

IN THE CIRCUIT COURT '2' ADENTAN SITTING BEFORE HER HONOUR SEDINAM AWO BALOKAH (MS) THE PRESIDING JUDGE ON THE 28TH DAY OF NOVEMBER, 2023

TIME: 9 : 10 AM

SUIT NO. C1/11/2021

**HAJIA AISHA AHMED
SUING PER HER LAWFUL ATTORNEY
CHARLES EDEM KOFI ADUDOGO
HOUSE NO. B6
LABONE – ACCRA**

PETITIONER

VRS.

**1. GEORGE BONSU
ACCRA**

RESPONDENT

**2. WINCHESTER EMPIRE COMPANY LIMITED
ACCRA**

Plaintiff's Lawful Attorney: Present

Defendants: Absent

Samuel Kofi Nartey present with Selorm MacCaulley holding brief for Dennis Adjei Dwomoh for Plaintiff

Alhaji Farouk Seidu absent for 1st Defendant

By Court: Judgment

This court on the 23rd day of November 2021 entered an Interlocutory Judgment in default of Defence in favour of the Plaintiff against the 2nd Defendant in the instant suit and adjourned the suit sine die for the Plaintiff to prove her case against both Defendants at the appropriate time in accordance with the rules.

This is what the Plaintiff has sought to do through her only witness who is her lawful attorney (see **Exhibit A**)

The court shall proceed to render its judgment without any further delay since the Defendants have had due notice of proceedings herein.

The Plaintiff's claim is for the reliefs endorsed on the Writ of Summons (Paragraph a to h). See Writ of Summons and Statement of Claim filed on the 22nd day of October 2020. In proof of her claim to the 2 parcels of land in dispute, the Plaintiff is obliged under **Sections 11(1), 12(1) & (2) and 10 of The Evidence Act, 1975 (NRCD 323)** to lead sufficient evidence to prove her claims on

the preponderance of the probabilities. In her attempt to discharge this burden, the Plaintiff's only witness, Plaintiff's Lawful Attorney, through his testimony per his Witness Statement and Supplementary Witness Statement, as well as **Exhibits A to P1** successfully established the following facts in evidence;

1. That the Plaintiff has given legal authority to Charles Kofi Edem Agudogo to institute the instant suit and prosecute same for and on her behalf. (see **Exhibit A**)
2. That per **Exhibit B, K and D series**, the Plaintiff acquired from the Okpong-we family of Teshie all that parcel of land described and claimed at **Paragraph a)** of the reliefs endorsed on the Writ of Summons.
3. That per **Exhibits E, F and K** the Plaintiff acquired from Ibrahim Brobase Company Limited all that parcel of land described and claimed per **paragraph b)** of the reliefs endorsed on the Writ of Summons.
4. That as at the 14th day of October, 2020, an official search conducted at the Survey and Mapping Division of the Lands Commission Accra showed that the 2 parcels of land described at **paragraph a) & b)** of the reliefs endorsed on the Writ of Summons were parcels of land affected by plotted transactions for the Plaintiff herein and no other person or group of persons or entity.
5. That both parcels of land trace their roots of title to the Okpoti-we family of Teshie (see **Exhibits B and E**)
6. That the Defendants and their agents unlawfully entered onto the 2 parcels of land in dispute and have undertaken developments on the said parcels of land (see **exhibits H Series and L Series**)
7. That per **Exhibits G**, the Plaintiff sought Police assistance to cause the Defendants to vacate the 2 parcels of land.
8. That the Plaintiff exercised rights of possession on the 2 parcels of land (see **Exhibits P and P1 – Building Permits**).

In light of all the evidence on record and in the absence of any evidence to the contrary, the Court finds that the Plaintiff has successfully established the facts of her legal and beneficial ownership of the 2 parcels of land in dispute, having successfully shown documentation of her ownership and positive acts of possession. In the circumstances, Judgment is entered in favour of the Plaintiff for the reliefs endorsed on the Writ of Summons.

Orders

1. **Declaration** of title to all that piece or parcel of land situate and lying at Djonman in the G/A Region of the Republic of Ghana containing an appropriate area of 0.65 acre or 0.26 hectares of land, and which is more particularly delineated and edged pink and plotted as no. **LXDG AST 20289582020**, is made in favour of the Plaintiff herein, declaring her as the legal and beneficial owner of the said land forthwith.
2. **Declaration** to all that piece or parcel of land situate and lying at Djornman in the Adentan Municipality in the Greater Accra Region of the Republic of Ghana containing an approximate area of 0.880 acres or 0.356 hectares which said land is more particularly delineated and edged Pink and plotted as No. **LRDTDR 10274282020**, is made in favour of the Plaintiff herein, declaring her as the legal and beneficial owner of the said land forthwith.
3. **Possession** to the above 2 parcels of land is granted to the Plaintiff herein.
4. The Defendants, their privies, agents, assigns, workmen, servants and any other persons, group of persons or entities claiming through or under them are by this Perpetual Injunction Order prohibited from going onto, entering into, selling, developing or dealing with the 2 parcels of land adjudged as belonging to the Plaintiff herein, in anyway whatsoever forthwith.
5. The Property Fraud Unit of the Ghana Police Service at the Police Headquarters, Accra are requested to assist the Plaintiff/ Judgment Creditor in her execution of any of the orders per the instant Judgment.
6. The Court awards general damages of **GHC 150,000** against the Defendants jointly and severally for the damages caused by the Defendants unlawful activities on the 2 parcels of land herein.
7. The Court awards exemplary damages of **GHC50,000** against the Defendants jointly and severally for their disregard for the lawful caution of the police and their brazen conduct in their disregard for law enforcement in their acts of trespass onto the Plaintiff's lands.
8. Cost of **GHC15,000** is awarded against the Defendants jointly and severally.

(SGD)

H/H SEDINAM AWO BALOKAH
CIRCUIT COURT JUDGE