IN THE SUPERIOR COURT OF JUDICATURE

IN THE SUPREME COURT

ACCRA – AD. 2025

CORAM: PWAMANG JSC (PRESIDING)

PROF. MENSA – BONSU (MRS.) JSC

KULENDI JSC

GAEWU JSC

DARKO ASARE JSC

2ND APRIL, 2025

CIVIL APPEAL
J4/67/2024

EBUSUAPANYIN KOBINA TAWIAH (DECEASED)
PLAINTIFF/
(SUBSTITUTED BY EBU. KWESI MORO } **APPELLANT/**
APPELLANT

VRS.

EBUSUAPANYIN KOFI OTWE } **DEFENDANT/**
RESPONDENT/
RESPONDENT

JUDGMENT

KULENDI JSC:

INTRODUCTION:

1. We have before us an appeal against the concurrent judgment of the Court of Appeal dated the 23rd of November, 2023 which said judgment affirmed the earlier decision of the High Court delivered on the 29th of July, 2021.

APPELLANT'S CASE:

2. The suit on which this appeal is predicated was commenced by the Plaintiff/Appellant/Appellant (hereinafter referred to as the Appellant) on the 17th of December, 1996 through the issuance of a Writ of Summons at the High Court, Cape Coast against the Defendant/Respondent/Respondent (hereinafter referred to as the Respondent), seeking the reliefs endorsed thereon.

3. In the said writ, the Appellant asserted that the suit was commenced in his representative capacity as the head of the Kona Family of the Dubua Ando clan of Breman Essiam. This clan, he averred, comprised several other families including an Nsona Family, which he alleged, was headed by the Respondent.

4. Consistent with the foregoing, the Appellant averred that these two families had, at all material times, been members of the same wider Dubua Ando clan of Breman Essiam, enjoying equal rights, liabilities and obligations. Significantly, the Appellant contended that when it became necessary for the wider clan to take stock of clan heirlooms and stool properties, both the Kona and Nsona families came together in the presence of the police and executed documents evidencing the stock taken.

5. The Appellant further asserted that the Respondent's family has however, as a result of greed, denied the participation of the Appellant's family in the sharing of the Dubua Ando clan properties and in the general administration of the

affairs of the clan. Additionally, the Appellant alleged that the Respondent mounted oppressive attacks against the Appellant's family and at the time of the commencement of the suit, he was personally being harassed to vacate the house he lived in because the said house belonged to the ancestors of the Respondent's family.

6. Appellant prayed the court for the following reliefs:
    1) *"A declaration that the Nsona and Kona families of the Dubua Andoh Clan of Breman Essiam, Benin, Bedum, etc are all members of the same clan.*

    2) *Declaration that both families of the said Dubua Andoh Clan enjoy equal rights over immovable, movable and other legal, equitable and customary rights that the Dubua Andoh clan gives to all its members*

    3) *An order for the Defendant to render accounts of the stool's immovable and movable properties which they have held in trust for Dubua Andoh clan during the past 10 years*

    4) *Recovery of the portion of Dubua Andoh properties whichthe Kona family of the Dubua Andoh clan are entitled to*

    5) *General damages*

    6) *Perpetual injunction restraining the Defendant, his relatives, servants, representatives and assigns from dealing with the properties of the Dubua Andoh clan pending the final determination of this action*

    7) *Recovery of mense profit"*

RESPONDENT'S CASE:

7. On his part, the Respondent affirmed his status as the head of the Nsona Family of Breman Essiam and further acknowledged the Appellant as the head of the Kona Family of Breman Essiam. He however disclaimed the existence of a wider Dubua Ando clan which, according to the Appellant, subsumed both families.

8. The Respondent also asserted that all the members of the Appellant's family were the descendants of Amba Amoabima and Esi Akomagya who historically migrated to live at Denkyendua with the members of the Nsona Family but did not, at any point, share inheritance with the actual members of the Nsona family. Furthermore, the Respondent claimed that the Appellant, along with members of his Kona family, forcibly and violently evicted all members of his family from Denkyendua and seized their belongings. This left the Respondent's family with no option than to report the incident to the Deputy Commissioner of Police.

9. According to the Respondent, the Appellant's family was contrived with the sole and malicious intent to seize the properties of the Respondent's family. The Respondent further asserted, in consequence of the foregoing, that his ancestors instituted a civil suit against the Appellant's family wherein they reiterated the Nsona family's undisputed ownership of both the Benkum stool of Breman Essiam and attendant lands.

