

IN THE SUPERIOR COURT OF JUDICATURE, IN THE HIGH COURT OF JUSTICE, COMMERCIAL DIVISION, HELD IN ACCRA ON MONDAY, THE 7<sup>TH</sup> DAY OF AUGUST 2023 BEFORE HIS LORDSHIP FRANCIS OBIRI 'J'

SUIT NO. CM/INTD/0395/2023

ROMANTIC FURNITURE

MANUFACTURING GHANA - PLAINTIFF  
LIMITED

Vs

1. DREAM HOLDINGS LIMITED - DEFENDANTS  
2. KELVIN K. KOBIRI

AND

JOSEPH NII TORGBOR OBODIA II - CLAIMANT

---

RULING

---

On 31<sup>st</sup> March, 2023, the Claimant filed notice of claim in respect of a landed property which had been attached in execution of judgment by the Plaintiff/Judgment Creditor.

The Plaintiff filed notice to dispute the Claimant's claim on 12<sup>th</sup> April, 2023. The parties later appeared in Court upon an application by the Registrar of this Court. The Claimant filed its affidavit of interest and subsequently witness statement on 29<sup>th</sup> June, 2023 upon the Orders of this Court.

The Claimant attached a judgment of a High Court dated 29<sup>th</sup> June, 2022 which had declared the Claimant family as the owner of the land which the Plaintiff/Judgment Creditor has attached.

When the Plaintiff/Judgment Creditor was served with the witness statement and the exhibit of the Claimant, it conceded to the Claimant's claim to the attached property.

The Claimant is not a party in the original suit between the Plaintiff/Judgment Creditor and the Defendants/Judgment Debtors.

The Plaintiff/Judgment Creditor therefore filed notice of withdrawal of its notice to dispute the Claimant's claim to the attached property.

It was filed on 1<sup>st</sup> August, 2023. The Claimant counsel has been served. Even though the Plaintiff and its counsel are not present today, I will however, rely on the authority of **THE REPUBLIC v COURT OF APPEAL, ACCRA, EX PARTE: EASTERN ALLOY COMPANY LIMITED [2007-2008] 1 SCGLR 371** and grant the Plaintiff's prayer in the notice of withdrawal to dispute the Claimant's claim.

Consequently, the Plaintiff notice to dispute the Claimant claim filed on 12<sup>th</sup> April, 2023 is strike out as withdrawn.

The attached property is hereby discharged attachment and from any encumbrance as well. I order accordingly. No order as to cost.

**SGD.**

**FRANCIS OBIRI**

**(JUSTICE OF THE HIGH COURT)**

**COUNSEL**

**COUNSEL FOR THE PLAINTIFF ABSENT**

**COUNSEL FOR THE DEFENDANTS ABSENT**

**PETER OKUDZETO FOR THE CLAIMANT**

**AUTHORITY**

**REPUBLIC v COURT OF APPEAL, ACCRA, EX PARTE: EASTERN ALLOY  
COMPANY LIMITED [2007-2008] 1 SCGLR 371**