

IN THE DISTRICT COURT HELD AT SOMANYA ON THE 21ST DAY OF
NOVEMBER, 2023 BEFORE HIS WORSHIP MICHAEL DEREK OCLOO

SUIT NO: A9/10/23

EMMANUEL NARTEY

PLAINTIFF

VRS

WISDOM NUADANU

DEFENDANT

JUDGEMENT

The Plaintiff commenced the instant action against the defendant for an order to force open the defendant's door at H/No C 683/3 Oduwanya, Somanya for leaving the room without notice and cannot be reached. The Plaintiff attached a referral document signed by the municipal rent Officer Lower Manya Krobo, Gloria Adei Kotei indicating that the defendant has truly absconded. An affidavit of non-service was filed indicating that the defendant was out of jurisdiction and subsequently a substituted service was affected after a ruling by the court on an ex-parte motion filed and moved by the Plaintiff. The defendant still failed to appear in court.

Order 1 rule 1 (2) of the District Court rules, 2009 (C1 59) provide that these Rules are to be interpreted and applied in a manner that helps to:

- a) Achieve speedy and effective justice.
- b) Avoid delays and unnecessary expense.
- c) Ensure that as far as possible all matters in dispute between the parties are completely, effectively and finally determined.

Also Order 27 rule 1 of C1 59 provides that it is the duty of the parties, their lawyers and the court to avoid unnecessary adjournments and other delays and ensure that Causes or Matters are disposed of as speedily as the justice of the case permits.

It is the case of the Plaintiff, per his witness statement, that he rented out a single room located at Oduwanya, Somanya to the defendant in the year 2020 at GHC60.00 per month and the defendant paid one year rent advance which expired in January 2021. He added that after the expiry of the rent advance the defendant locked the room and left to an unknown destination without notice. He added that he has made several efforts to reach the defendant to come and remove his things from the room without success hence the resort to the instant action.

I have subjected the evidence of the Plaintiff to the prescribed standard of proof provided in Sections 10-14 of the Evidence Act, 1975 (NRCD 323) and it is my finding that the Plaintiff was able to discharge the burden of proving his case.

In the circumstance I enter judgment in favour of the Plaintiff in default of appearance of the defendant for the recovery of the Plaintiff's room and order that the door to the said room in H/No C 683/3 should be force opened and inventory of the defendant's things therein taken for the safe custody of the Plaintiff (landlord).

A costs of GHC2,000.00 is awarded in favour of the Plaintiff and against the defendant.

(SGD)

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MICHAEL DEREK OCLOO

DISTRICT MAGISTRATE

21ST NOVEMBER, 2023