

IN THE SUPERIOR COURT OF JUDICATURE, IN THE HIGH COURT OF JUSTICE, SESSION HELD AT SEFWI WIAWSO IN THE WESTERN NORTH REGION ON FRIDAY THE 1ST DAY OF DECEMBER 2022 BEFORE HIS LORDSHIP JUSTICE KWAME AMOAKO

SUIT NO. E7/09/2017

SANFORD JOHN ANKORAH
NO. 14 OBOURNTEM STREET
SUING FOR HIMSELF AND ON BEHALF
OF HIS IMMEDIATE MATERNAL FAMILY - PLAINTIFF

VRS

1. FRANCIS NKETIA
SUBSTITUTED BY ROSE TABUAA
2. JOSEPH ACKAAH
SUBSTITUTED BY
MAXWELL AHENKORAH ATUAHENE - DEFENDANTS

Plaintiff present

2nd Defendant present represents the 1st Defendant who is his mother

Paul Nkuah-Gyapong for Plaintiff present

Counsel for Defendants (George Agbottah) absent with permission

JUDGMENT

Per the Writ of Summons filed on 10th April 2017, the Plaintiff claims against the Defendants jointly and severally as follows:

- a. A defendant that the purported Will of the late George Kwasi Attah of Sefwi Boako dated on 2nd May 2012 is invalid.
- b. A declaration that the properties devised in paragraphs 2, 4 and 5 of the said purported Will of the late George Kwasi Attah are properties of Plaintiff's maternal family.
- c. A declaration that the property devised in paragraph 6 of the said purported Will of late George Kwasi Attah is the self-acquired property of the Plaintiff.

The Parties herein filed Terms Settlement dated dated 22nd November 2022, duly executed by the Parties, and prayed this Court to adopt same as its consent Judgment.

The said Settlement essentially provided as follows:

“Court Connected Alternative Dispute Resolution (CCADR)

Terms of Agreement

Suit No.: E7/09/2017

**Title of Case: SANFORD JOHN ANKORAH VRS ROSE TABUAA &
MAXWELL**

DATE: 22/11/2022

The under-mentioned parties have taken part in a voluntary mediation and have resolved issues that led to litigation, and have agreed to be bound by the following terms of settlement.

- i. That the Former Guest House at Sefwi Wiawso is not and has never been the property of, or ever owned by George Kwasi Atta of Sefwi Boako, and therefore cannot be bequeathed in a purported will to anybody. The house in question was built by Sanford John Ankorah and remains his property.
- ii. That the house at Boako was bought by Asor Brenya and should remain the matrilineal property of Asor Brenya, and therefore Rose Tabuaa and Maxwell Ahenkorah Atuahene have relinquished totally their claim of ownership of same.

- iii. That the piece of land at Sefwi Camp has been relinquished to Sanford John Ankorah and henceforth Rose Tabuaa and Maxwell Ahenkora Atuahene have no claim whatsoever on the same farm land.

- iv. That the house at Sefwi Wiawso (formerly used as Police Barracks) has been relinquished in part by Rose Tabuaa and Maxwell Ahenkorah Atuahene to Sanford John Ankomah. The remaining part of eight (8) rooms will however be owned and occupied now by Rose Tabuaa and Maxwell Ahenkorah Atuahene till 31st December 2026. After this date, the said eight (8) rooms shall revert to Sanford John Ankorah.”

The Court is required by law to promote reconciliation through Alternative Dispute Resolution (ADR) means in appropriate cases.

Section 72 of the Courts Act, 1993 (Act 459) deals with promotion of reconciliation in civil cases and provides as follows:

“(1) A Court with civil jurisdiction and its officers shall promote reconciliation, encourage and facilitate the settlement of disputes in an amicable manner between and among persons over whom the Court has jurisdiction.

(2) When a civil suit or proceeding is pending, a Court with jurisdiction in that suit or proceeding may promote reconciliation among the parties, and encourage and facilitate the amicable settlement of the suit or proceeding.”

However, in promoting reconciliation of cases, the Court is required to be mindful of matters that the statute specifically prohibits their amicable settlement and also of Terms of Settlement which are prohibited at common law.

On civil causes or matters that cannot be settled in an amicable manner, *section 1 of the Alternative Dispute Resolution Act, 2010 (Act 798)* provides as follows:

“1. This Act applies to matters other than those that relate to

(a) the national interest;

(b) the environment;

(c) the enforcement and interpretation of the Constitution; or

(d) any other matter that by law cannot be settled by an alternative dispute resolution method.”

This case relates to declaration of title to land. Obviously, this does not relate to the national interest, the environment or the enforcement or interpretation of the Constitution. This Court is also not aware of any law that prohibits the amicable settlement of this matter.

Again, the Terms of Settlement filed, the relevant portions of which have been reproduced in this Judgment (*supra*), are not prohibited at common law, not being terms of settlement that border on, or pertain to an illegality/criminality, unconscionability, etc.

Therefore, this is a matter that is amenable to alternative dispute resolution within the meaning of *section 1 of Act 798*. Accordingly, the prayer by the Parties for the Terms of

Settlement filed to be adopted by this Court as its consent Judgment ought to be granted in accordance with *section 72 of Act 459*.

Conclusion

The Terms of Settlement filed on 23rd February 2023 and executed by the Parties herein are hereby adopted as the consent Judgment of this Court.

On the above orders, this case is disposed of.

This is a case that has been settled through *Alternative Dispute Resolution (ADR)* means pursuant to *section 72 of Act 459*. No title to property in dispute has been proved before this Court. Accordingly, this Judgment does not operate to confer title to the disputed property on any party or any person for that matter. However, this Judgment has the force of law binding the Parties herein and persons claiming through them.

This Court commends the efforts of the Lawyers in this case, namely, Lawyer Paul Nkuah-Gyapong (for the Plaintiff) and Lawyer George Agbottah (for the Defendants) for their respective roles in the Settlement processes.

This Court makes no order as to cost.

H/L KWAME AMOAKO

JUSTICE OF THE HIGH COURT