

CT 4  
IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
COMMERCIAL DIVISION - CT4  
ACCRA- 2020 A.D.

SUIT NO: CM/RPC/0074/20

FOREWIN GHANA LIMITED  
FOREWIN HOUSE  
PLOT NO. 10 RING ROAD  
NORTH INDUSTRIAL AREA  
ACCRA-NORTH

PLAINTIFF/J-C/APPLICANT

VRS

AHND AND CO. LIMITED  
OHENE DJAN HIGH STREET  
BUNGALOW (PAPITOE)  
NSAWAM

DEFENDANT/J/DEBTOR

MOTION EX-PARTE FOR AN ORDER FOR GARNISHEE – ORDER 47 RULE 2

**MOTION EX-PARTE** by Counsel for and on behalf of the Plaintiff/Applicant herein praying this Honourable Court for an Order directed at **GCB BANK LIMITED** the Garnishee Bank herein to show cause why monies in the account standing to the credit of the Defendant should not be paid to the Plaintiff upon grounds contained in the accompanying affidavit.

**AND** for any further order/s as this Honourable Court may deem fit.

*pos* COURT TO BE MOVED ON *Friday* THE *25th* DAY OF *Sept* 2020 at 9'Oloock in the forenoon or so soon thereafter as Counsel for the Applicant may be heard.

DATED AT AKOSOMBO CHAMBERS, ACCRA, THIS *24th* DAY OF *Sept* 2020

MINKAH PRIMO & CO.  
Box 14951, Akosombo House...  
No. 1, Akosombo House...  
SOLICITOR FOR PLFF/J/C/APPLICANT  
NANA AMA STEPHENS (MRS.)  
LICENCE NO. GAR 02617/20

THE REGISTRAR  
COMMERCIAL COURT DIVISION  
HIGH COURT  
ACCRA

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

**SUIT NO: CM/RPC/0074/20**

**FOREWIN GHANA LIMITED  
FOREWIN HOUSE  
PLOT NO. 10 RING ROAD  
NORTH INDUSTRIAL AREA  
ACCRA-NORTH**

**PLAINTIFF/J-C/APPLICANT**

**VRS**

**AHND AND CO. LIMITED  
OHENE DJAN HIGH STREET  
BUNGALOW (PAPITOE)  
NSAWAM**

**DEFENDANT/J/DEBTOR**

---

**AFFIDAVIT IN SUPPORT OF MOTION EX-PARTE FOR AN ORDER FOR  
GARNISHEE**

---

I, **DAMIEL BIMPONG** of House No. 6, Israel - Lomnava, Accra, do hereby make this oath and say as follows.

1. That I am the Deponent herein.
2. That I am the Law Clerk for the Solicitors for Plaintiff/J/Creditor/Applicant (hereinafter referred to as 'Plaintiff') and have its authority to swear to this affidavit, the facts of which are within my personal knowledge.
3. That the Plaintiff caused a Writ of Summons and Statement of Claim to be issued against the Defendant/J/Debtor (hereinafter referred to as 'Defendant') on 18<sup>th</sup> of October 2019 claiming the reliefs endorsed thereon.
4. That pursuant to the Defendant entering Appearance on the 5<sup>th</sup> November 2019, the parties on the 19<sup>th</sup> February 2020 settled their differences and proceeded to file Terms of Settlement accordingly.
5. That on the 27<sup>th</sup> of February 2020 the filed Terms of Settlement was entered as consent judgment by this Honourable Court. [Attached and marked as Exhibit "A" is a copy of the Court Notes dated 27<sup>th</sup> February 2020].
6. That per the Terms of Settlement entered by the court, the Defendant was to pay an initial payment of **GHC100,000** and thereafter a monthly payment of **GHC50,000** until the debt was settled fully.
7. That the Defendant who never paid the said **GHC100,000** proceeded to pay only **GHC50,000** on the 14<sup>th</sup> February 2020 to the Plaintiff and has since then, blatantly failed to abide by the Terms as agreed.



8. That on the 7<sup>th</sup> May 2020, the Plaintiff proceeded to file an Entry of Judgment which was served on the Defendant on the 12<sup>th</sup> of June, 2020. [Attached and marked as Exhibit "B" is a copy of the Court Search]
9. That in spite of the said Entry of Judgment being served on the Defendant, the Defendant has till date not made any payments to the Plaintiff and as it stands now the Defendant/J/Debtor's outstanding indebtedness to the Plaintiff stood at **GH¢312, 693.33. 00** as at 31<sup>st</sup> July 2020.
10. That I am advised and believe same to be true that the Plaintiff is entitled to levy execution of its Judgment against the Defendant by reason of the Defendant's failure to pay the judgment debt.
11. That I am aware that the Defendant operate an account with GCB Bank, Nsawam Branch under Account No. 2161180000066 and can pay the Plaintiff the amount owed.
12. That I am advised and verily believe same to be true that the Plaintiff can apply for this Honourable Court to order GBC Bank to appear in court and show cause as to why monies in the account of the Defendant should not be paid to the Plaintiff.

