

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

A.D – 2019

SUIT NO. CM/BFS/0802/2020

AGRICULTURAL DEVELOPMENT BANK
FINANCIAL CENTRE
RIDGE-ACCRA.

PLAINTIFF


VRS.

1. KINGDOM PREMIUM FRUITS LIMITED
2. DR. FELIX KWAME. SEMAVOR
ADRHO HOUSE, SAKAMAN – ACCRA
(and on whom Plaintiff shall direct service)

DEFENDANTS

NOTICE OF OBJECTION TO THE PRODUCTION OF DOCUMENTS

PLEASE TAKE NOTICE that the Plaintiff objects to the Defendant's request to produce documents for inspection, based on the grounds stated in the accompanying affidavit.


VIDA AGYEKUM ACHEAMPONG, ESQ
SOLICITOR FOR THE PLAINTIFF
NO. OF SOLICITOR'S LICENSE: GAR 00815/20

THE REGISTRAR
HIGH COURT, COMMERCIAL DIVISION
ACCRA

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

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DEFENDANTS

AFFIDAVIT OF KOFI TWENEBOA KODUA IN SUPPORT OF OBJECTION BY PLAINTIFF TO
PRODUCE DOCUMENTS FOR INSPECTION

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. That on 5th December, 2019, the Plaintiff-Applicant herein issued a Writ of Summons with Statement of Claim (SOC) against the Defendants, seeking several reliefs for the payments of credit facilities taken from the Plaintiff-Bank.
3. That after filing conditional appearance and failing to file a defense, the Plaintiff has already put in an Application for judgment for Default of Defense.
4. That instead of filing a defense to the suit, the Defendants are rather seeking to inspect the documents referred to in our Statement of Claim, which are either documents that were solely executed by the Defendants for our security or jointly executed between the Plaintiff and the 1st Defendant.
5. That there is never any document referred to in the SOC that was solely authored by the Plaintiff and to which the Defendants do not have a copy. In some cases, it is rather the defendants who provided copies to the Plaintiff.

6. So how then can the Plaintiff be asked to produce for inspection documents authored and/or prepared solely by the Defendants for their inspection?
7. That requesting to inspect documents before filing a defense is a ploy to test the Plaintiff to see which documents they still have copies of so that the Defendants can use it as a ruse to deny liability in debts which are clearly owed to the Plaintiff.
8. That per the provisions on filing witness statements and pre-trial checklist as stipulated in C.I 87, every document the Plaintiff intends to rely on would first be filed and served on the Defendants, who will have opportunity to peruse and scrutinize them before the hearing of the matter commences.
9. As a result, the Defendants can never be taken by surprise.
10. I am advised and verily believe same to be true that with the element of surprise duly taken away by the copious provisions of C.I. 87, it only becomes dangerous for the requested documents to be produced before the Defendants file their defense, as this could provide them basis to access the documentary strength of the Plaintiff, and use same to deny liability, thereby twisting the arm of justice.
11. The Plaintiff is therefore objected to the production of the requested documents.

WHEREFORE AND IN THE CIRCUMSTANCES, I swear to this affidavit in support of the objection for inspection.

SWORN IN Accra, THIS 18th)

DAY OF Feb, 2020 by the said)

KOFI TWENEBOA KODUA)



DEPONENT

BEFORE ME


COMMISSIONER FOR OATHS

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