

CT 1

IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
COMMERCIAL DIVISION -1  
ACCRA A.D. 2020

10/03/2020  
2:50 am/pm  
Registrar  
COMMERCIAL DIVISION OF THE  
HIGH COURT, ACCRA  
SUIT NO. CM/BFS/1206/2019

PLAINTIFF/APPLICANT

BANK OF AFRICA – GHANA LIMITED  
(FORMERLY: AMALGAMATED BANK LIMITED)  
1<sup>ST</sup> FLOOR, BLOCK A&B, THE OCTAGON,  
INDEPENDENCE AVENUE  
ACCRA

VRS

1. LISANDRA COMPANY LIMITED

DEFENDANTS/RESPONDENTS

2. SARFO-AGYEMANG

MOTION ON NOTICE FOR JUDGMENT IN DEFAULT OF DEFENCE – ORDER 13  
RULE 1 (1)

PLEASE TAKE NOTICE that this Honourable Court will be moved by Counsel for and on behalf of the Plaintiff/Applicant herein praying this Honourable Court for Final Judgment in Default of Defence to be entered against the Defendants/Respondents upon the grounds contained in the accompanying affidavit.

And for such further orders as this Honourable Court may deem fit.

for COURT TO BE MOVED ON THUR THE 10<sup>TH</sup> DAY OF Mar 2020 at 9  
O' Clock in the forenoon or so soon thereafter as Counsel may be heard.

DATED IN ACCRA THIS 10<sup>TH</sup> DAY OF MARCH 2020.

MINKAM TREMO & CO.  
Box 4951, Accra - Abosambo House  
New Accra  
SOLICITOR FOR PLAINTIFF/APPLICANT  
NANA AMA STEPENS (MRS.)  
LICENCE NO: GAR 02617/20

AND FOR SERVICE ON THE DEFENDANTS OR THEIR SOLICITOR, K. ADJEI-LARTEY, ESQ., ALAD LAW CONSULT, HOUSE NO. 496, OFFIN LANE, BEHIND CONGO EMBASSY, ASYLUM DOWN, ACCRA

IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
COMMERCIAL DIVISION - 1  
ACCRA A.D. 2020

Filed on 10/03/2020  
2:50 am/pm  
Registrar  
COMMERCIAL DIVISION OF THE  
SUIT NO. CM/BFS/F206/2019

**BANK OF AFRICA – GHANA LIMITED  
(FORMERLY: AMALGAMATED BANK LIMITED)  
1<sup>ST</sup> FLOOR, BLOCK A & B, THE OCTAGON,  
INDEPENDENCE AVENUE  
ACCRA**

**PLAINTIFF/APPLICANT**

**VRS**

**1. LISANDRA COMPANY LIMITED**

**DEFENDANTS/RESPONDENTS**

**2. SARFO-AGYEMANG**

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**AFFIDAVIT IN SUPPORT OF MOTION ON NOTICE FOR FINAL JUDGMENT IN  
DEFAULT OF DEFENCE**

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I, **DANIEL K. 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 Legal Executive for 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 of this Honourable Court to refer to the relevant processes so far filed in this Suit.
4. That the Plaintiff on the 20<sup>th</sup> of August, 2019 caused a Writ of Summons and Statement of Claim to be issued against the Defendants/Respondents (hereinafter referred to as the Defendants), claiming against them the followings reliefs:
  - a) An order compelling the Defendants to pay the sum of GHC81,883.59 being the outstanding debt owed the Plaintiff by the Defendants as at 31<sup>st</sup> December 2016 on the Facility.
  - b) Interest on the above sum at the total contractual rate of 32.2% per annum from 1<sup>st</sup> January 2017 till date of final payment;
  - c) In addition to relief (b) above, Penal interest of 6% per annum from 1st January 2017 till date of final payment.
  - d) Cost
  - e) Any other remedy that this court deems fit.



5. That pursuant to the Writ of Summons and Statement of Claim being served on the Defendants, the Defendants entered Appearance through their Solicitor on the 12<sup>th</sup> day of December, 2019.
6. That a search conducted at the Registry of this Honourable Court on the 20<sup>th</sup> day of January, 2020, indicates that despite the Defendants having entered Appearance in the suit, they have failed to file their Defence. [Attached and marked as 'Exhibit A' is a copy of the Search Result]
7. That I am advised and verily believe same to be true that the time permitted by the Rules of Court for the Defendants to file their Statement of Defence has long elapsed.
8. That I am advised and verily believe same to be true that the Defendants have no Defence to the Plaintiff's Claim.
9. That I am advised and verily believe same to be true that under the circumstances, the Plaintiff is entitled to have Judgment in Default of Defence entered against the Defendants.

WHEREFORE I swear to this Affidavit in support of the Motion.

SWORN AT ACCRA THIS  
DAY OF *March*

*10*  
2020

*[Signature]*  
DEPONENT

BEFORE ME

*[Signature]*  
COMMISSIONER OF 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  
ACCRA A.D. 2020

SUIT NO. CM/BFS/1206/2019

PLAINTIFF

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

Exhibit "A"

VRS

DEFENDANTS

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

SEARCH

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

1. Whether or not the Defendants have filed their Statement of Defence to the Plaintiff's Writ of Summons and Statement of Claim filed on the 20<sup>th</sup> day of August, 2019? *NO*
2. If so, when? *NIL*

DATED IN ACCRA THIS *20<sup>th</sup>* DAY OF *Jan* 2020.

THIS IS EXHIBIT / DOCUMENT

MARKED *A* REFERRED TO  
THE AFFIDAVITS SWORN AT ACCRA

THIS *10<sup>th</sup>* DAY OF *Mar* 20*20*

THE REGISTRAR  
HIGH COURT  
COMMERCIAL DIVISION  
ACCRA.

BY *D.K. Bimpong*  
COMMISSIONER FOR OATHS

SOLICITORS FOR PLAINTIFF

MINISTRY OF JUSTICE  
Box 14951  
Tel: 030 222 2222

AT 10:24pm

24 - 01 - 2020