IN THE SUPERIOR COURT OF JUDICATURE

IN THE SUPREME COURT

ACCRA - A.D. 2022

CORAM: YEBOAH CJ (PRESIDING)

PWAMANG JSC

OWUSU (MS.) JSC

HONYENUGA JSC

AMADU JSC

CIVIL MOTION

NO. J5/10/2022

18TH JANUARY, 2022

THE REPUBLIC

VRS

HIGH COURT (CRIMINAL DIVISION 9), ACCRA ….. RESPONDENT

EXPARTE: ECOBANK GHANA LIMITED …… APPLICANT

1. **ORIGIN 8 LIMITED**
2. **GREATER ACCRA PASSENGER TRANSPORT**

EXECUTIVE …… INTERESTED PARTIES/RESPONDENTS

RULING

PWAMANG JSC:-

My Lords, on the 18th January, 2022, we unanimously granted the prayers of the applicant in this motion but reserved the reasons. We now proceed to give our reasons for the decision. This is an application invoking our supervisory jurisdiction over the High Court (Commercial Division 9), Accra, in relation to its ruling declining jurisdiction in a motion praying for the suspension of a garnishee order absolute and stay of garnishee proceedings pending appeal.

There is pending before the High Court proceedings of execution of its judgment for payment of money. Following the grant of garnishee orders nisi against two banks, the court made an order absolute against the applicant alone for payment of the whole of the judgment debt to the judgment creditor/interested party. Being aggrieved by the order, the applicant lodged an appeal against it in the Court of Appeal. After initially applying to the Court of Appeal for stay of execution of the order pending the appeal and meeting a refusal, the applicant returned to the High Court and prayed it to suspend the order and stay the proceedings of execution pending the determination of the appeal under its inherent jurisdiction. But counsel for the judgment creditor took objection to the hearing of the application by the High Court arguing, that the power of the High Court to stay execution of its judgment or order that has been appealed against has been taken away by the **Court of Appeal (Amendment) Rules, 2020 (C.I.132)**. In her ruling dated 3rd November, 2021, the judge upheld the objection and did not hear the application on the merits but dismissed it as incompetent. It is that decision that the applicant prays us to quash by an order of certiorari on ground of blatant error of law apparent on the record and further, for order of mandamus compelling the trial judge to hear and determine the application on the merits.

In these present proceedings, the Counsel for the applicant, Mr J Kusi-Menkah Premo, argues that the High Court judge committed a blatant error of law by holding that she

has no jurisdiction in the matter. He submits that a court has inherent jurisdiction to stay execution or proceedings of execution of its judgment or order even if the judgment or order has been appealed against. This power, he contends, exists in the court so long as execution has not been completed and it is inherent in the court. According to him, since the court's order absolute for the garnishee to pay the money had not yet been carried out, the matter was pending before the court notwithstanding the appeal lodged in the Court of Appeal so the High Court had jurisdiction to entertain the application for stay. In answer to the contention that **C.I.132** has taken away that power of the High Court, he says that the said instrument did not take away the inherent power of the High Court as the power is innate in the court and not dependent on the rules of court. Relying on **Ahyia v Amoah [1987-88] 2 GLR 289**, he submits that until the record of the appeal has been transmitted to the Court of Appeal, the court below has power to hear interlocutory applications in the case. He states that, in any event, where it is in the interest of justice, inherent power can be exercised by a court notwithstanding that a rule of court regulates the circumstances that necessitate its exercise. Counsel has referred copiously to the concurring opinion of our distinguished brother, Anin Yeboah, JSC (as he then was) in the case of **Footprints Solutions Ltd v Leo & Lee Company Ltd, CA. No J4/52/2011 unreported judgment delivered on 24th May, 2013.** In that case, our noble and honourable brother made reference to the scope of inherent jurisdiction of a court after it has given judgment as explained in **Acheampong v Asare-Manu [1976] 1 GLR 28 at 29**where it was said that;

"…one of such areas where the court's inherent powers can be invoked is where necessary to prevent injury being inflicted by its own judgment…"

Counsel has also quoted and relied on the following statement by Benin, JSC in **Republic Vrs High Court, Accra; Ex Parte: Magna International Transport Ltd (**

Ghana Telecommunications Co Ltd-Interested Party) [2017-2018] 2 SCLRG (Adaare) 1024 at 1036.

