

Prosper
18/03/2020
12:00 am/pm
Registra
COMMERCIAL DIVISION OF THE
HIGH COURT, ACCRA

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
COMMERCIAL COURT DIVISION
ACCRA AD. 2020

SUIT NO: CM/BFS/0302/2020

AGRICULTURAL DEVELOPMENT BANK -----PLAINTIFF
FINANCIAL CENTRE
3RD AMBASSADORIAL DEVELOPMENT AREA
RIDGE-ACCRA.

ACCRA

AND

1. **KINGDOM PREMIUM FRUITS LIMITED -----DEFENDANT**
2. **DR. FELIX KWAME SEMAVOR**

AFFIDAVIT IN OPPOSITION

I, KOFI TWENEBOA KODUA of 3rd, Ambassadorial Development Area, Ridge, Accra hereby make oath and say, as follows:

1. I am the deponent hereto and a Paralegal Officer of the Plaintiff/Applicant Bank herein, and on whose authority and consent I depose to this affidavit of facts which have come to my knowledge in the course of my work, unless otherwise stated.
2. At the hearing of this Application, Plaintiff's counsel shall seek leave of the court to refer to all the processes already filed in this suit as though same were set out in extenso herein and sworn thereto.
3. That Plaintiff's lawyer have been served with an application to Strike Out/Set Aside Plaintiff's Statement of Claim with the claim that the particulars of the pleadings by the Plaintiff in the statement of Claim especially paragraphs 4 (a-e), 7, 8, and 9 do not conform to the requirements as stipulated by the Rules of this Honourable Court.
4. That the Plaintiff upon the advice of its lawyer is vehemently opposed to the instant application, as inter alia, same is misconstrued, unmaintainable, incompetent, brought out of time and without leave of the court.
5. That in answer to paragraph 5 of the Defendants' application, the Plaintiff says that the instant action is for recovery of debts as stated in paragraph 11(i) a- f of the Plaintiff's statement of claim and Writ of Summons, it is not a mortgage action.

6. That Plaintiff would state further that paragraph 11 (ii) a –c of the statement of claim which calls for the judicial sale of Defendants' assets listed therein is an alternative relief being sought by the Plaintiff.
7. That I am advised and verily believe same to be true that the Writ of Summons and Statement of Claim is regular.
8. That the Defendants entered Conditional Appearance on 20th December, 2019 but failed to put in an application to set aside the Writ of Summons and Statement of Claim
9. That the said Conditional Appearance has crystalized into a regular appearance and the Defendant cannot bring this application out of time and without leave of the court.
10. That this application is frivolous, vexatious and an abuse of the court process and should therefore be dismissed for the reasons stated above.
11. I am advised and verily believe same to be true that the grounds required for striking out pleadings as stated in the Rules of Court have not been met by the Defendants in this Application.
12. The Plaintiff prays this honorable Court to dismiss the instant Application for the reasons stated above to enable the Plaintiff move for Summary Judgement in Default of Defence.

WHEREFORE AND IN THE CIRCUMSTANCES, I swear to this affidavit in opposition.

SWORN AT ACCRA, THIS 18th }

DAY OF March 2020 by the said }



DEPONENT

BEFORE ME


COMMISSIONER FOR OATHS

JOHN AHETOH
COMMISSIONER FOR OATHS
P. O. BOX MP 1896
ACCRA

AND FOR SERVICE ON THE DEFENDANTS OR THEIR SOLICITOR, WALLACE BRUCE-CATHELINE, ESQ.
OF MINKAH-PREMOH & CO. AKOSOMBO CHAMBERS, NO. 3 EMMAUSE, 2ND CLOSE, LABONE, ACCRA