

IN THE SUPERIOR COURT OF JUDICATURE, IN THE HIGH COURT OF JUSTICE
AMASAMAN, ACCRA, HELD ON 10TH MAY, 2023, BEFORE HER LADYSHIP
JUSTICE PRISCILLA DAPAAH MIREKU (MRS.)

SUIT NO. E12/AHC/79/22

1. EDWARD AGYIRI QUANSAH
 2. SAMUEL OGYIRI ABBAN
 3. JUSTICE ABBAN
 4. MESHACH ABEKA ABBAN
 5. ABEDNEGO KWAO ABBAN
 6. DANIEL NII ARDEY CODJOE
 7. JAMES OTOO CODJOE (NII DJAASE)
 8. ROBERT TOO CODJOE
- (SUING AS SOME AGGRIEVED PRINCIPAL
ELDERS OF OSHIU FAMILY OF OSHIUMAN)

... PLAINTIFFS

VRS

OSHIU DANIEL ADANSI
UNNUMBERED HOUSE OSHIUMAN

... DEFENDANT

**RULING ON APPLICATION FOR AN ORDER OF INTERLOCUTORY
INJUNCTION**

The Plaintiff instituted this action against the Defendants herein and has filed a motion on notice for an order of interlocutory injunction restraining the Defendants herein, his agents/servants/assigns/relatives etc. from holding himself out or allowing himself to be

held out or acting as head of the Oshiu Family of Oshiuman pending the determination of the suit, and for any further orders as this Honourable Court may deem fit do to order in the circumstances.

The Defendants is vehemently opposed to the instant application and avers that he was elected as the head of family of the Oshiu family in accordance to their customs and practice and thus the instant application ought to be thrown out.

According to S.A. Brobbey, in his book Practice & Procedure in the Trial Court & Tribunals of Ghana at pg. 444, "*the primary object of such interlocutory injunction is to obviate, before a case is finally determine, any waste, damage or alienation of the property which is in dispute*".

The governing principle applicable to applications for interlocutory relief is whether on the face of the affidavit there is the need to preserve the status quo in order to avoid irreparable damage to the Applicant, provided his case is not frivolous or vexatious. (See these cases; Owusu v. Owusu Ansah [2007-08] SCGLR 870, Pountney v. Doegah [1987-88] 1 GLR 111, CA and America Cyanamid Co v. Ethicon Ltd [1975] 1 ALLRE 504).

The Plaintiff raises triable facts and the Defendants also makes his defence before the Court. This Honourable Court is of the view that the action before it is not vexatious. The Honourable Court upon consideration of all the material facts presented to this Honourable Court is of the view that, it will be best to maintain the status quo in order to avoid irreparable damage to the Applicants and the respondents as well. Thus, the Defendants/respondent, his agents/servants/assigns/relatives etc. are injunct from holding himself out or allowing himself to be held out or acting as head of the Oshiu Family of Oshiuman pending the determination of the suit. The Plaintiffs/Applicants, their agents/ servants / assigns / relatives etc. are also injunct from holding themselves out or allowing themselves to be held out or acting as head of the Oshiu Family of Oshiuman pending the final determination of the suit.

The Plaintiffs are also to undertake to pay any cost the Defendants may incur due to the grant of this injunction should the Defendants win the case at the conclusion of this case.

(SGD)

PRISCILLA DAPAAH MIREKU J. (MRS.)
JUSTICE OF THE HIGH COURT

COUNSEL

1. KWASI ACKAA BOATENG HOLDING BRIEF FOR
EVAN ANABA FOR THE PLAINTIFFS - PRESENT
2. GODWIN ANAMOAH HOLDING BRIEF FOR LESLIE ANIM
FOR THE DEFENDANTS - PRESENT

CASES REFEERED TO:

1. Owusu v. Owusu Ansah [2007-08] SCGLR 870
2. Pountney v. Doegah [1987-88] 1 GLR 111, CA
3. America Cyanamid Co v. Ethicon Ltd [1975] 1 ALLRE 504