

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

Filed on: 31/03/2020
at 3:00 am/pm
Registrar
COMMERCIAL DIVISION OF THE
HIGH COURT, ACCRA

SUIT NO: CM/BFS/0302/2020

AGRICULTURAL DEVELOPMENT BANK

PLAINTIFF/RESPONDENT

VRS

1. KINGDOM PREMIUM FRUITS LTD

2. DR. FELIX KWAME SEMAVOR

DEFENDANTS/APPLICANTS

MOTION ON NOTICE TO STRICK OUT/SET ASIDE THE PLAINTIFF'S
STATEMENT OF CLAIM

MOTION ON NOTICE by Counsel for and on behalf of the Defendants/Applicants herein praying this Honourable Court for an Order to strike out or set aside the Plaintiff's Statement of Claim as irregular upon failure to comply with the requirements of the Rules of Court; and further grounds stated in the accompanying affidavit and any other order/s as this Honourable Court will deem fit.

COURT TO BE MOVED ON *THUR* **THE** *19th* **DAY OF** *MARCH* **2020**
at 9 O'clock in the forenoon or so soon thereafter as Counsel may be heard.

DATED AT ACCRA THIS *3rd* **DAY OF** *MARCH* **2020**

MINKAH PREM & CO.
Box 14951, Accra - Akosombo House
No. 3 Emmanuel 2nd Close
Labone - Accra
Tel: 233-302-701625, 781627, 767114
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SOLICITORS FOR PLAINTIFF
WALLACE BRUCE-CATHLINE
PL.NO GAR 02463 / 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

Registrar
COMMERCIAL DIVISION OF THE
HIGH COURT, ACCRA
at 3:00 am/pm
Filed on: 31/03/2020

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

Filed on: 3/03/2020
3:05 am/pm
Registrar
COMMERCIAL DIVISION OF THE
HIGH COURT, ACCRA

SUIT NO: CM/BFS/0302/2020

AGRICULTURAL DEVELOPMENT BANK

PLAINTIFF/RESPONDENT

VRS

1. KINGDOM PREMIUM FRUITS LTD

2. DR. FELIX KWAME SEMAVOR

DEFENDANTS/APPLICANTS

**AFFIDAVIT IN SUPPORT OF MOTION ON NOTICE TO STRICK OUT/SET
ASIDE THE PLAINTIFF'S STATEMENT OF CLAIM**

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/Applicants [hereinafter called 'Defendants'] 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 at the hearing of this application, Counsel for the Defendants shall seek leave of this Honourable Court to refer to processes filed in this Suit.
4. That the Plaintiff/Respondent [hereinafter referred to as 'Plaintiff'] on the 5th December 2019, caused a Writ of Summons and Statement of Claim to be issued against the Defendants claiming the reliefs endorsed thereon.
5. That I am advised and verily believe same to be true that the very nature of the instant action before this court, together with the reliefs sought against the Defendants falls within the perimeters of a Mortgage Action.

6. That I am advised and verily believe same to be true that the particulars of pleadings as pleaded by the Plaintiff in its Statement of Claim especially paragraph 4 (a-e), 7, 8 and 9, does not conform to the requirements as stipulated by the Rules of this Honourable Court.
7. That I am advised and verily believe same to be true that as the Plaintiff's Statement of Claim offend the Rules of this Honourable Court, same should be deemed as irregular hence set aside by the court.
8. That I am advised and verily believe same to be true that with the Plaintiff's said pleadings offending the Rules of Court, should the Plaintiff be allowed to wallow in this irregularity, same may prejudice the fair trial of this case.
9. That I am advised and verily believe same to be true that the Defendants by virtue of this irregular Statement of Claim, can apply to this Honourable Court for the said Statement of Claim to be set aside/struck out in accordance with the Rules of this Honourable Court.

WHEREFORE I swear to the Affidavit in Support.

SWORN AT AKOSOMBO CHAMBERS ACCRA THIS Bw DAY OF March
2020


DEPONENT

BEFORE ME


COMMISSIONER OF OATHS

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