

ccf4

**IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
COMMERCIAL DIVISION  
ACCRA-A.D. 2020**

Filed on 20/02/2020  
2:30  
Registrar  
COMMERCIAL DIVISION OF THE  
HIGH COURT, ACCRA  
**SUIT NO: CM/BFS/030/2020**

**AGRICULTURAL DEVELOPMENT BANK**

**PLAINTIFF/APPLICANT**

**VRS**

**1. KINGDOM PREMIUM FRUITS LTD**

**2. DR. FELIX KWAME SEMAVOR**

**DEFENDANTS/RESPONDENT**

**AFFIDAVIT IN OPPOSITION TO MOTION ON NOTICE FOR JUDGMENT IN  
DEFAULT OF DEFENSE  
ORDER 13 RULE 1 OF C.I. 47**

**I DANIEL BIMPONG** House No. 6 Amamre Spot Street Israel-Lomnava Accra make oath and say as follows:

1. That I am the Deponent herein.
2. That I am the Law Clerk for the Solicitors for the Defendants/Respondents herein and have their authority to swear to this affidavit matters of facts which have come to my knowledge in the course of performing my duties.
3. That the Defendants/Respondents have been served with the Plaintiff/Applicants' Application for Judgment in Default of Defence; an application to which the Defendants/Respondents are vehemently opposed, as same is incompetent.
4. That at the hearing of this Application counsel for Defendants/Respondents shall seek leave of this honourable Court to refer to processes so far filed.
5. That the 1<sup>st</sup> Defendant/Respondent was granted multiple facilities by the Plaintiff to advance its business.
6. That by a Writ of Summons and Statement of Claim which was filed on behalf of the Plaintiff/Applicant on the 5<sup>th</sup> of December, 2019, the Plaintiff/Applicant made several averments against the Defendants/Respondents herein on the basis that the 1<sup>st</sup> and 2<sup>nd</sup> Defendant had failed to fulfil their obligations under the various facilities.
7. That based on the averments referred to in the immediately preceding paragraph and in the quest to file an appropriate defence to the Statement of Claim, the Defendants/Respondents on the 23<sup>rd</sup> of January 2020 filed a Notice requesting Plaintiff to Produce Documents for Inspection. (*Attached as **Exhibit 1** is a copy of the said Notice by Defendant Requesting Plaintiff to Produce Documents for Inspection*)
8. That since filing the said Notice, the Plaintiff/Applicants has refused to produce the said documents for inspection by the Defendants/Respondents but instead filed this instant Motion for Judgment in Default of Defence. (*Attached as **Exhibit 2** is a copy of the Search Results indicating service on the Plaintiff/Applicant*)

9. That I have been informed and verily believe same to be true that this act of the Plaintiff/Applicant caused the delay in the Defendants/Applicants filing their Defence.
10. That I am verily aware that the Defendants/Respondents do have a Defence to the said action and intend to defend the action to its logical conclusion. *(Attached is a draft copy of the Statement of Defence marked as Exhibit 3).*
11. That I am advised and verily believe same to be true that the instant Motion for Judgment in Default of Defence is incompetent and does not conform to the standard of the Rules of this Honourable Court and must be dismissed.
12. That in the circumstance, I pray this honourable Court to dismiss the instant Application for the reasons stated above.


**WHEREFORE** I swear to this Affidavit in Opposition to the Motion.

**SWORN IN ACCRA THIS** 18 )

**DAY OF** Feb 2020 )

  
DEPONENT

**BEFORE ME**

  
**COMMISSIONER FOR OATHS**  
**JOHN AHETON**  
**COMMISSIONER FOR OATHS**  
**P. O. BOX MP 1896**  
**ACCRA**

**AND FOR SERVICE ON THE PLAINTIFF OR ITS SOLICITOR VIDA**  
**AGYEKUM ACHEAMPONG ESQ, MONITORING & RECOVERIES DIVISION,**  
**AGRICULTURAL DEVELOPMENT BANK**



Exhibit "G"  
**IN THE SUPERIOR COURT OF JUDICATURE**  
**IN THE HIGH COURT OF JUSTICE**  
**COMMERCIAL DIVISION**  
**ACCRA - 2020 A.D.**

