

Court 8

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
COMMERCIAL DIVISION
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

Filed on: 03/08/2020
at 3:00 am/pm.
Registrar
COMMERCIAL DIVISION OF THE
HIGH COURT, ACCRA

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 **CAL 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.

for COURT TO BE MOVED ON *THUR* THE *13TH* DAY OF *Aug* 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 *13TH* DAY OF *Aug* 2020

MINKAH PREM & CO
Box 14951, Accra-Akosombo House
No. 3 Emmause 2nd Close
Labone - Accra
Tel: 0238-302-781625, 78627, 767114
Fax: 238-302781625

SOLICITOR FOR PLFF/J/C/APPLICANT
NANA AMA STEPHENS (MRS.)
LICENCE NO. GAR 02617/20

THE REGISTRAR
COMMERCIAL COURT DIVISION
HIGH COURT
ACCRA

CERTIFIED TRUE COPY
.....REGISTRAR
HIGH COURT
COMMERCIAL DIVISION LLC-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

03/08/2020
Filed on: 3:00 am/pm
at: _____
Registrar
COMMERCIAL DIVISION OF THE
HIGH COURT, ACCRA

**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, **BERNARD QUARTEY** of Unnumbered House at North-Kaneshie, 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 18th of October 2019 claiming the reliefs endorsed thereon.
4. That pursuant to the Defendant entering Appearance on the 5th November 2019, the parties on the 19th February 2020 settled their differences and proceeded to file Terms of Settlement accordingly.
5. That on the 27th 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 27th 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 14th February 2020 to the Plaintiff and has since then, blatantly failed to abide by the Terms as agreed.

8. That on the 7th May 2020, the Plaintiff proceeded to file an Entry of Judgment which was served on the Defendant on the 12th 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 31st 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 **Cal Bank Achimota Branch** under Account No. **1400000684009** 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 **Cal 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 30 |
DAY OF Aug 2020 |

[Signature]
DEPONENT

BEFORE ME

[Signature]
COMMISSIONER FOR OATHS

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

IN THE SUPERIOR COURT OF JUDICATURE IN THE HIGH COURT OF JUSTICE,
COMMERCIAL DIVISION HELD IN ACCRA ON FRIDAY, THE 27TH 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 A REFERRED TO
THE AFFIDAVITS SWORN AT ACCRA
THIS 27th DAY OF Aug 2020
B. Quortey
BY
BEFORE ME

VRS

AHND AND CO. LIMITED

OHENE DJAN HIGH STREET
BUNGALOW (PAPITOE)
NSAWAM

DEFENDANT

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 19th 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

CONSENT JUDGMENT

WHEREAS

1. The Plaintiff herein commenced an action against the Defendant on the 18th day of October 2019 for the following Reliefs:
 - a. An Order compelling the Defendant to pay the sum of GHC300,000.00 being the outstanding balance owed the Plaintiff by the Defendant as at 1st May, 2019;
 - b. Interest on the above sum (a) at the prevailing bank rate from 1st May, 2019 till date of final payment;
 - c. Cost including Solicitors Professional fees
2. **WHEREAS** the Defendant entered Appearance in the suit through its Solicitor on the 5th November, 2019.
3. **AND WHEREAS** upon various meetings and correspondence between the parties, they have agreed to settle all matters in dispute or differences between them in the following manner, terms and conditions.
4. **NOW THEREFORE THE PARTIES HAVE AGREED FOLLOWS:**
 - a. That the total sum payable by the Defendant to the Plaintiff would be GHC336,000.00 representing the Principal sum of GHC300,000.00 together with accrued interest from 1st May, 2019 to 31st January, 2020 @ 16% being GHC36,000.00
 - b. That an initial down payment of GHC100,000.00 (One Hundred Thousand Ghana Cedis) shall be paid on or before the 31st day of January, 2020 by the Defendant;
 - c. That upon the initial down payment being made as stated above (b) a monthly moratorium shall be placed on any sum payable for the month of February, 2020;
 - d. That the remaining outstanding balance of GHC236,000.00 shall to be paid by a monthly installment payment of GHC50,000.00 until the final debt is retired;

- e. That during the period when the Defendant is making its monthly payments, there shall be freeze on interest from 1st 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 27th day of February, 2020.

(sgd.)

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

CERTIFIED TRUE COPY

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

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 EXHIBIT "B" 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

THIS IS EXHIBIT / DOCUMENT

MARKED 13 REFERRED TO
THE AFFIDAVITS SWORN AT ACCRA

THIS 30 DAY OF Aug 20

BY B Owarley
BEFORE ME

COMMISSIONER FOR OATHS

SEARCH

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

1. Whether or not the Entry of Consent Judgment filed on the 7th May 2020 by the Plaintiff has been served on the Defendant? yes
2. If so, when? 12 - 06 - 2020
3. If not, how many attempts have been made? —

DATED IN ACCRA, THIS 17TH DAY OF JUNE 2020.

MINKAH PREM & CO.
Box 1051, Kosofe House

SOLICITORS FOR PLAINTIFF
NANA AMA K. STEPHENS (MRS.)
Tel: 233 302 7 1625, 781627, 767114
Fax: 233 302 737624
LICENCE NO. GAR 02617/20

THE REGISTRAR
HIGH COURT
COMMERCIAL DIVISION
ACCRA

PR — 17/06/2020
30 — 06 — 2020