MA

IN THE SUPRERIOR COURT OF JUDICATURE IN THE HIGH COURT OF JUSTICE COMMERCIAL DIVISION ACCRA-AD 2019

SUIT NO: CM/BFS/1206/2019

BANK OF AFRICA (FORMERLY: AMALGAMATED BANK LIMITED) 1ST FLOOR, BLOCK A&B, THE OCTAGON, INDEPENDENCE AVENUE ACCRA 2J-10-20 PLAINTIFF
3:50

VRS

1. LISANDRA COMPANY LIMITED
OPPOSITE ADABRAKA CENTRAL MOSQUE
JONES NELSON ROAD
ACCRA

DEFENDANTS

2. SARFO-AGYEMANG
OPPOSITE ADABRAKA CENTRAL MOSQUE
JONES NELSON ROAD
ACCRA

MOTION ON EX PARTE AN ORDER FOR SUBSTITUTED SERVICE OF THE WRIT OF SUMMONS - ORDER 7 RULE 6 (1)(A)

MOTION EX-PARTE by Counsel for and on behalf of the Plaintiff/Applicant herein praying this Honourable Court for an Order for Substituted Service of the Writ of Summons and Statement of Claim dated 20th August 2019 on the Defendants upon the grounds set forth in the accompanying affidavit.

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

COURT TO BE MOVED ON THE DAY OF 2019 at 9 O'Clock in the forenoon or so soon thereafter as Counsel may be heard.

4657286 25-10-2019

2019.

MINKAH PREMO & CO,
Box 14951 Accra - Akosombo House
No. 3 Emmause 2nd Close
Labore — Verra

SOLICITOR FOR PLFF/APPLICANT

SOLICITOR FOR PLFF/APPLICANT NANA AMA STEPHENS (MRS) LICENCE NO: GAR 21269/19

THE REGISTRAR
HIGH COURT
COMMERCIAL DIVISION
ACCRA.

IN THE SUPRERIOR COURT OF JUDICATURE IN THE HIGH COURT OF JUSTICE COMMERCIAL DIVISION ACCRA-AD 2019

SUIT NO: CM/BFS/1206/2019

BANK OF AFRICA
(FORMERLY: AMALGAMATED BANK LIMITED)
1ST FLOOR, BLOCK A&B, THE OCTAGON,
INDEPENDENCE AVENUE
ACCRA

PLAINTIFF 2019

DEFENDANTS

VRS

- 1. LISANDRA COMPANY LIMITED OPPOSITE ADABRAKA CENTRAL MOSQUE JONES NELSON ROAD ACCRA
- 2. SARFO-AGYEMANG
 OPPOSITE ADABRAKA CENTRAL MOSQUE
 JONES NELSON ROAD
 ACCRA

AFFIDAVIT IN SUPPORT OF MOTION ON EX PARTE AN ORDER FOR SUBSTITUTED SERVICE OF THE WRIT OF SUMMONS - ORDER 7 RULE 6 (2)

- I, FELIX ANTWI, of No. F73/7 Labadi-Accra make oath and say as follows:
 - 1. That I am the Deponent herein.
 - 2. That I am the Law Clerk for Minkah-Premo & Co., Solicitors for the Plaintiff/Applicant (hereinafter referred to as 'the Plaintiff') and have the authority of the Plaintiff to depose to this affidavit, the facts of which have come to my knowledge in the course of performing my duties.
 - 3. That at the hearing of this Application, Counsel for the Plaintiff shall seek leave to refer to the relevant processes so far filed in this suit.

- 4. That the Plaintiff on the 20th of August 2019, issued a Writ of Summons and Statement of Claim against the Defendants herein for the reliefs endorsed thereon.
- 5. That after the filing of the said document, all efforts to personally serve the Defendants with the Writ of Summons and Statement of Claim have proved futile. [Attached and marked as 'Exhibit A' is a copy of the Search Report].
- 6. That I am advised and verily believe same to be true that more than Three (3) attempts have been made to serve the Defendants personally with the Writ of Summons and Statement of Claim and that any further attempts to do so will cause unreasonable delay, hence the instant application.
- 7. That in the circumstances, I am advised and believe same to be true that service of the Writ of Summons and Statement of Claim can be effected on the Defendants by posting a copy of the Writ of Summons and Statement of Claim at the following places:
 - a. At the Defendants' business premises located at Jones Nelson Road, opposite the Adabraka Central Mosque.
 - b. The High Court (Commercial Division) Registry Notice Board.
- 8. That the Plaintiff prays this Honourable Court for an Order for Substituted Service to be made in accordance to the mode as requested above by the Plaintiff.

WHEREFORE I swear to this affidavit in support.

SWORN AT AKOSOMBO CHAMBERS IN ACCRA THIS DAY OF 2019.

DEPONENT

BEFORE ME

COMMISSIONER OF OATHS

HOTEHA MHOL COMMISSIONER FOR OATHS P. O. BOX MP 1896

Exhibit "A"

IN THE SUPERIOR COURT OF JUDICATURE IN THE HIGH COURT OF JUSTICE COMMERCIAL DIVISION ACCRA A.D. 2019

SUIT NO.CM/BFS/1206/2019

BANK OF AFRICA – GHANA LIMITED (FORMERLY: AMALGAMATED BANK LIMITED) 1ST FLOOR, BLOCK A&B, THE OCTAGON, INDEPENDENCE AVENUE ACCRA VRS	at	
JONES NELSON ROAD ACCRA 2. SARFO-AGYEMANG OPPOSITE ADABRAKA CENTRAL MOSQUE BY	DEFENDANTS ARKED REFERRED TO HE AFFIDAVITS SWORN AT ACCRUMENTS FORE ME LANGE TO COMMISSIONER FOR OATHS	
SEARCH Please cause a Search to be made in the above-mentioned Suit as follows:		
 Whether or not the 1st Defendant has been served with the Plaintiff's Writ of Summons and Statement of Claim filed on the 20th August, 2019? NO AFFIDAVIT OF WOT SERVICE PROVED. If so, when? When the served with the Plaintiff's Writ of Summons and Statement of Claim filed on the 20th August, 2019? NO AFFIDAVIT OF WOT SERVICE PROVED. 		
3. If not, how many attempts have been made? Four Times (4)		
 4. Whether or not the 1st Defendant has Entered Appearance? (*) 5. If so, when? (*) 		
6. If yes, has the 1st Defendant filed its Statement of I7. If so, when?	Defence?	

 8. Whether or not the 2nd Defendant has been se and Statement of Claim filed on the 20th Augus 9. If so, when? 10. If not, how many attempts have been made? 	SERVICE PROVED.
11. Whether or not the 2 nd Defendant has Entered	
12. If so, when?	
13. If yes, has the 2 nd Defendant filed its Statemen	t of Defence? NO
14. If so, when?	
DATED IN ACCRA THIS DAY OF	MINKAH PRIMO 8. CO. Box 14°51 No. Laboration of the Control of the
THE REGISTRAR	

THE REGISTRAR
HIGH COURT
COMMERCIAL DIVISION
ACCRA.

AS - AS 2: 48 pm 11 - 10 - 19