"The makers of these rules must be credited with knowledge of the existing principle of law that the court has an inherent jurisdiction to stay its own proceedings for stated reasons, which is independent of the same jurisdiction conferred on it by law or rules of procedure. That principle is as stated in Halsbury's Laws quoted above, endorsed by the author I. H. Jacob.

Thus the settled practice which followed this principle of law was that the trial court retained jurisdiction to stay its own proceedings as long as the record of appeal had not been transmitted to the Court of Appeal. Consequently, any legislation that seeks to upset this principle of law and settled practice which gives the court a very useful and purposeful jurisdiction must be express in its language. For, as earlier explained, there is a presumption against implied repeal."

On the other side, Counsel for the interested party, Mr Andrew N.A. Khartey, argues in his written statement of case, that **C.I.132** indeed took away the jurisdiction of the High Court to stay execution of its judgment that has been appealed against and that that power has been given to the Court of Appeal alone to be exercise at first instance once a notice of appeal has been filed. He therefore submits that the trial judge was right in refusing to hear the application. He has referred to the following words of Hayfron-Benjamin, J in the oft-quoted case of **Attoh-Quarshie v Okpote [1973] 1 GLR** at page 66;

"Whereas jurisdiction is conferred on courts by constitutions and statutes, ***inherent powers are those which are necessary for the ordinary and efficient exercise of the jurisdiction already conferred.*** *They are essentially protective powers necessary for the existence of the court and its due functioning. They spring not from legislation but from the nature and constitution of the court itself. They are inherent in the court by virtue of its duty to do justice between the parties before it.* ***The scope of inherent powers however cannot be extended***

beyond its legitimate and circumscribed sphere. The safest guide lines are precedents."(Emphasis supplied).

The above statement of Hayfron-Benjamin J draws attention to the fact that inherent jurisdiction does not mean limitless power of a court enabling it to do even what it clearly has been specifically restrained from doing either by legislation or a practice well-settled by binding precedents. Therefore, though Counsel for the applicant has argued extensively on inherent powers of a court to stay execution and proceedings of execution of its judgment or order, as he himself indicated, where an appeal has been filed against the judgment or order, the scope of those inherent powers are only in relation to interlocutory applications and that would also cease when the record of the appeal has been transmitted. Inherent jurisdiction is not so elastic as to extend beyond the limits of the substantive jurisdiction of the court as delimited by statute or the settled practice of the courts. Furthermore, it ought to be realised that the Ghanaian cases that have been referred to us on the power of the court below to stay execution or proceedings pending appeal were decided on the original Rules 27, 27A and 28 of the **Court of Appeal Rules, 1997 (C.I.19)** and the case of the interested party is precisely that the amendment of those very provisions by **C.I.132** has the effect of taking away the jurisdiction the court below used to have in respect of applications for stay of execution pending appeal.

The idea that **C.I.132** took away the lower court's jurisdiction to stay execution of its decision pending appeal has been pervasive in the courts below with the dominant view being that, pursuant to**C.I.132**, where a party has lodged an appeal in the Court of Appeal against a decision and is desirous of staying execution pending the determination of the appeal, she must apply to the Court of Appeal straight and not to the High Court in the first instance as was the practice before **C.I.132**. That notion

appears to explain why the applicant herein initially made its application for stay straight to the Court of Appeal and not the High Court first.

It is not in doubt that before **C.I.132,** the position was that when an appeal has been lodged in the Court of Appeal against a decision, the lower court continued to have jurisdiction to hear all interlocutory applications, including applications for stay of execution, under the decision appealed against until the record of the appeal has been transmitted to the Court of Appeal. This is what was held in **Ahyia v Amoah (supra), Footprints Solutions Ltd v Leo &Lee Co Ltd (supra), Ex parte Magna Transport Ltd (supra),** and many other cases. By those decisions, the jurisdiction of the lower court to entertain applications for stay of execution or proceedings under its decision appealed against lapses on the transmission of the record of the appeal to the Court of Appeal and any application filed in the court below must be transmitted to the Court of Appeal for determination. See **Republic v High Court (Human Rights Division), Accra; Ex parte Akita (Mancell-Egala & Attorney-General-Interested Parties) [2010] SCGLR 374.** Meanwhile, the moment a notice of appeal has been filed, the appeal is deemed to be pending and the jurisdiction of the appellate court over the case activated. **Rule 8 of C.I.19** is as follows;

8. Notice and grounds of appeal

(1) Any appeal to the Court shall be by way of re-hearing and shall be brought by a notice referred to in these Rules as "the notice of appeal".

