

06/10/23

IN THE DISTRICT COURT HELD AT THE AKROPONG DISTRICT COURT ON  
WEDNESDAY THE 6TH DAY OF OCTOBER, 2023 BEFORE HIS WORSHIP  
ROCKSON A. K. KPODO ESQ DISTRICT MAGISTRATE.

SUIT NO. A2/165/23

NANA KWAME DUAH

V.

NANA BOAKYE FRIMPONG

.....

**JUDGMENT**

Plaintiff claims from defendant;

1. A RECOVERY OF CASH THE SUM OF GHC10000 WHICH THE  
DEFENDANT COLLECTED FROM THE PLAINTIFF FOR THE PURPOSE  
OF DEMARCATING A PLOT OF LAND FOR HIM WHICH TRANSACTION  
WAS NOT SUCCESSFUL AND DEFENDANT HAS FAILED TO REFUND  
PLAINTIFF'S MONEY.
2. INTEREST ON THE SAID AMOUNT FROM FEBRUARY 2022 TILL DATE OF  
FINAL PAYMENT
3. COST INCIDENTAL TO THE INSTITUTION OF THIS ACTION

When this suit was called on the 12<sup>th</sup> day of July, 2023, defendant pleaded not liable to all claims, hence the suit was adjourned to the 10<sup>th</sup> of August, 2023, to enable defendant to file his defence.

On the 10th day of August, 2023, when the suit was mentioned, defendant could not file his defence, hence the suit was again adjourned to the 23<sup>rd</sup> of September, 2023 for defendant to file his defence.

On the 23<sup>rd</sup> day of September, 2023, when the suit was called both defendant and his lawyer were not present in court.

Subsequently, counsel for plaintiff made an oral application to the court for the to enter a default judgment for his client as the suit was placed on the undefended list.

Upon hearing counsel for plaintiff herein the court hereby enters default judgment for the plaintiff on his claims in consonance with order 8 rule 7 of the CI 59, which says:

**‘Where a defendant fails to deliver the affidavit under rule 3, and the defendant is not permitted to defend in accordance with the provisions of rule 6, the Court shall deal with the suit as an undefended suit, and give judgment without calling on the plaintiff to summon witnesses to prove the plaintiff's case formally.’**

Cost of GHC2000 is hereby awarded for plaintiff against defendant.

Formal decree is hereby ordered to be served on defendant.

SGNED

H/W ROCKSON A. K. KPODO