



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.

Also in the case of **REPUBLIC V. HIGH COURT, KOFORIDUA; EX-PARTE EASTERN REGIONAL DEVELOPMENT CORPORATION [2003-2004] SC GLR 21** it was held that:

***“.....in it’s remedial or practical character, the rules of procedure should serve the purpose of facilitating the sound management of litigation and process efficiency. It is these basic characteristics of Civil Procedure rules that facilitate the realization of the overall objective of the judiciary which is to ensure access to justice for all.”***

The Court relied on the provisions in the statute Law and principle of the case Law cited above and ordered the Plaintiff to file his Witness Statement which he did to pave way for Hearing.

The Plaintiff’s case is that he is one of the administrators of the estate of his late father Joseph Ebenezer Dawutey and has taken the instant action on his own behalf and on behalf of his siblings. He stated that he rented a room/store in his late father’s house No. C27/7 at Odumase-Krobo to the 1<sup>st</sup> Defendant to use same as his office to operate his draughtmanship business for 10 years. He added that the 1<sup>st</sup> Defendant has vacated the said room/store since the year 2020 and has kept the door under lock and failed to hand over the keys to him (Plaintiff). He further stated that he has made several attempts to locate the 1<sup>st</sup> Defendant to collect the keys from him but to no avail.

Furthermore he added that the Defendant has paid GH¢200.00 rent advance out of GH¢600.00 leaving a balance of GH¢400.00 as at December 2021. Also the 1<sup>st</sup> Defendant has failed to pay an accumulated rent of GH¢450.00 for January 2022 to September 2022 which has brought the total rent arrears payable to GH¢850.00. He added that the 1<sup>st</sup> Defendant’s items are still in the said locked room.

According to the Plaintiff, he reported the matter at the Rent Office at Odumase and when it was called, the 1<sup>st</sup> Defendant failed to appear but rather sent one of his apprentices to represent him. The said apprentice Daniel Appiah Kwame is the 2<sup>nd</sup> Defendant in the instant suit.

The legal issue for determination by the Court is whether or not the Plaintiff is entitled to the reliefs he seeks.

Notwithstanding the absence of the Defendants I have subjected the testimony of the Plaintiff to the prescribed standard of proof as provided under sections 10-14 of the Evidence Act, 1975 (NRCD 323). I have also perused and examined the contents of the referral (report) from the Rent Officer and after a careful examination and evaluation

of same, I find that the Plaintiff has succeeded in adducing sufficient evidence in making his case.

In the circumstance I enter judgment in favour of the Plaintiff in default of appearance of the Defendants and made the following orders:

1. That the Plaintiff shall recover GH¢850.00 from the Defendants.
2. That the Plaintiff shall take the necessary steps to force open the said room/store, take inventory of the Defendants items in same for safe keeping and recover or take possession of the said room/store in H/NO. G 27/7.

A costs of GH¢800.00 is awarded in favour of the Plaintiff.

**(SGD)**  
**H/W MICHAEL DEREK OCLOO**  
**(MAGISTRATE)**  
**9/06/2023**

F. T.