

IN THE SUPERIOR COURT OF JUDICATURE, IN THE HIGH COURT OF JUSTICE
HUMAN RIGHTS DIVISION ONE HELD IN ACCRA ON THURSDAY THE 2ND
DAY OF FEBRUARY, 2023, BEFORE HER LADYSHIP JUSTICE BARBARA TETTEH-
CHARWAY, HIGH COURT JUDGE

SUIT NO LD/1056/2019

1. EDWARD KPAKPO ALLOTEY ... PLAINTIFFS
2. NAA AKU ALLOTEY

VERSUS

1. MR. KWAME
2. ANTHONY KWAME ASANTE
3. MARY ADJEI BOATENG
4. MR. OFORI
5. FRANCIS ADDO
6. AKWASI ODURO
7. CHIEF AGORKORLI
8. JOHNSON MIREKU DEFENDANTS

JUDGMENT

1.0] Plaintiffs' caused their lawyer to issue writ of summons on 20-7-2019 by which they claimed the following reliefs;

a) Declaration of title to all that piece or parcel of land in extent of 21.537 acres more or less situate at Weija, Accra in the Greater Accra Regions of the Republic of Ghana, bounded on the North East by vendor's land measuring 520.0 feet more or less, on the North West by vendor's land measuring 190.0

feet more or less, on the South East by vendor's land measuring 487 feet more or less on the South West by land measuring 1885.3 and on the North East by 1897.3 particularly delineated on the plan edged pink.

- b) Recovery of possession.
- c) An order of the court evicting the defendants from the land and also to demolish the buildings thereon occupied by the defendants.
- d) General damages for trespass.
- e) Perpetual injunction restraining the Defendants and anyone whatsoever claiming through the defendants from in anyway howsoever claiming through the defendants from interfering with plaintiff's interest, title, right or ownership of the said land.
- f) Costs.

2.0] Defendants did not file any statements of defence. Plaintiff therefore obtained judgment in default of defence against them on 23-8-2021.

3.0] Upon service of witness statements and hearing notice on defendants by substituted service, plaintiff's attorney relied on her witness statements as her evidence in chief.

4.0] Exhibit A is the Power of Attorney issued to plaintiffs' attorney to prosecute the instant case.

5.0] In proof of their claim plaintiffs attached Exhibit B which is an indenture dated 23-3-1964 as evidence of a free hold grant made to J.B.Q COFIE and E.K ALLOTEY by one F.A ATTOH. Plaintiffs further attached Exhibit C, a Vesting Assent by which the land in dispute was vested by the administrators of the Estate of J.B.Q COFIE and Edward Kpakpo Allotey in the Plaintiffs herein on 31-

1-2014. Plaintiffs have therefore adduced documentary evidence of their title in the land in dispute.

6.0] It is the case of plaintiffs that defendants have trespassed onto the said land and therefore seek the reliefs stated above. In view of the fact that the defendants did not file any statements of defence and in view of the nature of evidence adduced by plaintiffs in support of their claim, (Conca Engineering Ghana Ltd v Moses, 1984-84 GLR]) the court finds that plaintiffs have satisfied the requirement of proving their case on a balance of probabilities (Adwubeng v Dumfeh 1996-97 SCGLR 660).

7.0] Judgment is entered for plaintiffs in the following terms:

- a. Declaration of title to the land in dispute measuring 21.537 acres located at Weija Accra granted.
- b. Recovery of possession from defendants granted.
- c. Order for eviction and demolition of properties NOT GRANTED.
- d. Damages of GH¢10,000.00 awarded in favour of plaintiffs against defendants JOINTLY.
- e. Perpetual injunction to restrain defendants from further interfering with plaintiffs' ownership of land in dispute granted.
- f. Costs of GH¢5,000.00 awarded against each defendant in favour of plaintiffs.

(SGD)

BARBARA TETTEH-CHARWAY (MRS)
JUSTICE OF THE HIGH COURT

CASES REFERRED TO:

1. CONCA ENGINEERING GHANA LTD V MOSES, 1984-84 GLR.

2. ADWUBENG V DUMFEH 1996-97 SCGLR 660.

COUNSEL

KOFI SUNU HOLDING BRIEF FOR G.H. QUIST FOR THE PLAINTIFFS - PRESENT.