

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

**SUIT NO.CM/BDC/0528/2018**

**UNITED STEEL CO. LTD. - PLAINTIFF**

**Vs**

**CORONATION INSURANCE GH LTD  
(FORMERLY WAPIC INSURANCE CO. LTD) - DEFENDANT**

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**RULING**

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I have listened to the submission by counsel for Plaintiff for the grant of an order for substituted service in respect of the Plaintiff's application for the release of the judgment sum which had been paid into court.

The Plaintiff's prayer is that it should be granted leave to serve the application for the release of the judgment sum on the beneficiaries by substitution.

It is trite learning, that before a party will file a motion for substituted service, there should be evidence that attempts have been made to effect personal service on the other party and it has not been successful.

Therefore, substituted service can only be resorted to where personal service could not be effected, for reasons which should be stated with great particularity in an affidavit in support of the application for substituted service.

Consequently, substituted service can only be granted where personal service is unsuccessful. The jurisdiction to order for substituted service therefore depends on the failure of the prescribed process of personal service in the circumstances.

**See: DAKAR LTD. v INDUSTRIAL CHEMICAL AND PHARMACEUTICAL CO. LTD AND ANOTHER [1981] GLR 453**

**KOMBAT AND OTHERS v BEDIAKO & OTHERS EX PARTE KOMBAT [1971] 1 GLR 196**

In this case, there is no indication that the Plaintiff has made any effort to serve the creditors whose list has been attached to the application as exhibit B and has not been successful before bringing this application.

I find it very surprising, that this basic procedure in civil proceedings has not been adhered to by the Plaintiff.

The court will always be guided by the opinion of the Supreme Court in **AMIDU (NO1.) v ATTORNEY-GENERAL, WATERVILLE HOLDINGS (BVI) LTD. AND WOYOME (NO.1) [2013-2014] 1 SCGLR 112**, where the Supreme Court held, that even one-sided application should not be granted hook, line and sinker.

The Court held further, that a court has to scrutinize an application or a case before it to determine whether its jurisdiction has been properly invoked. A court is also to examine a document or an application before it to determine whether there is no collusion in the case, or no element of create, loot and share which may arise from the outcome of the case before the court.

A court has power to raise the issue of its jurisdiction to determine a case even if it is not raised by any of the parties.

**See: BIMPONG-BUTA v GENERAL LEGAL COUNCIL [2003-2004] 2 SCGLR 1200**

**ANTHONY SAKYI v GA SOUTH MUNICIPAL ASSEMBLY [2022] 178 GMJ 216 CA**

From the above rendition, I am of the view that the court's jurisdiction has not been properly invoked to grant the application for substituted service. The application therefore fails and same is dismissed.

SGD.

**FRANCIS OBIRI**

**(JUSTICE OF THE HIGH COURT)**

**COUNSEL**

**JUSTICE OTENG HOLDING BRIEF FOR PHILIP ADDISON FOR THE PLAINTIFF**

**AUTHORITIES**

1. **DAKAR LTD. v INDUSTRIAL CHEMICAL AND PHARMACEUTICAL CO. LTD AND ANOTHER [1981] GLR 453**
2. **KOMBAT AND OTHERS v BEDIAKO & OTHERS EX PARTE KOMBAT [1971] 1 GLR 196**
3. **AMIDU (NO1.) v ATTORNEY-GENERAL, WATERVILLE HOLDINGS (BVI) LTD. AND WOYOME (NO.1) [2013-2014] 1 SCGLR 112**
4. **BIMPONG-BUTA v GENERAL LEGAL COUNCIL [2003-2004] 2 SCGLR 1200**

5. ANTHONY SAKYI v GA SOUTH MUNICIPAL ASSEMBLY [2022] 178 GMJ 216

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