10. It was the Respondent's case that ultimately, judgment was given in favour of his family, which said judgment serves as sufficient estoppel *res judicatam* against any contrary claim by the Appellant's family.

11. Specifically, the Respondent contended at trial that the land situate at Mbofra-Mfa-Adwen was acquired by his grandfather called Kwame Annobil through a conveyance from one Nana Obu II, Mankrado of Breman Essiam in 1957 and that the said land has since been held by the Royal Benkum Nsona family of Breman Essiam. The Respondent therefore maintained that the Appellant, being part of the Kona Family, had no share in these lands.

12. In the premises, the Respondent thus counterclaimed as follows:

    1. *"A declaration of title to all that piece or parcel of land called 'Denkyeduaa', 'Mbofra-Mfa-Adwen' situate and lying at Breman Essiam as belonging to the Benkum Royal Nsona family of Breman Essiam*

    2. *An order for the return of all documents, covering the 'Mbofra-Mfa-Adwen' lands which the Plaintiffs surreotiusly have gained access to same*

    3. *Recovery of possession of all properties including Lands, Stool Properties, etc belonging to the Benkum Royal Nsona Family of Breman Essiam which have wrongly given into possession of the Plaintiff and members of his Kona family of Breman Essien".*

13. During the course of this suit, one Alhaji Kobena Nyamekye, the Tufuhene of Breman Essiam presented a letter dated 17th July, 1998 and titled '*WITHDRAWAL OF CASE FOR SETTLEMENT*' to the High Court by which he prayed the Honorable Court to oblige a withdrawal of the case for same to be settled traditionally. On this basis, the Court granted an extended adjournment for the parties to explore the possibility of an out of Court settlement.

14. On the 3rd of December, 1998, the parties filed terms of settlement in the registry of the High Court, Cape Coast and on this basis, the High Court, later that day struck out the suit as '*settled*'.

15. Following the striking out of the case, three persons from the Appellant's family brought an action against the Respondent, the said Alhaji Kobena Nyamekye and the Appellant himself, seeking an order to set aside the terms of settlement as having been obtained by fraud. This prayer was granted by the High Court on the 30th of October, 2020 and the Court ordered that the status quo ante before the settlement be maintained.

16. Subsequently, the case suffered a long period of inactivity partly because of the demise and eventual substitution of the Appellant for one Ebusuapanyin Kwesi Moro. The matter was only recalled on the 19th January, 2021, on which date the Appellant's lawyer failed to attend Court, prompting the Court to proceed to strike out his case for want of prosecution. An extract of the Court notes of the day is reproduced for emphasis:

> *"By Court:*
>
> *This is the second time today the suit is called. As at now the Lawyer for the Plaintiffs is absent without reasons. The matter commenced in 1996 - No serious efforts are being made by the Plaintiff to prosecute his claim.*
>
> *The suit is struck out for want of Prosecution. Suit adjourned to 3rd February 2021 for the Defendants to prove their counterclaim."*

17. Thereafter, the Appellant procured the service of a lawyer who attended Court on the 26th day of January, 2021, and prayed for a short date, ostensibly to

familiarize himself with the brief. Curiously, neither the lawyer nor the Appellant himself, made any attempt to call on the trial judge to rescind the previous order striking out his claim. The suit was therefore adjourned for directions in respect of the Respondent's counterclaim.

18. At the next adjourned date, being the 5th of February, 2021, only the Respondent's Counsel was present in Court and the Court proceeded to give directions in the matter. Thereafter, the Court was informed, on the 12th day of February, 2021, that the Appellant had yet again secured different legal representation.

19. The Appellant's new lawyer brought a motion on notice to file their defence to the Counterclaim out of time. This application was however struck out as withdrawn on the 11th of March, 2021 by reason of the fact that the Appellant had already filed a defence to the Respondent's counterclaim on 13th January, 1998. Again, even at this point, no steps were taken by the Appellant to relist his claim which had been struck out for want of prosecution. In the circumstances, the Court ordered the Respondent to file the necessary witness statements in preparation for case management.

20. On the 16th of March, 2021, the Appellant yet again brought an application for leave to amend their defence to counterclaim. This application was dismissed on the 31st day of March 2021, when the High Court judge found as follows, "I *would not grant the request on grounds that the matter had delayed too much."*

JUDGMENT OF THE HIGH COURT

21. It is salient at this juncture to underscore the fact that since the Appellant neglected to take any steps to relist his case which had been struck out, the High Court was only invited to pronounce judgment in respect of the Respondent's counterclaim and the evidence led in support of same.

