

**IN THE CIRCUIT COURT '2' ADENTAN BEFORE HER HONOUR
SEDINAM AWO BALOKAH
(MS) THE PRESIDING JUDGE ON THE 27TH DAY OF APRIL, 2023**

TIME: 9:45 AM

SUIT NO.



Francis Adjei
Obedeka Vs Ghana Pr

C1/021/2023

**FRANCIS ADJEI OBEDEKA
(SUING PER HEAD AND LAWFUL REPRESENTATIVE
OF THE OBEDEKA FAMILY OF TESHIE AND ABOKOBI)**

PLAINTIFF

VS.

**GHANA PRIVATE ROAD TRANSPORT UNION (GPRTU)
DEFENDAN**

**T
ABOKOBI BRANCH
ABOKOBI**

Parties Present

Nii Adjei Charway Present holding brief for Richmond Numbo Saaka for Plaintiff/Respondent

Kwesi Coleman Present for Defendant/Applicant

By Court - Ruling:

The pendency of this suit as indicated by Exhibit **GA 4 (GJ/0572/2023)** in my considered opinion is one in which the issue of the plaintiff herein's capacity as head of the Obedeka families of Abokobi and Teshie is the fulcrum of a said pending High Court suit. (See relief all as endorsed on the Writ of Summons of Exhibit GA '4'). In view of the fact that the same issue of the capacity of the plaintiff herein to issue the writ of summons in the suit before this court is the same as the crux of the High Court suit (**GJ/0572/2023**) pending before the Accra

High Court, I opine humbly that a determination by this court of the instant Application with respect to the capacity of the Plaintiff/Respondent herein would be overstepping the Accra High Court in determining the suit per **GJ/0572/2023**. Further, in view of the fact that this court's decision on the issue of Plaintiff's capacity, whatever it may be, would not be binding on the Accra High Court determining the same issue, determining the instant Application on its merit would merely result in a brutum fulmen.

In the circumstances, the better and more appropriate thing to do would be for this court to stay proceedings in favour of awaiting the outcome of the suit **GJ/0572/2023** which is essentially a determination of whether or not Plaintiff/Respondent herein is he Head of Family of the Obedeka Family of Abokobi and Teshie. The determination of the Application to dismiss the suit for lack of capacity of Plaintiff is deferred till a determination of **GJ/0572/2023** is made. However, an order for stay of proceedings in the instant suit is hereby made.

The suit is adjourned sine die.

(SGD)
H/H SEDINAM A. BALOKAH (MS).
CIRCUIT JUDGE.

Comfy*