For purposes of the orderly and smooth administration of justice with respect to cases in which an appeal has been lodged, it has always been considered of vital importance for the transfer of jurisdiction over the case from the lower court to the appellate court to be clearly delimited. The delimitation also ensures that there is no vacuum with regard to interlocutory matters during the travel of the case up the ladder of the courts

structure. That is the reason the courts developed the practice of using the transmission of the record of appeal to mark the complete cessation of jurisdiction of the lower court and the assumption of full jurisdiction by the appellate court. Against this background of the state of the existing law, the import of the contention of the interested party is that the dividing line between the jurisdiction of the lower court and the Court of Appeal, at least for applications for stay of execution, has been changed by **C.I.132** and that it has been moved backwards, from the transmission of the record of the appeal to the moment the notice of appeal is filed. This case is therefore not wholly about the inherent jurisdiction of the High Court but it is equally concerned with the interpretation of **C.I.132** within the context of **C.I.19** as a whole. The question that we are to answer is, in view of the coming into force of **C.I.132**, at what stage of the appeal process does the jurisdiction of the lower court wholly terminate in respect of applications for stay of execution such that it can no longer entertain such applications pending the determination of the appeal? In other words, when an appeal has been lodged in the Court of Appeal against the decision of a trial court, at what stage of the appeal process does the jurisdiction of the trial court to hear applications for stay lapse for that of the Court of Appeal to kick in?

This requires us to construe**C.I.132** to determine its effect on the powers of the lower court and the Court of Appeal to hear applications for stay of execution pending appeal, having at the back of our minds what this court said in **Ex parte Magna Transport Ltd (supra);** where a practice of the courts is well settled, it cannot be upset by statute except by use of express language. See also **Trustees, Synagogue Church of All Nations v Agyeman [2010] SCGLR 717,** at page 721 Atuguba, JSC.

C.I.132is not lengthy so we shall reproduce it in extensor;

COURT O F APPEAL (AMENDMENT) RULES, 2020 C.I. 132

ARRANGEMENT OF RULES

In exercise of the power conferred on the Rules of Court Committee by clause (2) of article 157 of the Constitution, these Rules are made this I" day of October, 2020.

Rule 27 of C.1. 19 amended

1. The Court of Appeal Rules 1997 (C.I. 19) referred to in this enactment as the "principal enactment" is amended in rule 27 by

(a) the substitution for sub rule (1), of

"(1) An appeal shall not operate as a stay of execution under the judgment or decision appealed against unless the Court otherwise orders on an application made to the court by motion on notice.";

(b) the insertion after sub rule (1) of

"(1 A) Unless otherwise provided in this rule, an intermediate act or any other proceedings subsequent to an application under sub rule (1) shall not be invalidated."; and

(c) the substitution for subrule (3), of

"(3) There shall be a stay of execution of the judgment or decision appealed against for a period of seven days immediately following the giving of notice of the judgment or decision.".

Rule 27A of C.l. 19 revoked

2. The principal enactment is amended by the revocation of rule 27A.

Rule 28 of C.I. 19 revoked

3. The principal enactment is amended by the revocation of rule 28.

Rule 29 of C.1. 19 amended

4. The principal enactment is amended by the substitution for rule 29, of

"29. Determination of doubts as to finality of judgment

Where a doubt arises as to whether a judgment or order is final or interlocutory, the question may be determined summarily by the Court below, and a determination by the Court below is final and binding on the parties for the purpose of determining the time within which an appeal may be brought.".

Rule 34 of C.1. 19 revoked

5. The principal enactment is amended by the revocation of rule 34.

Members……..