22. On this score, the Trial High Court on the 29th of July, 2021, found that the Respondent had been able to lead sufficient evidence to substantiate his claims and judgment was entered in favour of the Respondent on all the reliefs sought. Cost was assessed at Twenty Thousand Ghana Cedis (GHC 20, 000.00) against the Appellant considering the length of time the matter had been in court.

JUDGMENT OF THE COURT OF APPEAL

23. Aggrieved by the judgment of the High Court, the Appellant lodged an appeal in the registry of the Court of Appeal on the following grounds;

    1. *"The judgment is against the weight of evidence adduced at the trial*

    2. *The trial judge erred when he held that the Plaintiffs failed to file reply and defence to counterclaim when same were filed on record*

    3. *The learned trial judge improperly exercised discretion when he denied the 1st Plaintiff's application to amend the defence to counterclaim thereby occasioning a miscarriage of justice*

    4. *The trial judge erred when he proceeded to conduct case management without taking directions upon the order for the trial de novo*

5. *The trial judge erred when he discharged 1st Plaintiff's attorney from the witness box upon objection being taken to only some paragraphs of the witness statement thereby occasioning miscarriage of justice."*

24. The Court of Appeal however, in dismissing the Appeal held that the Appellant had slept on his rights and could not belatedly cry foul or allege a breach of natural justice or a miscarriage of justice. This conclusion was based on the premise that, following the striking out of his case, the Appellant ought to have timeously sought a relistment of his case. Instead, the Appellant opted to file motions pertaining to the Respondents extant counterclaim and proceeded to participate fully in the ensuing trial on the counterclaim. The Appellant's conduct, in the estimation of the Court of Appeal, did not demonstrate the behaviour expected of a party aggrieved by his case having been struck out.

25. Counsel for the Appellant contended that the trial judge's refusal to permit amendments to the Reply and defence to counterclaim occasioned a miscarriage of justice. The Court however opined that granting an application for amendment is a matter of judicial discretion which the court in granting it or otherwise takes into account several factors such as the justification for the delay in making the application as appropriately displayed in the instant suit. The reasons given by the Appellant in their affidavit in support was that their initial defence to counterclaim failed to adequately address the pertinent issues. This, the court held, was not a sufficient reason for delay and is indicative of sloppiness and lack of diligence.

26. The Court of Appeal, in reaction to the Appellant's contention concurred that the trial judge erred when he made a finding of fact that the Appellant failed to file a reply and defence to counterclaim, particularly, when such a pleading had been on record as far back as 13th January, 1998. Infact, the court itself

refused the Appellant's Application for leave to file and amend his Defence to counterclaim by reason of the existence of this process.

27. Nevertheless, the Court of Appeal ultimately concluded that this error did not occasion a miscarriage of justice since the evidential burden on the Respondent in respect of their counterclaim was not lowered. Also, they took the position that the Appellants were given the opportunity to put the Respondents to strict proof of their averments as they indicated they would do in their Reply and Defence to Counterclaim.

28. Before the Court of Appeal, the Appellant argued that the Trial court erred by striking out the entire witness statement of the Appellant's witness which sought to lead evidence on matters exclusively pleaded within the Appellant's statement of claim which had been struck out. In this regard, the Court of Appeal held that the trial court correctly articulated the applicable law, explaining that, the Appellant's claim having been struck out, he was barred from adducing evidence on facts pleaded therein.

29. Regarding the substantive matter before the Court, the Court of Appeal held that indeed, the Respondent was entitled to a declaration of title of the said land and to all documents on the land. Additionally, they were entitled to all properties including Lands, stools properties, etc belonging to the Benkum Royal Nsona Family of Breman Essiam which were in the possession of the Appellant.

30. The Court of Appeal was convinced and satisfied by the evidence led by the Respondent in substantiation of their root of title. Specifically, the Court found that the accuracy and specificity of the Respondent's account coupled with the failure of the Appellant to effectively challenge it under cross examination

rendered it more likely to be a more accurate account than the version proffered by the Appellant.

