

**IN THE CIRCUIT COURT '3' SITTING IN ACCRA ON THURSDAY THE
26TH DAY OF JANUARY, 2023 A. D. BEFORE HER HONOUR SUSANA
EDUFUL (MRS.), CIRCUIT COURT JUDGE**

CASE NO. C5/237/2018

SYLVANUS NANA KOJO NYAN EPTON

PETITIONER/J/D

VRS

MARGARET ELAINE AMA AYAW OBUOBI

RESPONDENT J/C

CORENETT COMPANY LTD

CLAIMANT

RULING

The Judgment Creditor/Applicant (hereinafter called the Applicant) by this motion is seeking an order to strike out the Claimant's claim in an interpleader proceedings. The basis of this application is the vehicle in contention is a KIA-RIO with registration No. GN-903-09 does not belong to the Judgment Debtor. According to the Applicant's Counsel the Claimant's Counsel indicated to the court he was going to call Uriel Essandoh an officer from the Claimant's company but changed his mind and brought an officer from DVLA to give evidence. When the Applicant realized the Claimant was not going to call the said person, he applied to subpoena the said Uriel Essandoh to come to court to testify but the Applicant has not been

able to serve the subpoena as the Claimant has not been able to direct him to serve the said subpoena. All efforts to get Counsel for Claimant give address of his client, the Claimant's location of business has failed. A search at the Registrar General's office for information on the Claimant's Company showed that the Department had no records of the Claimants Company. There was also no record at the Ghana Revenue Authority of the existence of the Claimant's company from the checks. The Applicant prayed that since the Counsel is unable to provide the Applicant with the address or Contact number of the Claimant's company the said company does not exist and therefore prayed that the Claimant's claim be strike out.

In response, the Claimant's Counsel denied the Applicant's assertion that the Claimant Company does not exists. Counsel further stated that the Claimant Company exists but did not still provide it to the court.

The court has examined the evidence on record, and finds that the Applicant's application that the Claimant Company does not exist is true and therefore the Claim ought to be struck out. In opposition to this assertion, what the Claimant or Counsel ought to do, is to establish otherwise but he has not led any evidence by way of proper legal means to establish otherwise, that is, the existence of the said company. The location address of the Company is crucial but Counsel has failed to establish same. The search from the registrar

General and evidence to show payment of taxes in recent times will also help prove the existence of the company as these are fundamental issues which goes to the root of the Claimants application to the court.

The Applicant's application is granted the Claimant's claim is struck out. The Judgment Creditor Applicant can continue the execution process.

Cost of GHC1,000.00 is ordered against the Claimant herein.

LEGAL REPRESENTATION

JONATHAN DZAIKU FOR THE APPLICANT.

EVANS SELASI ADIKA FOR THE CLAIMANT

H/H SUSANA EDUFUL (MRS)

(CIRCUIT COURT JUDGE)