**WHEREFORE** I swear to this Affidavit in Support praying this Honourable Court for an Order for garnishee nisi.

SWORN AT ACCRA THIS  
DAY OF

24<sup>th</sup>  
Sept 2020 ]

DK Bimpang  
DEPONENT

BEFORE ME

[Signature]  
COMMISSIONER FOR OATHS

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

Exhibit "A"

IN THE SUPERIOR COURT OF JUDICATURE IN THE HIGH COURT OF JUSTICE,  
COMMERCIAL DIVISION HELD IN ACCRA ON FRIDAY, THE 27<sup>TH</sup> DAY OF  
FEBRUARY, 2020 BEFORE HER LADYSHIP JUSTICE DOREEN G. BOAKYE-  
AGYEI (MRS)

SUIT NO. CM/RPC/0074/2020

**FOREWIN GHANA LIMITED**

FOREWIN HOUSE  
PLOT NO. 10 RING ROAD  
NORTH INDUSTRIAL AREA  
ACCRA-NORTH

PLAINTIFF

THIS IS EXHIBIT / DOCUMENT

MARKED ..... REFERRED TO  
THE AFFIDAVITS SWORN AT ACCRA  
THIS 24<sup>th</sup> DAY OF Sept. 2020

BY .....  
BEFORE ME

VRS

**AHND AND CO. LIMITED**  
OHENE DJAN HIGH STREET  
BUNGALOW (PAPITOE)  
NSAWAM

DEFENDANT

COMMISSIONER FOR OATHS

PARTIES: ABSENT

COUNSEL MRS. NANA AMA STEPHENS WITH MS. LILY NTREH FOR  
PLAINTIFF PRESENT.  
MR. ERIC DELANYO ALIFO HOLDING BRIEF FOR MR. JOHN  
MARK ALIFO FOR DEFENANT PRESENT.

COUNSELS

We have settled the matter and pray that our Terms of Settlement be adopted with  
Consent Judgment entered thereon.

BY COURT

Having heard from both Counsel for Plaintiff and Defendant, seen and read the Terms of  
Settlement of the parties duly executed and filed on 19<sup>th</sup> February, 2020, the Court adopts  
same. Consent Judgment is accordingly entered for parties herein in terms of the Terms  
of Settlement duly executed and filed.

CERTIFIED TRUE COPY

REGISTRAR  
HIGH COURT



- e. That during the period when the Defendant is making its monthly payments, there shall be freeze on interest from 1<sup>st</sup> February, 2020 to date of final payment;
  - f. That a part payment of the Plaintiff's Legal Fees of GHC15,000.00 shall be paid directly to the Plaintiff's Solicitor prior to the execution of the Terms of Settlement;
5. That the parties have agreed that should the Defendant default in **ANY** of the terms stipulated in this agreement, the Defendant shall be held in default and the Plaintiff shall be entitled to levy execution for the **ANY SUM** that remains unpaid together with any **INTEREST** from the date of the default, without further recourse to the Defendant and without prejudice to these Terms of Settlement.
6. That these terms represent the entire understanding between the parties.

**IT IS FURTHER AGREED** that this **AGREEMENT** shall be filed in Court and entered as Consent Judgment between the parties upon its execution.

Given under my hand this 27<sup>th</sup> day of February, 2020.

(sgd.)  
JUSTICE DOREEN G. BOAKYE-AGYEI (MRS)  
JUSTICE OF THE HIGH COURT

**CERTIFIED TRUE COPY**

.....  
REGISTRAR  
HIGH COURT  
COMMERCIAL DIVISION LLC-ACCRA

CT 8

IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
COMMERCIAL DIVISION (8)  
ACCRA- 2020 A.D.

Filed on 17/06/2020 at 5:00 am/pm  
Registrar  
COMMERCIAL DIVISION OF THE  
HIGH COURT, ACCRA  
SUIT NO: CM/RPC/0074/20

BETWEEN

FOREWIN GHANA LIMITED  
FOREWIN HOUSE  
PLOT NO. 10 RING ROAD  
NORTH INDUSTRIAL AREA  
ACCRA-NORTH

PLAINTIFF

AND

AHND AND CO. LIMITED  
OHENE DJAN HIGH STREET  
BUNGALOW (PAPITOE)  
NSAWAM

DEFENDANT

Exhibit "B"  
THIS IS EXHIBIT / DOCUMENT  
MARKED B REFERRED TO  
THE AFFIDAVITS SWORN AT ACCRA  
THIS 24th DAY OF Sept 2020  
BY D. Bimpung  
BEFORE ME

COMMISSIONER FOR OATHS  
SEARCH

Please cause a Search to be made in the above-mentioned Suit as follows:

- Whether or not the Entry of Consent Judgment filed on the 7<sup>th</sup> May 2020 by the Plaintiff has been served on the Defendant? yes
- If so, when? 12 - 06 - 2020
- If not, how many attempts have been made?

DATED IN ACCRA, THIS 17<sup>TH</sup> DAY OF JUNE 2020.

MINKAH PREM & CO.  
Box 1951, Kasomba House  
No. 44, ...  
SOLICITORS FOR PLAINTIFF  
Tel: 233-302-701625, 781627, 767114  
NANA AMA K. STEPHENS (MRS.)  
Licence NO. GAR 02617/20

THE REGISTRAR  
HIGH COURT  
COMMERCIAL DIVISION  
ACCRA

PH — m 01: 25 p —  
30 — 06 — 2020