

IN THE SUPERIOR COURT OF JUDICATURE,  
THE COURT OF APPEAL,  
ACCRA – GHANA.

Coram:- FARKYE J.A. (PRESIDING)  
ASARE-KORANG J.A.  
KANYOKE J.A.

H3/532/04

C.C.W. LIMITED

PLAINTIFF/RESPONDENT/RESPONDENT

VERSUS:

ACCRA METROPOLITAN ASSEMBLY... DEFENDANT/APPLICANT/APPELLANT

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**R U L I N G**: This ruling is in respect of Motion on Notice for Stay of Execution pending appeal which was filed on 22/7/2004.

On the 9<sup>th</sup> of June, 2004, the Fast Track High Court, Accra gave Judgment in favour of the Plaintiff/Respondent/Respondent against the Defendant/Appellant/Appellant for an amount of 12 million US. Dollars.

On the 19<sup>th</sup> July, 2004 the Defendant/Appellant/Applicant appeared before the Fast Track high Court for Stay of Execution pending appeal.

On the 20<sup>th</sup> day of July, 2004 the Fast Track High Court ruled that the Defendant/Appellant/Applicant should pay 6 million US Dollars as a condition for the grant of the Stay of Execution.

The Defendant/Appellant/Applicant thought the condition was so onerous

amounting to refusal of the Stay of Execution.

Therefore the Applicant came to repeat the application for stay of Execution.

Learned Counsel for the Applicant in moving the motion for stay of Execution pending appeal stated that if the amount of 6 million US Dollars is paid and the appeal succeeds there is no possibility of getting back this amount because the Plaintiffs/Respondent/Respondent do not have any assets in the country.

Learned Counsel for the Plaintiffs/Respondents/Respondents in opposing the motion for stay of Execution pending appeal stated that the Plaintiffs/Respondents/Respondents could give guarantee for the repayment of the 6 million US Dollars in case the appeal succeeds

As the Plaintiffs/Respondents/Respondents do not have any assets in Ghana, this Court will exercise its discretion to grant the motion for stay of Execution pending appeal.

Accordingly the motion is granted.

**S.T. FARKYE  
JUSTICE OF APPEAL**

**ASARE-KORANG J.A.:- I agree.**

**A. ASARE-KORANG  
JUSTICE OF APPEAL**

**KANYOKE J.A.:- I also agree.**

**KANYOKE  
JUSTICE OF APPEAL.**

EAS.

Judicial Training Institute