

IN THE SUPERIOR COURT OF JUDICATURE IN THE HIGH COURT OF JUSTICE
AT LAW COURT COMPLEX, ACCRA (GENERAL JURISDICTION 11) HELD IN
ACCRA ON MONDAY THE 27TH DAY OF FEBRUARY, 2023 BEFORE HIS LORDSHIP
RICHARD APIETU (J)

SUIT NO.GJ/0669/2021

DIMITRI FRANCIS DE PUES

- PLAINTIFF

VRS.

SAM VALLEY FARMS LIMITED

- DEFENDANT

RULING

This is a Ruling on Application for an order to reinstate Defendant's Statement of Deference and for leave to file Witness Statement out of time.

I have perused the Affidavit of Felix Akuffo of Accra filed on 25th July, 2022 and the Supplementary Affidavit filed on 5th August, 2022. I have also perused the Affidavit in Opposition of Daniel Dorglo of Tantra Hill filed on 5th September, 2022.

I have also read the Written Submissions of Counsel for the Applicant filed on 4th October, 2022 and the Written Submissions of Counsel for the Respondent filed on 21st October, 2022.

In this instant Application, the main issue that confronts the Court is whether or not to grant the application to reinstate the Applicant's Statement of Defence that was struck out by the Court for failure to file Witness Statement as ordered by the Court and also to grant the Applicant leave to file Witness Statement out of time.

In my view the Rules of Court must be strictly complied with for smooth and speedy administration of justice. However, if for some pardonable reason a party is out of time in complying with the Rules, the non-compliance though grievous, it can be cured by awarding cost against the non-complying party.

I also hold the view that once the Applicant is ready to proceed with the suit, it should be given the opportunity to do so within a stated period to enable the court determine the matter on merit rather than on technicalities. In the interest of justice, I hereby order that the Applicant's Statement of Defence dated 11th November, 2021 that was struck out be reinstated and I also grant the Applicant leave to file its Witness Statement and Pre-trial Checklist within seven (7) days.

Cost of GH¢10,000.00 awarded against the Applicant in favour of the Respondent.

The suit is to take it's normal course.

(SGD)

**JUSTICE RICHARD APIETU
(HIGH COURT JUDGE)**

COUNSEL: SAMUEL KOJO ANDREWS FOR THE PLAINTIF/RESPONDENT

**IRENE DAVIS WITH CAROLINE ADDO FOR KWAME AMENANO-
TANNOR FOR THE DEFENDANTS/APPLICANT**