

IN THE SUPERIOR COURT OF JUDICATURE AND IN THE HIGH COURT OF JUSTICE, AMASAMAN, ACCRA HELD BEFORE HER LADYSHIP JUSTICE PRISCILLA DAPAAH MIREKU (J) SITTING ON TUESDAY THE 2ND DAY OF MAY 2023.

SUIT NO: E1/AHC/226/22

ALHAJI OSMAN MOHAMMED DICKSON

- PLAINTIFF

VS

THE MUNICIPAL CHIEF EXECUTIVE & 2ORS

- DEFENDANTS

PARTIES : PLAINTIFF PRESENT;

2ND DEFENDANT REP. ABDUL BASID YAKUBU

COUNSEL : BELINDA PWAMANG FOR THE PLAINTIFF

IRENE BOAFO FOR JOSEPHINE MANU FOR 2ND

DEFENDANT /RESPONDENT

RULING

The Plaintiff/Applicant has a motion on notice for an Order of interlocutory injunction against the defendants pursuant to Or 25 of ci 4. The 2ND Defendant/Respondent is opposed to same. It has been established that in the grant of interlocutory injunction, the governing principle was whether on the face of the affidavit there was the need to preserve the status quo in order to avoid irreparable damages to the applicant provided his case was not frivolous. Or vexatious', (See VANDAPUYE VS NARTEY[1977]1 GLR 248.

This principle was also confirmed in the cases of OWUSU VS OWUSU-ANSAH (2007-2008) SCGLR 870 and YEHENS VS 1ST JULY LTD [2012] 2SCGLR 167.

Per the facts and submissions submitted by Counsel, this Court is of the view that indeed the Plaintiff/Applicant has a legal right to be the court but the grant of

injunction will cause more hardship to the Respondent and the applicant can be compensated with cost should he succeed in his claim.

Thus this honourable court refuses the grant of interlocutory injunction against the respondents on ground that the respondents undertake to pay all cost that the plaintiff will incur should they succeed in this claim.

Suit to take the normal course.

(SGD)

H/L. PRISCILLA DAPAAH MIREKU (MRS.)

(JUSTICE OF THE HIGH COURT)