

**IN THE SUPERIOR COURT OF JUDICATURE, IN THE HIGH COURT OF JUSTICE
COMMERCIAL DIVISION, HELD IN ACCRA ON FRIDAY, THE 10TH DAY OF MAY,
2024 BEFORE HIS LORDSHIP FRANCIS OBIRI 'J'.**

SUIT NO. CM/RPC/0326/2024

LUMEN RESOURCES LIMITED

- PLAINTIFF

VS

BOND SAVINGS AND LOANS LIMITED -

DEFENDANT

JUDGMENT

The Plaintiff filed the Writ of Summons on 19th February 2024. It was served on the Defendant on 22nd February 2024. The Defendant entered appearance on 19th March 2024. It however failed to file its Defence.

On 17th April 2024, the Plaintiff filed a motion on notice for Judgment in Default of Defence. It was served on the Defendant's counsel on 18th April, 2024.

The Plaintiff again filed supplementary affidavit on 2nd May 2024, in support of the motion for Judgment in Default of Defence. It was also served on the Defendant's counsel on 2nd May, 2024 at 4:10 p.m.

The hearing notice for today's proceedings was also served on counsel for the Defendant on 3rd May 2024. There is no affidavit in opposition to the application for Judgment in Default of Defence. The Defendant and its counsel are also absent from court.

The Plaintiff has attached a document to the motion on notice for judgment in default of defence. It has been labelled as exhibit 'B'. It is dated 22nd December 2023. It is on the letterhead of the Defendant. It confirms the amount the Plaintiff is claiming in this application. There is no indication that exhibit 'B' was obtained by the Plaintiff by recourse to fraud or any unlawful means.

Per the content of exhibit 'B', the Plaintiff claim comes under liquidated demand for which final judgment can be granted by the court in its favour against the Defendant.

See: FOFIE v POMAA [1974] 2 GLR 6

I will therefore grant the application as prayed. I hereby order the Defendant to pay to the Plaintiff cash, the sum of **GHS 351,534.53**

I will award interest to the Plaintiff on the sum stated above at commercial bank lending rate, calculated at simple interest, from February 2024, until the date of final payment. I will award cost of **GHS 10,000.00** in favour of the Plaintiff against the Defendant. I order accordingly.

SGD.

FRANCIS OBIRI

(JUSTICE OF THE HIGH COURT)

COUNSEL

THEODORA NANA DUFIE NELSON FOR THE PLAINTIFF/APPLICANT

COUNSEL FOR THE DEFENDANT ABSENT

AUTHORITY

FOFIE v POMAA [1974] 2 GLR 6