

**IN THE CIRCUIT COURT OF GHANA HELD IN ACCRA ON 2ND DAY OF
JUNE, 2023 BEFORE HER HONOUR KIZITA NAA KOOWA QUARSHIE,
CIRCUIT COURT JUDGE**

SUIT NO. C11/170/2021

CHRISTIANA KOFIE

VS

- 1. MR. FIIFI**
- 2. MADAM ALBERTA**

RULING

Parties present

Andrews Tetteh Esq. for Plaintiff present

Victor Lassey Esq. for Defendants present

BY COURT: Yesterday, the court heard two motions for leave to file supplementary witness statement and also for leave to subpoena the Municipal Works Engineer for La Dade Kotopon Municipal Assembly.

The court will deal with the first motion. After a careful examination of the depositions and in Reference to Section 68 of NRCD of Act 323 which states; "The court may, on its own motion or at the request of a party, call or recall a witness".

The court is mindful per the above section that the Respondent/Applicant may with the leave of the court call the witness and file a witness statement in respect of the witness.

The court again makes an order against the Defendant/Applicants considering the delay this will occasion to the case to pay costs of GH¢2,000.00 to the Plaintiff/Respondent before the witness statement of the witness is called.

Second motion is the one seeking leave of the court to subpoena the Municipal Works Engineer for La Dade Kotopon. The court refers the parties to Section 58 of the Court's Act and Act 68 of NRCD 323 and the case of KGMTI V Servistar

Miniwax West Africa Ltd unreported dated 18th July, 2016 his Lordship Eric Kyei-Baffour “There is necessity to balance the need to avoid undue delay while not sacrificing the need to ensure that justice is not slaughtered on the altar of speed”.

The court grants the Defendant/Applicant leave to subpoena the Municipal Works Engineer for La Dade Kotopon Municipal Assembly to speak to paragraph 5. “That the Assembly ordered the Defendants to remove their containers”.

Case adjourned to 6th July, 2023 at 11am and 13th July at 9am for hearing to continue.

(SGD)

**H/H KIZITA NAA KOOWA QUARSHIE
CIRCUIT COURT JUDGE**