31. More importantly, the Court of Appeal concluded that the Respondent's account better accorded with acts in recent memory, with the Court finding that the Appellants had failed to challenge the Respondent's averment of the arrangement by which royalty payment were received from the Appellant's family under the Ebusa arrangement. This, according to the Court, was undertaken in acknowledgment of the fact that their lands were allotted to them by the Respondent's family.

32. The Court also noted this state of affairs was again acknowledged by the Tribunal on 25th November, 1987, when it sat in judgment of a dispute between the parties as follows:

> *"The brief facts are that the complainants are members of the Asona family while the accused are Akonas and all come from Breman Essiam. The complainants allotted certain portions of their land to tenant farmers"*

33. The Court of Appeal therefore held that these circumstances were indicative of control and possession of the land by the Respondent, with the Appellant merely being tenants of the former. The court again held, considering the various testimonies of the Respondent and the Respondent's witnesses, that the Appellants did break away from the Respondent's family.
34. The Court of Appeal concluded that the Respondent had sufficiently discharged the evidential burden on him in accordance with the standard required at law and were entitled to a declaration of title to the said lands as held by the trial court.

GROUNDS OF APPEAL:

35. Predictably, the Appellant was again aggrieved by the decision of the Court of Appeal and lodged an appeal with this Court, articulating the following stand-alone ground of appeal:

> "*The Court of Appeal erred when it affirmed the decision of the High Court striking out the Plaintiff/Appellant/Appellant's claim for want of prosecution*".

APPELLANT'S CASE BEFORE THE SUPREME COURT

36. The crux Appellant's case before this apex Court is that powers of the Court to strike out a suit are circumscribed under Orders 36 and 37 of the High Court, Civil Procedure Rules, 2004 (C.I. 47) and that in both instances, the power of the Court may only be exercised upon the performance of certain strict procedural prerequisites.

37. For instance, under Order 36, the Appellant argues that this power could only be exercise where the party, as opposed to his/her Counsel had failed to attend trial and therefore, the High Court could not have validly struck out his case at an instance where though his lawyer was absent, he himself, had been present in Court.

38. Additionally, the Appellant argues that under Order 37 of the rules, the power of strike out a case could only have been exercised after a 12-month period of inactivity with respect to the case and even then, he was still entitled to be

granted a minimum of 14 days' notice of the Registrars application to strike out his case. This, he alleged, was not accorded to him.

39. In further substantiation of his contention, the Appellant strenuously argued that the Court notes of that day did not disclose the business for the day as being for the consideration of any application to strike out his case. Also, the Appellant took the view that the High Court completely disregarded the salutary principle that the most important persons in the equation of litigation were the parties themselves, and not their Counsel, who for all intents and purposes were acting for and on behalf of their respective parties. In conclusion, the Appellant urged that this conduct by the trial judge amounted to a breach of the rules of natural justice which therefore nullified all ensuing processes and proceedings.

40. The Appellant further contended that the Court of Appeal also failed to consider the fact that it was bound by its previous decision in ***Diplomat Beach Resort Ltd v Cynthia Golden Moore & Anor (Suit No H1/153/2021)*** which provided that failure to give notice of an application to strike out rendered the Court bereft of jurisdiction.

41. On this basis, the Appellant argued that the Court of Appeal's decision was given per in curiam Article 136(5) of the 1992 Constitution which states:

> *"Subject to clause (3) of Article 12 of the Constitution, the Court of Appeal shall be bound by its own previous decisions; and all courts lower than the Court of Appeal shall follow the Court of Appeal on questions of law".*

42. In consequence of the above contentions, the Appellant also asserted that the decision of the Trial court striking out his case on 19th January, 2021 was a legal nullity and same ought to be set aside. He averred that the decisions of the two lower Courts were unduly influenced by the length of time the case had pended before the court, he argued in effect that the Court below had in so doing, sacrificed his right to a hearing at the alter of expediency and speedy trials.

43. Finally, the Appellant drew the curtain down on his arguments with a prayer for the decision of the High Court striking out his case to be set aside and for the suit to be heard *de novo* by the High Court, differently constituted.

RESPONDENT'S CASE BEFORE THE SUPREME COURT:

44. The Respondent argues that the Appellant took a narrow view of the procedure for striking out a case under Order 37 and particularly limited himself to Rule 4 alone. According to the Respondent, the 14 days' notice was intended to give adequate time to that party to appear in court for purposes of striking out the suit. Since in the instant case, the Appellant was personally present in court and the evidence on record showed that the last step taken in the case was on 3rd December, 1998, the Respondent submitted that the court did not need to adjourn for the registrar or a party to initiate the striking out proceedings.

