whether through electronic, print, oral or social media platforms pending the hearing and determination of this application.
- v. A permanent injunction restraining the Defendant whether by herself, her agents, privies, servants or any person acting on her instructions or behalf, from publishing, disseminating, or any manner publishing the contents of this originating process, any interlocutory or final proceedings arising therefrom, or any matter relating thereto, whether through electronic, print, oral or social media platforms pending the hearing and determination of this application.
- vi. An interlocutory injunction restraining the Defendant whether by herself her agents, privies from taken any steps, actions or measures capable of injuring the character, reputation, dignity or privacy of the plaintiff, whether by publication, oral statements, social media post or otherwise pending the hearing and determination of this application.
- vii. A permanent injunction restraining the Defendant whether personally or by her agents, associates' servants, privies or otherwise from entering upon or approaching the plaintiff's private residence, family home, place of business or work, or loitering in the vicinity thereof pending the hearing and determination of this application.
- viii. An interlocutory injunction restraining the Defendant whether personally or by her agents, associates' servants, privies or otherwise from entering upon or approaching the plaintiff's private residence, family home, place of business or work, or loitering in the vicinity thereof pending the hearing and determination of this application.

- ix. An interim injunction restraining the Defendant whether by herself her agents, privies from taken any steps, actions or measures capable of injuring the character, reputation, dignity or privacy of the plaintiff, whether by publication, oral statements, social media post or otherwise pending the hearing and determination of this application.
 - x. An ex parte injunction for seven days restraining the Defendant whether by herself, her agents, privies, servants or any person acting on her instructions or behalf, from publishing, disseminating, or any manner publishing the contents of this originating process, any interlocutory or final proceedings arising therefrom, or any matter relating thereto, whether through electronic, print, oral or social media platforms.
 - xi. Any other order(s) that this Honourable court may deem fit and just.
 - xii. No order as to costs.
2. In support of the application is the affidavit in support by Mohamed Alhaji Momoh-Jah Stevens sworn to on the 2nd May 2025 and further is the supplemental affidavit in support sworn to by the same on the same date both of which have exhibits attached thereto which would be alluded to in the course of the ruling.
 3. On the 14th day of May 2025 certain interlocutory orders were granted pending the hearing and determination of the application to wit: a gag order which covers the 4th, 6th, and 8th orders on the face of the originating process. Hence, same would not be dilated upon in this ruling as they are deemed to be in force pending the hearing and determination of this application.
 4. May it also be noted that on the 14th May 2025 after two adjournments by the court having confirmed that there are affidavits of service of both the originating summons and notice of hearing of proceedings counsel for the plaintiff moved the application for which the orders of the 14th May 2025 supra were granted but not orders relating to the substance of the application to wit: an order for D.N.A test to be conducted. The matter was adjourned to a subsequent date in a bid for the Defendant to be served another notice of hearing so as to have the opportunity to defend the action.

5. On the 4th June 2025 the Defendant was absent for which counsel for the plaintiff M.A Jalloh Esq sought for the court to grant the substantive order relating to the D.N.A in the absence of the Defendant however, the court declined to make such an order even though there was an affidavit of service in the file evidencing that she was so served and the matter was adjourned to the 11th June 2025.
6. On the 11th June 2025, due to non-service of notice of hearing of proceedings for which the Defendant was absent the matter was adjourned to Wednesday 9th July 2025. However, the matter did not proceed until Wednesday 1st October 2025 when both parties were present this time around together with their respective solicitors.
7. Counsel for the Defendant W. Hughes (Ms) at this stage sought the leave of the court for an adjournment as she was coming into the matter for the very first time in a bid to have proper conference with the Defendant so that she may file papers, if need be, so as to reply accordingly to the present application. The court in the interest of justice and fairness notwithstanding sufficient evidence that the Defendant had notice of proceedings as she had been served originating process and court order, bent over backwards for counsel to file such papers and the matter was adjourned to Monday 6th October 2025 for a reply to application.
8. However, on today's date, counsel for the Defendant W. Hughes (Ms) informed the court that she is no longer representing the Defendant as the mandate of the organization she represents intending to offer legal service to the Defendant does not cover representations for civil matters but only criminal matters and the present application been a civil suit she is withdrawing her representation.
9. Hence, at this stage the court was left with no option but to ask the Defendant what her reply to the application since she was now unrepresented having regard to the number of adjournments taken and the nature of the application before the court. The Defendant opted to reply under oath by taking the witness box and inter alia asked by the court whether she is opposed to a D.N.A test to which she said she does not want same to be done. Questions were posed to her under cross examination relating to exhibit "C1(1-3)" of supplemental affidavit which are inter alia pictures of her leaning her shoulders on the neck of a male which she

confirmed to be a friend she met in Ghana. Exhibit "C1(2)" being picture depicting her kissing the same male friend which she also confirmed that the picture describes both of them kissing. However, when asked to comment on exhibit "C1(3)" which was a message on her whatsapp status she stoutly refused. When asked as to when the picture in exhibit "C1(1)" was taken, she said initially that it was in January 2025 but later changed her answer that the said picture was taken in December 2024 and there was no further question under cross examination.

