

IN THE CIRCUIT COURT OF JUSTICE, SITTING AT ASHAIMAN ON  
WEDNESDAY THE 22<sup>ND</sup> DAY OF MARCH, 2023, BEFORE HIS HONOUR  
SIMON GAGA

SUIT NO. C2/06/23

AUGUSTINE BLANKSON  
T/27, COMMUNITY 22  
TEMA



PLAINTIFF/APPLICANT

VRS

JERRY IKE ADJEI ANNAN  
T/27, COMMUNITY 22  
TEMA



DEFENDANT/RESPONDENT

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**JUDGMENT IN DEFAULT OF APPEARANCE**

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The Plaintiff/Applicant, Augustine Blankson, filed a Writ of Summons before this Court praying for the following reliefs against the Defendant;

- 1. Ejection and recovery of possession of apartment also known as Gussy's at T/27, Community 22, Tema.**
- 2. Recovery of Eleven Thousand Ghana Cedis (GH¢11,000.00) being rent arrears as at 9<sup>th</sup> November, 2022.**

When the service of the Writ on the Defendant became impossible, the Plaintiff sought leave of the Court to serve the Defendant by substituted service. The Court on 6<sup>th</sup> January, 2023, granted the application for substituted service on the Defendant.

By *Order 9 of CI 47*, if a Writ is served on the Defendant, the Defendant is to enter appearance within eight (8) days after notice of service. However,

the Defendant failed to enter appearance even though there is evidence that same has been served on him by substituted.

By *Order 10 of CI 47*, if a Writ of Summons is served on a Defendant who fails to enter appearance within the statutory period of eight (8) days, the Plaintiff after conducting a search in the Registry of the Court may apply to the Court by Motion Exparte for Default Judgment against the Defendant.

Counsel on 31<sup>st</sup> January, 2022 filed a Motion Exparte for judgment in Default of Appearance. In moving the motion, Counsel repeated the depositions in the affidavit in support. Counsel submitted that because the Defendant/Respondent is not interested in defending the suit, hence his failure to enter appearance to the suit.

To demonstrate to the Court that indeed the Defendant is a tenant of the Applicant, the Applicant in a supplementary affidavit in support exhibited Exhibit 1, which is the tenancy agreement between the Plaintiff and the Defendant.

After evaluating the evidence before me, it is clear that the Defendant/Respondent has sinned against *Order 10 of the CI 47*. I therefore enter judgment in favour of the Plaintiff/Applicant as follows;

1. The Defendant is to vacate the apartment, also known as Gussy's at T/27, Community 22, Tema.
2. The Defendant is to pay an amount of Eleven Thousand Ghana Cedis (GH¢11,000.00), being maintenance arrears to the Plaintiff as of 9<sup>th</sup> November, 2022.

I also award cost of GH¢3,000.00 against the Respondent.

(SGD) (H/H) SIMON GAGA  
(CIRCUIT COURT JUDGE)

- COUNSEL FOR PLAINTIFF/APPLICANT – VIVIENNE TETTEH –  
PRESENT.

- DEFENDANT/RESPONDENT – ABSENT./.