

CT 4

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

**SUIT NO: CM/BFS/0302/2020**

**AGRICULTURAL DEVELOPMENT BANK**

**PLAINTIFF/APPLICANT**

**VRS**

filed on 26/02/2020  
at ..... 1:00 ..... am/pm.

**1. KINGDOM PREMIUM FRUITS LTD**

**2. DR. FELIX KWAME SEMAVOR**

**DEFENDANTS/RESPONDENTS**

**SUPPLEMENTARY AFFIDAVIT IN OPPOSITION TO MOTION ON NOTICE FOR JUDGMENT IN DEFAULT OF DEFENCE**

I, **DANIEL BIMPONG** House No. 6 Amamre Spot Street Israel-Lomnava Accra make oath and say as follows:

1. That I am the Deponent herein.
2. That I am the Law Clerk for the Solicitors for the Defendants/Respondents herein and have their authority to swear to this affidavit matters of facts which have come to my knowledge in the course of performing my duties.
3. That the Plaintiff/Applicant filed a Motion on Notice for Judgment in Default of Defence on the 5<sup>th</sup> February 2020.
4. That the Defendants/Respondents' filed their Affidavit in Opposition on the 20<sup>th</sup> February 2020 wherein in paragraph 10 of the said Affidavit the Defendants/Respondent referred to a proposed draft Statement of Defence but inadvertently omitted to attach same.
5. That upon noticing this, the Defendant hereby attach a copy of the said proposed draft Defence marking same as Exhibit 3.

WHEREFORE I swear to the Supplementary Affidavit.

SWORN AT AKOSOMBO CHAMBERS ACCRA THIS 26<sup>th</sup> DAY OF Feb 2020

Daniel Bimpong  
DEPONENT

**JOHN AHETOH** BEFORE ME  
**COMMISSIONER FOR OATHS**  
**P. O. BOX MP 1001**  
**ACCRA**  
**COMMISSIONER OF OATHS**

**AND FOR SERVICE ON THE PLAINTIFF OR ITS SOLICITOR VIDA AGYEKUM ACHEAMPONG ESQ, MONITORING & RECOVERIES DIVISION, AGRICULTURAL DEVELOPMENT BANK**

ExH 3

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

**SUIT NO: CM/BFS/0302/2020**

**AGRICULTURAL DEVELOPMENT BANK**

**VRS**

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

THIS IS EXHIBIT / DOCUMENT

MARKED ..... 3 ..... REFERRED TO  
THE AFFIDAVITS SWORN AT ACCRA

THIS 26<sup>th</sup> DAY OF Feb 2020

BY .....  
BEFORE ME

**DEFENDANTS**

**PROPOSED STATEMENT OF DEFENCE**

Except as is hereinafter expressly admitted, the Defendants denies each and every averment and claim contained in the Statement of Claim as if the same were set out in extensor and denied seriatim.

1. The Defendants admits to Paragraphs 1 and 2 of the Plaintiff's Statement of Claim.
2. The Defendants deny paragraph 3 of the Plaintiff's Statement of Claim in its entirety and will put the Plaintiff to the strictest proof of same.
3. In further response, the 2<sup>nd</sup> Defendant say that as he has never executed any Contract of Indemnity in favour of the Plaintiff for any facility/ies purportedly given to the 1<sup>st</sup> Defendant, and the Plaintiff has failed to indicate a date which the said Contract of Indemnity was given, it will as a result put the Plaintiff to the Strictest proof of same specifically which facility/ies the said Contract of Indemnity was provided.
4. The Defendants denies paragraph 4 (a-e) of the Plaintiff's Statement of Claim in its entirety and will put the Plaintiff to the strictest proof of same.
5. In further denial of paragraph 4 of the Statement of Claim, the 1<sup>st</sup> Defendants avers that it is a large company with various financial obligations; and that with the



Plaintiff having categorically failed to specifically describe the facilities has it ought to be described in accordance with the law, the Defendants will put the Plaintiff to the strictest proof of each facility stated by the Plaintiff in the said paragraph 4 (a-e).

6. The Defendants categorically denies paragraph 5 of the Plaintiff's statement of claim and will put the Plaintiff to the strictest proof of same.
7. Further, the Defendants in denying the said paragraph 5 of the Plaintiff's Statement of Claim says that assuming but without admitting that any of the securities stated by the Plaintiff were given, it is the Defendant's case that the Plaintiff ought to have shown which security backed which facility; consequently, the Defendants would demand a strictest proof of same.
8. The Defendants denies paragraphs 6, 7 and 8 of the Statement of Claim and will put the Plaintiff to proof. Further the Defendants will require the Plaintiff to prove the specific account which the 1<sup>st</sup> Defendant purportedly overdrew on.
9. The Defendants deny paragraphs 9 and 10 of the Plaintiff's Statement of Claim and put the Plaintiff to proof of same.
10. Further, the Defendants in response to the said paragraph, say that with the Plaintiff's action being that of a Borrowers and Lenders Action, the Plaintiff should have served a 30 day Demand Notice to the Defendants in accordance with law, which it failed to do.
11. In continuation, the Defendant further says that again the Plaintiff's action is incompetent as same does not conform to the laws and requirement as laid down by the Rules of Court and should be struck out; and that the Defendants would apply to have same Struck out.

12. The Defendants contends that the Plaintiff is not entitled to any of its claim and/or its alternative reliefs as all the securities for which the Plaintiff is seeking to rely on is invalid and/or ineffective.

**DATED AT ACCRA THIS**

**DAY OF**

**2020.**

-----  
**SOLICITORS FOR THE DEFENDANT  
WALLACE BRUCE-CATHLINE  
LICENCE NO. GAR02453 /20**

**THE REGISTRAR  
COMMERCIAL COURT  
ACCRA**

**AND FOR SERVICE ON THE PLAINTIFF OR ITS SOLICITOR VIDA AGYEKUM  
ACHEAMPONG ESQ, MONITORING & RECOVERIES DIVISION,  
AGRICULTURAL DEVELOPMENT BANK**