45. The Respondent also argued that the facts of the cases of ***Donkor v Kusi 1977) 2 GLR 242*** and ***Diplomatic Beach Resort Ltd (supra)*** which the Appellant relied on were distinguishable from the instant case in that the parties in this instant suit were in court when the Plaintiff's suit was struck out whilst neither the parties nor their lawyers were in court when Donkor v. Kusi was struck out. Additionally, in the instant case, the judge stood down the case and gave

the parties time to contact their lawyers. When the case was recalled, the Appellant had no explanation as to why the case should proceed.

46. Further, the Respondent argued that in the Diplomatic Beach Resort Ltd case supra, the Appellant therein applied for relistment but same was refused. In this instant case however, the Appellant failed/refused to apply for relistment. Additionally, the Respondent also contends that if the Appellant claims that the court failed to follow the procedure under Order 37, his remedy was to apply for relistment which he failed to do. He abandoned his substantive case and rather decided to file a motion to amend his reply and defence to counterclaim.

47. The Respondent's prayer therefore is that this court upholds the judgment of the Court of Appeal which affirmed the trial court's decision and dismisses the instant appeal.

ANALYSIS:

48. The Appellant's entire appeal has revolved around his interpretation of the scope of Order 37 of the High Court Civil Procedure rules, 2004 (C.I. 47) and, in his view, the mandatory procedure to be adhered to by the Court as a prerequisite for the exercise of its jurisdiction to strike out a party's case for undue delays.

49. Indeed, the relevant portion of said order provides as follows:

> *"4. (1) Where in any cause or matter no step has been taken for twelve months from the date of the last proceeding and no notice under rule 3 has been given,*

the Registrar or any party to the cause or matter may apply to the Court for an order that the cause or matter be struck out for want of prosecution.

(2) Notice of the application shall be served on all the parties concerned at least fourteen days before the day stated in the notice for hearing the application.

(3) Upon the hearing of the application where none of the parties shows cause to the satisfaction of the Court why the cause or matter should not be struck out and upon proof of service of the notice on all parties concerned, the Court shall strike out the proceedings.

(4) If any party shows cause to the satisfaction of the Court why the cause or matter should not be struck out for want of prosecution, the Court shall order the proceedings to continue on such terms as it thinks fit."

50. Whilst we would entirely have concurred in the Appellant's construction of the rules in this regard, had the Trial Court sought to strike out his statement of Claim pursuant to Order 37 as reproduced, the record of appeal clearly reveals that the Court below, in striking out the Appellant's case on the 29th of January, 2021, did not rely on the said Order 37, which, as the Appellant rightly surmised, may only be employed under instances where the application to strike out the action is brought by a Registrar on account of the inaction of the Plaintiff for well over 12 months and same is served on all affected parties for a reaction.

51. Our point of departure with the Appellant's view however, is with his implied suggestion that the Court, except in cases brought under Orders 36 or 37 of the High Court rules, is disabled from striking out a party's case in deserving instances and was powerless even in the face of clear delay tactics being

deployed by a party unless and until the said delay had subsisted for the twelve (12) months required under Order 37 and the Registrar had filed and served the motion for the matter to be struck out for want of prosecution.

52. Needless to say, such a construction would occasion an absurdity as it proposes that a Court, other parties and indeed, the administration of justice may be held ransom by the exploitative antics of a party who chooses to intentionally retard the progress of a case.

53. We are of the considered opinion that the prescriptions of Order 37 cannot be construed to do away with the Court's inherent jurisdiction, consistent with its role as the gatekeeper of the fountains of justice, to suo moto strike out cases where a party has evinced a clear and consistent pattern of seeking to delay the proceedings before the Court. That authority derives from the deepest bowels of the Court's inherent jurisdiction and is exercised in accordance with settled principles of judicial circumspection.

54. In the New Zealand case of **Watson v. Clarke (1990) 1 NZLR 715, 720**, it was held that inherent jurisdiction connotes;

> *"An original and universal jurisdiction not derived from any other source, while inherent power connotes an implied power such as the power to prevent abuse of process, which is necessary for the due administration of justice under powers already conferred."*

55. Similarly, in the case of **Attoh Quarshie v. Okpote (1973) 1 G.L.R.** it was held as follows:

"Inherent power is an authority not derived from any external source, possessed by a court. Whereas jurisdiction is conferred on courts by constitutions and statutes, inherent powers are those which are necessary for the ordinary and efficient exercise of the jurisdiction already conferred. They are essentially protective powers necessary for the existence of the court and its due functioning. They spring not from legislation but from the constitution of the court itself. They are inherent in the court by virtue of its duty to do justice between the parties before it."