Date of Gazette notification : 6th October 2020

Entry into force 9th November 2020

The provisions in **C.I.132** that have been considered as affecting the jurisdiction of the High Court to hear applications for stay of execution pending appeal are Rules 1(a) and 3 which are hereby repeated for ease of analysis;

1(a) "(1) An appeal shall not operate as a stay of execution under the judgment or decision appealed against ***unless the Court otherwise orders on an application made to the court*** **by motion on notice.";**

3. The principal enactment is amended by the ***revocation of rule 28.*** **(Emphasis supplied)**

Since these are amending the previous Rules 27(1) and 28 of C.I.19, we need to read them along side in order to deduce the intended effect of the amendment. Those earlier provisions are as follows;

27. Effect of appeal

(1) An appeal shall not operate as a stay of execution or of proceedings under the judgment or decision appealed against except where *the court below* or the Court otherwise orders -

(a) *in the case of the court below*, upon application made orally or by motion on notice to it; and

(b) in the case of the Court, upon application made to it by motion on notice,

28. Court to which application should be made

Subject to these Rules and to any other enactment, where under any enactment an application may be made either *to the court below* or to the Court, it shall be made in the first instance *to the court below*, but if the *court below refuses* to grant the application, the applicant shall be entitled to have the application determined by the Court. (Emphasis supplied)

The difference between the old provisions and the new ones is that the references to **"the court below"** have been deleted. This has led to the perception that the rule maker intended to completely take away the jurisdiction of the court below to entertain any application for stay of execution or of proceedings under its judgment or decision that has been appealed against and to confer jurisdiction on the Court of Appeal to determine such applications as of first instance, right from the filing of the notice of appeal. However, that position presupposes that the jurisdiction of the court below to stay execution or proceedings under its judgement or decision pending appeal was dependent on Rules 27 and 28 of C.I.19. But, a close reading of the language of the original Rules 27 and 28 together, will reveal that the rules do not purport to confer jurisdiction on the lower court to hear applications for stay of execution pending appeal but only made reference to existing jurisdiction of the lower court in that regard. That

existing jurisdiction of the lower court is to be located in the settled practice of the High Court that has been stated in the **High Court (Civil Procedure) Rules, 2004 (C.I.47)** in**Rule 11 of Or 43** and **Rule 15(1) of Or 45** which deal specifically with stay of execution in the High Court. They provideas follows;

Or 43 .Matters Occurring after judgment, stay of execution

11. Without prejudice to Order 45 rule 15, a party against whom a judgment or order has been given or made may apply to the Court for a stay of execution of the judgment or order or other relief on the ground of matters which have occurred since the date of the judgment or order, and the Court may by order grant the relief, on such terms as it thinks just."

Or 45. Power to stay execution by writ of fieri facias

15(1) Where a judgment is given or an order is made for the payment by any person of money, and the Court is satisfied, on an application made at the time of the judgment or order or at any time thereafter by the judgment debtor or other party liable to execution

(a) that there are special circumstances which render it inexpedient to enforce the judgment or order; or

(b) that the applicant is unable from any just cause to pay the money

then, notwithstanding anything in rule 2 or 3, the Court may by order stay the execution of the judgment or order by writ of fieri facias either absolutely or for such period and subject to such conditions as the Court considers fit.

Or 45 Rule 15(1) is restricted to applications for stay of execution by means of the writ of *Fi.Fa*. As such, if a judgment creditor were proceeding into execution by a writ of possession for instance, a judgment debtor cannot apply for stay of execution under Or

45 Rule 15. Or 43 Rule 11 on the other hand is a very general power to grant stay of execution by means of any process of execution or to grant other form of relief from the legal consequences of any decision of the High Court for justifiable reason of a matter occurring after the judgment. The filing of an appeal is certainly one matter that may occur after a judgment and can ground an application for stay of execution or of proceedings under Or 43 Rule 11. Similarly, an appeal can also warrant an application for stay of execution under Or 45 Rule 11 if it raises special circumstances for the consideration of the court. In **Eboe v Eboe [1961] 1 GLR 432** at 434 Ollennu J (as he then was) said as follows;

"The court will grant a stay where the special circumstances of the case require that it should be granted. Thus where an appeal, if successful, will be rendered nugatory if execution should issue before the determination of the appeal, e.g. where an unsuccessful claimant in an interpleader suit appeals, but the attached property is sold before determination of the suit, his appeal would be rendered nugatory, therefore stay of execution would be granted: Wilson v. Church (No.2) (1879) 12 Ch. D. 45."