10. At this stage of the proceedings, counsel for the plaintiff opted to make oral submissions which submissions together with the submissions made by counsel for the plaintiff and the evidence of the Defendant form the basis of my judgment.

11. At this stage, it is pertinent to note that the crux of the present application is that the plaintiff has sought the orders hitherto on the basis that he is in doubt that the child named on the face of the originating summons as "Ms Edwina H. Jamiru's daughter" who under evidence in chief by the Defendant is called Edwina Stevens born from an alleged relationship between the parties herein. By exhibit "C1(1-3)" which are pictures and whatsapp message of the Defendant the plaintiff's doubt as to the paternity of the said child has been emboldened thus, necessitating the present action.

12. Hence, the single question for determination before the court is, in view of the evidence before the court, has the plaintiff shown sufficient reasons for a D.N.A test to be conducted to determine the paternity of the child from the alleged relationship of the parties?

13. I have painstakingly considered the facts before the court relying heavily on exhibit "C1(1-3)" in supplemental affidavit supra which contents range from a photo of the Defendant leaning romantically on the shoulders of another man other than the plaintiff, another picture depicting the Defendant kissing the said man with an inscription of the words "God sent" on the said photo to exhibit "C1(3)" which purports to be a whatsapp message on the whatsapp status of the Defendant reading: "Thanks a lot Peterson my love. Coming to your country and enjoying my life with you strengths our bond. You are the best man ever. I never regretted loving you. I can't wait for us to get married. I wanna be yours forever Peterson. You are my true Habbi Peterson" with red love emojis at the end.

14. I must state that I agree with the counsel for the plaintiff that exhibit "C1(1-3) alone indeed would raise eyebrow justifying the doubt that the plaintiff has thus, warranting the present application especially so in December of 2024 when the Defendant was heavily pregnant with the child in issue subsequently given birth to same on the 10th April 2025. It would be foolhardy for the court to turn a blind eye to deny the application for a D.N.A and subject the plaintiff to be paying maintenance for a child for which he reasonably holds a doubt that he is not the biological father to just because the Defendant does not want a D.N.A test to be done without more. In my mind, it will be in the best interest of the parties especially the child for her wellbeing for an order to be made for such a test to be done which would be the only way out. Hence, a D.N.A test is the way to go.

15. Again, and over and above I have critically examined the law in our country governing the issue of whether or not a D.N.A test would be conducted in a given circumstance which is section 83 of the Child Rights Act No.7 of 2007. Am emboldened by the said provision that a D.N.A test is the to determine the paternity of the child herein and that is the right call.

16. Contingent on the foregoing, I make the following orders:

- i. An order is hereby made directing that a Deoxyribonucleic Acid (DNA) test be conducted upon the minor child known as "Ms. Edwina H. Jamiru's daughter" or "Edwina Stevens" allegedly from the purported relationship between the plaintiff and the Defendant born on the 10th April 2025, for the purpose of determining paternity and confirming whether the plaintiff is, in fact, the biological father thereof.
- ii. An order is hereby made directing the Defendant to submit herself and the child for samples to be taken from them and/or for the Defendant to submit the child for the purpose of doing Deoxyribonucleic Acid (DNA) test to determine the paternity and confirming whether the plaintiff is, in fact, the biological father of the child.

- iii. That such D.N.A test to be conducted separately by both a local reputable Genetic Testing Laboratory and a foreign Genetic Testing Laboratory
- iv. That the said laboratories should strictly adhere to all procedures relating to sample collections from the parties and the child.
- v. That representatives of the Ministry of Gender and Children's Affairs, the Human Right Commission and other women's organization are at liberty to be present during the sample collection if they so desire.
- vi. That the Master and Registrar of the High court shall have conduct over the testing protocols which involves securing the services of the Genetic Testing laboratories and ensuring the parties and the child make themselves available for collection of samples and other procedures.
- vii. That the Genetic Testing Laboratories shall be cross examined on their respective parties as to the mode and manner conclusions were reached and the accuracy of their results
- viii. That the Master and Registrar of the High court shall ensure that samples are collected voluntarily or by force to ensure strict compliance with this order.
- ix. That the Master and Registrar should do everything possible to ensure compliance of this order is done within the time limited.
- x. That the D.N.A testing be done
- xi. + on or before the 10th November 2025.
- xii. That the results of the test should be made available within 14 days after samples are collected.
- xiii. That the plaintiff shall fund the operation of the entire process.

xiv. Matter stands adjourned to Wednesday 27th November 2025 for presentation of the respective results in court and for certain final orders to be made.

xv. Liberty to apply.

Signed

Hon. Justice Mr. Augustine K. Musa (J.)

6/10/2025