

IN THE DISTRICT COURT SITTING AT ASAMANKESE ON THE 17TH DAY
OF APRIL, 2023 BEFORE HIS WORSHIP GEORGE DAVIS KWASI OFORI
(MR) – DISTRICT MAGISTRATE

SUIT NO: A2/72/23

NELSON AMANKWA AMPOFO PLAINTIFF

VRS.

DOMINIC KWASI DEFENDANT

J U D G M E N T

CLAIM:

- a) The plaintiff's claim against the defendant is for the recovery of cash the sum of Thirty Thousand Nine Hundred and Seventy-Seven Ghana Cedis (Gh¢30,977.00) being debt due and owed by the defendant to the plaintiff since 9th November, 2019 as stated on the statement of claim.
- b) An order of the Honourable Court for interest on the said amount per the current bank rate.
- c) Costs.

SUMMARY FO PLAINTIFF'S CASE:

It is his case that he gave the defendant an amount of Gh¢25,000.00 to mine gold. That they agreed that the defendant would repay him by supplying him 20 % of raw gold of each supply until the entire debt is fully liquidated.

That the defendant began to honour his part of the agreement until the debt of Gh¢25,000.00 reduced to Gh¢21,977.00.

That the defendant later told him that he needed money to hire another excavator and he gave him Gh¢9,000.00 for that purpose. That after collecting the money, the

defendant went into hiding until 2020 when he got wind of his hide out. That currently, the defendant owes him Gh¢30,977.00 and prayed the Court for same. The plaintiff called one witness to support his claim.

SUMMARY OF DEFENDANT’S CASE:

After last appearing in Court on 1st December, 2022, the defendant never came to Court for about five (5) consecutive times; sometimes asking people to represent him with various excuses. During this period, the plaintiff served him with hearing notices a couple of times, until 20/3/23 when he came to Court for case management conference, where the Court adjourned the matter for hearing to 3/4/23, when the Court warned defendant that if he does not come to Court the matter would proceed to hearing in his absence because I saw that he was abusing Court processes.

On the 3rd day of April, 2023, the defendant failed to attend court and therefore, I had no other choice than to hear the plaintiff and his witness in accordance with Order 25 R 1(2)(a) of CI 59, 2009, as I had already warned the defendant, in the absence of the defendant.

Accordingly, the defendant’s witness statement was not adopted as his evidence since he was not present for the oath to be administered. Accordingly I struck out his witness statement. The defendant, therefore cannot be heard anywhere saying that he has been denied fair hearing.

ISSUE FOR DETERMINATION:

From all the evidence before me, the issue that came up for determination is whether or not the defendant owes the plaintiff the sum of Gh¢30,977.00. Since the defendant elected not come to Court to deny the plaintiff’s evidence or cross-examine the plaintiff, I take all that the plaintiff said to be the truth and therefore

state that the plaintiff is entitled to his claim. Judgment therefore entered against the defendant for the recovery of Gh¢30,977.00 at current bank rate. Costs assessed at 10% of the sum claimed.

(SGD)

H/W GEORGE DAVIS KWASI OFORI

(MAGISTRATE)

17/4/23