Therefore, when Rule 28 stated that **"where under any enactment an application may be made either to the court below…"** it meant enactments such as Or 43 Rules 11 and Or 45 Rule 15 which regulate the practice for making applications for stay of execution in the High Court. In that wise, the references in Rules 27 and 28 of C.I.19(which are rules regulating the practice in the Court of Appeal) to the "lower court" were otiose to begin with since the jurisdiction and practice in the lower court had already been catered for in C.I.47. Accordingly, the removal of the references to "the lower court" by**C.I.132** is inconsequential as far as the jurisdiction of the lower court to stay execution of its decisions pending appeal is concerned. After all, Or 43 Rule 11 and Or 45 Rule 15 are subsisting and have not been amended to expressly exclude applications for stay of execution on the ground of a pending appeal, which jurisdiction is well-settled and of

old See **Eboe v Eboe (supra).**From the above analysis, it becomes clear that the belief that the jurisdiction of the High Court to stay execution pending appeal was premised on Rule 27 of C.I.19 is a misconception.

Yet, the question may be asked, what then has been the purpose and role of Rule 27 of C.I.19? The answer is in the Heading and provisions of the rule. For, it is provided by **section 15** of the **Interpretations Act, 2009 (Act 792)** as follows;

Headings

15. Titles placed at the head or beginning of a subdivision of an enactment and notes and references placed before the beginning of a provision are intended for convenience of reference only ***but may be as an aid to construction of the enactment.(Emphasis supplied)***

It needs to be pointed out that the part of the provision that has been highlighted above used not to be part the comparable provision, **section 4**, of the **Interpretations Act, 1960 (C.A.4)** that has been replaced by Act 792. But even in construing that section of C.A. 4, Wood, JSC (as she then was) in the unanimous decision of the Supreme Court in the case of **Auntie & Adjuwoh v Ogbo [2005-2006] SCGLR 494**at 504/505 explained the assistance to be garnered from headings and marginal notes in the interpretation of a statute in the following words;

*"As clearly provided under section 4 of the Interpretations Act, 1960 (C.A.4), [the comparable section of section 15 of Act 792], headings to parts of a statute do not form part of the statute; they are intended for convenience of reference only; but the useful role they play in statutory interpretation is not disputed. Headings, which may be described as sign posts, are a useful guide in determining the scope or ambit of the provisions to which they relate….****The heading to section 16 of the Stamp Act, 1965 (Act 311), therefore serves as a sign post, announcing in unambiguous terms that they are limited to instruments affecting land transactions***

and therefore separate and distinct from section 46 which deals exclusively with receipts qua receipts." (Emphasis supplied).

Obviously, the new provision in section 15 of Act 792 was drafted to reflect the above position of our law as stated by the Supreme Court. The Headings and marginal notes to the different parts of a statute serve as useful indicators of what aspect of the subject matter of the statute each section or rule is mainly meant to regulate. So, if we take a look at the Heading of Rule 27 (as amended),it is as follows; "Effect of Appeal", and the contents in substance talk about the effect of the filing of an appeal on the enforcement of the decision appealed against. It states that the judgment remains effective and enforceable unless there is an order for stay of execution by a court. It further states the effect of the pendency of an application for stay of execution on the enforceability of the judgment and goes on to provide that after the determination of an application for stay of execution by the court, the judgment shall remain unenforceable for seven days.

But, as has been pointed out supra, the argument that under **C.I.132** the Court of Appeal is to assume immediate jurisdiction in applications for stay of execution pending appeal right from the filing of the notice of appeal, relates to the control of interlocutory proceedings pending the hearing and determination of the appeal. There is a specific Rule that governs the practice in that regard and it is **Rule 21 of C.I.19**. It is as follows;

21. Control of proceedings during pendency of appeal

After an appeal has been entered and until it has finally been disposed of, the Court shall be seised of the whole of the proceedings as between the parties and ***every application*** **shall be made to the Court and not** ***to the court below*****, but any application may be filed in the court below for transmission to the Court. (Emphasis supplied).**