[See also the cases of **Republic v. Committee of Inquiry) (R. T. Briscoe Ghana) Ltd. Ex parte R.T. Briscoe (Ghana) Ltd. [1976] 1 G. L. R. 166; Acheampong v. Asare-Manu [1976] 1 G.L. R 28 at 29; The Republic v. High Court (Criminal Division 9), Accra, Ex Parte Ecobank, Origin 8 Limited and Greater Accra Passenger Transport Executive** (Civil Motion No. J5/10/2022, dated 18th January 2022); **Martin Alamisi Amidu v. The Attorney General, Isofoton S. and Anane-Agyei Forson (Civil App. No. J7/11/2013, dated 4th December 2014); Imbeah & Another v. Ababio (1999-2000) 2 G.L.R. 295 at p. 301-302]**

56. Even more instructive on the point is the judgment of this Court dated 24th May, 2013 with Civil Appeal No. J4/52/2011 entitled **Footprint Solutions Co. Ltd vrs. Leo & Lee Company Ltd** where the venerable AKAMBA JSC opined as follows:

"In his article on: The Inherent jurisdiction of the Court, 1970 Current Legal problems, Sir I. H. Jacob, a renowned contributor to Civil Procedure in the Common Law said at page 25 as follows:

> *"The inherent jurisdiction of the court may be exercised in any given case, notwithstanding that there are Rules of Court governing the circumstances of such case. The powers conferred by the Rules of Court are generally speaking, additional to, and not in substitution of, powers arising out of the inherent jurisdiction of the court. The two heads of powers are generally cumulative and not mutually exclusive, so that in any given case, the court is able to proceed under either or both heads of jurisdiction."* *[Emphasis mine]."*

[See also the case of **Harriet Morrison (Nee Baah) And Charles Cantamanto Baah (Jnr) vrs. Registered Trustees Victory Bible Church and Ors (14 JAN 2015, CIVIL APPEAL NO. J4/14/2014)**

57. We find that the scope of Order 37 of the High Court Civil Procedure rules cannot be construed to render obsolete, the Court's inherent jurisdiction to strike out a case under justified circumstances. In such situations, the affected party, if it was so minded, could apply for a relistment of the case and in so doing proffer an explanation for its indolence.

58. Curiously however, the Appellant herein, despite subsequently partaking in the trial of the Respondent's case and proceeding to cross-examine each of the witnesses presented by the Respondent, did not at any point lend himself to this dispensation by applying to relist his case which had been struck out.

59. It was only long after judgment had been given in the matter, indeed at the belated stage of appeal, that he sought to take issue with the trial judge's summary, but justified, disposal of his case. This laissez-faire conduct was indeed consistent with the general pattern of indolence and laxity which had

characterized the Appellant's conduct of this suit and which ultimately prompted the Trial Court's decision to strike out his case.

CONCLUSION:

60. On the basis of the foregoing, this Court, on 2nd April, 2025, unanimously adjudged the appeal against the judgment of the Court of Appeal dated 23rd November, 2023, as failed and accordingly dismissed same. Cost was assessed at Ten Thousand Ghana cedis (GHS 10,000.00) against the Appellant, in favor of the Respondent.

(SGD.) E. YONNY KULENDI
(JUSTICE OF THE SUPREME COURT)

(SGD.) G. PWAMANG
(JUSTICE OF THE SUPREME COURT)

(SGD.) PROF. H. J. A. N. MENSA – BONSU (MRS.)
(JUSTICE OF THE SUPREME COURT)

(SGD.) E. Y. GAEWU
(JUSTICE OF THE SUPREME COURT)

(SGD.) Y. DARKO ASARE
(JUSTICE OF THE SUPREME COURT)

COUNSEL

KWADWO ADDEAH-SARFO ESQ. WITH AKOSUA DUWAA KARIKARI FOR PLAINTIFF/APPELLANT/APPELLANT

SOLOMON GYESI ESQ. WITH CHARLES OSEI DONKOR FOR DEFENDANT / RESPONDENT/RESPONDENT