

**IN THE SUPERIOR COURT OF JUDICATURE, IN THE HIGH COURT OF JUSTICE  
COMMERCIAL DIVISION, HELD IN ACCRA ON TUESDAY THE 15<sup>TH</sup> DAY OF  
AUGUST, 2023 BEFORE HIS LORDSHIP FRANCIS OBIRI 'J'.**

**SUIT NO. CM/RPC/0465/2023**

**1. FELIX YAW AMOAH -----**

**PLAINTIFFS/APPLICANTS**

**2. NANA BOATENG**

**VS**

**1. EMPIRE CEMENT GHANA LIMITED -----**

**DEFENDANTS/RESPS.**

**2. ENVIRONMENTAL PROTECTION**

**AGENCY**

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**RULING**

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The Plaintiffs filed their motion on notice for injunction on 27<sup>th</sup> June, 2023. It was served on the 1<sup>st</sup> Defendant's counsel on 26<sup>th</sup> July, 2023.

On 19<sup>th</sup> July, 2023, the Court ordered the 1<sup>st</sup> Defendant counsel to file affidavit in opposition if any to the application for injunction.

The said Order has not been vacated or varied. The motion has been served on the 1<sup>st</sup> Defendant counsel for about three (3) weeks now. There is no affidavit in opposition which has been filed.

It is trite law, that adjournments are at the discretion and instance of the court. And a lawyer's request for adjournment does not bind the Court to adjourn the case.

See **REPUBLIC v HIGH COURT (FAST TRACK DIVISION) ACCRA; EX PARTE SIAN GOLDFIELDS LTD. [2009] SCGLR 204**

The Court has a duty to hear cases expeditiously in accordance with Order 1 Rule 1(2) and Order 37 rule 2 of C. I. 47. The Court will therefore proceed to hear the injunction application. The 1<sup>st</sup> Defendant counsel's prayer for adjournment is refused.

**SGD.**

**FRANCIS OBIRI**

**(JUSTICE OF THE HIGH COURT)**

**COUNSEL**

**GEORGE TETTEY FOR THE PLAINTIFFS/RESPONDENTS**

**BENEDICTA NAA AYELEY QUAYE FOR PAUL DERY FOR THE 1<sup>ST</sup>  
DEFENDANT/APPLICANT**

**COUNSEL FOR 2<sup>ND</sup> DEFENDANT – ABSENT**

**AUTHORITY**

**REPUBLIC v HIGH COURT (FAST TRACK DIVISION) ACCRA; EX PARTE SIAN  
GOLDFIELDS LTD. [2009] SCGLR 204**