**BETWEEN**

**SUIT NO:CM/BFS/0302/2020**

**AGRICULTURAL DEVELOPMENT BANK**  
**3<sup>RD</sup> AMBASSADORIAL DEVELOPMENT AREA**  
**ACCRA FINANCIAL CENTRE, RIDGE-ACCRA**

**PLAINTIFF**

**AND**

**1. KINGDOM PREMIUM FRUITS LTD**  
**2. DR. FELIX KWAME SEMAVOR**  
**ALL OF ADRHO HOUSE SAKAMAN-ACCRA**

**DEFENDANTS**

**NOTICE BY DEFENDANT REQUESTING PLAINTIFF TO PRODUCE DOCUMENTS FOR  
INSPECTION**

**PLEASE TAKE NOTICE** that the Defendant herein requests the Plaintiff to produce for inspection the following documents referred to by the Plaintiff in its Statement of claim and copies to be made.

1. The Contract of Indemnity referred to in paragraph 2 of the Statement of Claim;
2. Offer Letters and or Credit agreements referred to in paragraphs 4 (a) – 4 (e);
3. The following documents for the securities as stated in paragraph 5 (i) – 5 (v) being:
  - i. First ranking fixed and floating charge;
  - ii. Unlimited Guarantee
  - iii. Assignment for all of borrowers' export proceeds;
  - iv. Charge over factory building, plant, machinery and equipment; and
  - v. Title to retail bottling line.

**DATED AT MINKAH-PREMO & CO. ACCRA, THIS**

**23<sup>rd</sup> DAY OF Jan 2020**

**THIS IS EXHIBIT / DOCUMENT**

**MARKED ..... REFERRED TO  
THE AFFIDAVITS SWORN AT ACCRA**

**THIS 18<sup>th</sup> DAY OF Feb 20**

**BY [Signature]  
BEFORE ME**

**COMMISSIONER FOR OATHS**

**MINKAH PREMIO & CO.**  
Box 14951, Accra-Akosobo House  
No. 3 Embassy 2nd Close  
Liberia - Accra  
Tel: 0233-302-701625, 78627, 767114  
Fax: 233-302781624

**SOLICITORS FOR THE PLAINTIFF  
WALLACE BRUCE CATHLINE**

THE REGISTRAR  
COMMERCIAL DIVISION  
ACCRA

AND TO THE ABOVE-NAMED PLAINTIFF OR ITS SOLICITORS VIDA AGYEKUM  
ACHEAMPONG, MONITORING & RECOVERIES DIVISION, AGRICULTURAL DEVELOPMENT  
BANK

BETWEEN

AGRICULTURAL DEVELOPMENT BANK *14/02/2020* PLAINTIFF

AND

at *2:28* am/pm.

1. KINGDOM PREMIM FRUITS LTD.
2. DR. FELIX KWAME SEMAVOR  
ALL OF ADRHO HOUSE  
SAKAMAN - ACCRA

.....Registrar  
.....JUDICIAL DIVISION OF THE  
.....COURT  
DEFENDANTS

## SEARCH

PLEASE cause a search to be conducted in the Registry of this Court to determine the following:

1. Whether or not the "Notice by Defendant requesting Plaintiff to Produce Documents for Inspection" filed on the 23<sup>rd</sup> of January, 2020 has been served on the Plaintiff. *yes*
2. If so, when? *28-01-2020*

DATED IN ACCRA THIS

*14<sup>th</sup>*

DAY OF FEBRUARY, 2020

THIS IS EXHIBIT / DOCUMENT

MARKED *2* REFERRED TO  
THE AFFIDAVITS SWORN AT ACCRATHIS *18<sup>th</sup>* DAY OF *Feb 2020*BY *D. Rompong*  
BEFORE ME

MINKAH  
Box 14951  
Labone

WALLACE BRUCE-CATHLINE

SOLICITOR FOR DEFENDANTS

LICENCE NO. GAR 02453/20

THE REGISTRAR

HIGH COURT

COMMERCIAL DIVISION

ACCRA.

COMMISSIONER FOR OATHS

*17-02-2020**at 11:35 AM**[Signature]*