

**IN THE SUPERIOR COURT OF JUDICATURE, IN THE HIGH COURT OF JUSTICE
COMMERCIAL DIVISION, HELD IN ACCRA ON MONDAY THE 4TH DAY OF
SEPTEMBER, 2023 BEFORE HIS LORDSHIP FRANCIS OBIRI 'J'.**

SUIT NO. CM/RPC/0275/2018

TOTAL PETROLEUM GHANA LIMITED - PLAINTIFF

Vs

JOSEPH NANA OFORI - DEFENDANT

RULING

I have listened to the submission for the grant of the application for the determination of the Reserved Price. The Claimant is not a party to the application for the Reserved Price.

The motion was served on the judgment debtor on 14th July, 2023 as per the affidavit of service commissioned on 17th July, 2023.

There is no affidavit in opposition which has been filed. The Defendant/Judgment Debtor was also served with hearing notice for today's proceedings on 31st August, 2023 as per the affidavit of service commissioned on 17th July, 2023. He is however absent.

I have examined the valuers' report which is attached as exhibit 'H' to the application for the Reserved price.

It is dated June 2023. The forced sale price of the property is fixed at GH¢9,811,340.00 and the open market price of the property is fixed at GH¢14,016,200.00.

I am however of the view, that considering the frequent increases in building materials in the country, the value of the attached property should be enhanced by the court.

It is the law, that the court is not bound by expert opinion, but if the court is to depart from it, the court must assign reason.

See: **TETTEH AND ANOTHER v HAYFORD (SUBSTITUTED BY) LARBI & DECKER [2012] 1 SCGLR 417**

I have already indicated that prices of goods and services in the country are now on the increase. I will therefore enhance the value of the attached property as justice of the case demands.

I will grant the application as prayed. I will however order, that the attached property should not be sold for less than GH¢14,016,200. I order accordingly.

SGD.

FRANCIS OBIRI

(JUSTICE OF THE HIGH COURT)

COUNSEL

**IRENE DAVIES WITH CHARLES OKYERE KWAPONG HOLDING BRIEF FOR
KWAME AMENANOR-TANNOR FOR PLAINTIFF/ APPLICANT**

**KWAME DOMEH HOLDING BRIEF FOR KWAME AMOAKO FOR THE
CLAIMANT**

AUTHORITY

TETTEH AND ANOTHER v HAYFORD (SUBSTITUTED BY) LARBI & DECKER

[2012] 1 SCGLR 417