This is the Rule that covers the existing practice whereby before an appeal in the Court of Appeal is entered, applications in the case are **not made** straight to the Court of Appeal but to the court below. The jurisdiction of the Court of Appeal to hear applications in the case at first instance, including those for stay of execution, pending the determination of the appeal would not accrue until the appeal has been entered following the transmission of the record of the appeal. Rule 21 says that "**After** an appeal has been entered….**every application** shall be made to the [Court of Appeal] and not to the court below…." This, by necessary implication, means that **before** the entry of the appeal, ***"every application"*** is to be made ***"to the court below"*** and not to the Court of Appeal. The rule is therefore in tandem with the settled practice. In view of the fact that Rule 21 covers **"every application",** the Court of Appeal cannot entertain an application for stay of execution at first instance prior to the entry of the appeal following the transmission of the record of the appeal. Therefore, the contention of the interested party, that right from the filing of the notice of appeal it is the Court of Appeal that has jurisdiction to hear and determine applications for stay of execution is plainly inconsistent with **Rule 21**. **C.I. 132** that the argument is based on is concerned with the legal effect of an appeal on enforcement of the judgment appealed against and not with control of proceedings pending the determination of the appeal which is specifically regulated by Rule 21. This rule maintains the reference to "the lower court" that the argument based on C.I.132 appears to treat as decisive. If the intention of the rule maker was to exclude applications for stay of execution from the settled practice covered by Rule 21, then it is Rule 21 that ought to have been amended to expressly exclude applications for stay of execution. The amendment to Rules 27 and 28 does not expressly exclude applications for stay of execution from the operation of Rule 21 and the settled practice.

It is often said that a statute has to be construed as a whole and in a manner that all its parts would work harmoniously. The above rendered interpretation that limits the effect of C.I.132 on proceedings pending the determination of the appeal and gives full effect to Rule 21 bodes wells for the smooth working of C.I.19 (as amended) as a whole. It is instructive to observethat the same rule pertains in the case of appeals from the Court of Appeal to the Supreme Court. See **Rule 16** of the **Supreme Court Rules, 1996 (C.I.16).** To construe Rule 27 as amended by C.I. 132 as conferring immediate jurisdiction on the Court of Appeal to hear applications for stay of execution prior to the transmission of the record of appeal will result in a conflict with Rule 21 which covers "every application", whereas C.I.132 does not purported to amend Rule 21.

For the reasons explained above,we reject the view of the trial judge, supported by the interested party, that in enacting C.I.132, the rule maker intended to take away thewell-settled jurisdiction of the High Court in relation to applications for stay of execution and of proceedings pending appeal. It is our firm view, that the settled practice stated under Rule 21 of C.I.19. by which when an appeal has been lodged in the Court of Appeal the lower court continues to have power to hear every interlocutory application, including applications for stay execution, in relation to its judgment or order until the record of the appeal has been transmitted to the Court of Appeal is still valid.

Nevertheless, a pertinent question that may be posed is, whether with the revocation of Rule 28, is it still permissible for an applicant for stay of execution pending appeal whose application is refused by the lower court to repeat it in the Court of Appeal before the transmission of the record of the appeal? Though this question does not arise directly on the facts in this case, it is important to address it to avoid confusion in the practice concerning applications pending the determination of the appeal in view of the repeal of the rule that covered the practice. Our clear thinking on this matter is that, the practice has been so well settled that the revocation of Rule 28 does not affect it since it

was developed by the court on the back of its inherent powers independent of the Rule. In **Footprints Solutions Ltd v Leo & Lee Co Ltd (supra),** in the judgment of our brother referred to already, he observed as follows;

"In fact, while rule 27A of CI 21 regulates the exercise by the Court of Appeal of its inherent jurisdiction, the exercise of the jurisdiction itself as the designation imports is innate to the court itself."

Therefore, though Rule 28 codified a settled practice of the courts, its revocation does not take away the right of an applicant whose application for stay of execution has been refused by the lower court to repeat same in the Court of Appeal if even the record of appeal has not yet been transmitted to the Court of Appeal.

In conclusion, by way of disposition of this case, since on the processes before us, the record of the appeal against the garnishee order absolute had not been transmitted to the Court of Appeal, it was the High Court which had jurisdiction to hear and determine the application for stay of execution of the first instance and not the Court of Appeal. What it means is that, the purported determination of the first application made straight to the Court of Appeal was in violation of Rule 21 of C.I.19 and therefore null and void. Consequently, it was permissible for the applicant to file the application in the High Court and that application was competent. The trial judge thus fell in error when she ruled that she had no jurisdiction to hear the application and hersaid ruling is to be brought into this court for purposes of being quashed. In the circumstances, we hereby grant an order of mandamus directed at the High Court Judge, Commercial Division 9, Accra, to hear and determine the application on its merits.

G. PWAMANG

(JUSTICE OF THE SUPREME COURT)

ANIN YEBOAH

(CHIEF JUSTICE)

M. OWUSU (MS.)

(JUSTICE OF THE SUPREME COURT)

C. J. HONYENUGA

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