

IN THE SUPERIOR COURT OF JUDICATURE

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

SUIT NO: CM/BFS/0600/2020

496  
AGRICULTURAL DEVELOPMENT BANK  
ACCRA FINANCIAL CENTRE  
3RD AMBASSADORIAL DEVELOPMENT AREA  
RIDGE-ACCRA.

----- PLAINTIFF

AND

1. VOLTA INTEGRATED AGRICUTURAL DEVELOPMENT LIMITED ----- DEFENDANTS
2. DR. FELIX KWAME SEMAVOR  
ALL OF ADRHO HOUSE

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AFFIDAVIT IN OPPOSITION  
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I, KOFI TWENEBOA KODUA of 3<sup>rd</sup>, 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/Respondent 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. That the Plaintiff's Lawyers have been served with an application to Set Aside Plaintiff's Writ of Summons with the claim that the Writ of Summons is defective, as its contents does not conform to the requirements stipulated by the Rules of Court and same cannot be cured.
3. That the Plaintiff, upon the advice of its lawyers, is vehemently opposed to the instant application as inter alia, same is misconstrued, unmaintainable and a sheer abuse of the processes of court.
4. I am advised that the Applicants' claim that non-compliance with the rules of court is incurable is not legal.

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5. Indeed and in fact, the grounds on which a court will set aside/strike out pleadings/writ of summons are laid down by law, and I am advised, that they do not include non-compliance with the rules.
6. I am further advised that the issuer of the Writ is identified by name, practicing license number and other details. The Applicants have neither exhibited any document suggesting that the plaintiff has neither instructed nor authorized the said issuer to act on its behalf nor have they exhibited any search report or other document suggesting that the issuer is not licensed to practice by nor known to the General Legal Council, by which reason she cannot issue writs or practice law. Just saying the issuer is unknown is groundless.
7. On the whole, the Application is without any merit whatsoever, as it is also without a legal basis and same ought to be shot down and buried in a shallow grave with the disdain it deserves.

WHEREFORE AND IN THE CIRCUMSTANCES, I swear to this affidavit in Opposition to the Motion to set aside the plaintiff's Writ of Summons.

SWORN AT ACCRA, THIS <sup>9<sup>th</sup></sup>  
DAY OF June 2020 by the said

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**DEPONENT**

BEFORE ME

  
COMMISSIONER FOR OATHS

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