

IN THE SUPERIOR COURT OF JUDICATURE. IN THE HIGH COURT OF JUSTICE HELD AT CAPE COAST IN THE CENTRAL REGION ON TUESDAY THE 4TH DAY OF JUNE, 2024 BEFORE HIS LORDSHIP JUSTICE BERNARD BENTIL - HIGH COURT JUDGE.

SUIT NO.: E1/61/2021

NANA OKYERFO BENTUM
@ NANA KWANNAN KOFI BENTUM
(SUING FOR HIMSELF AND AS THE
HEAD OF THE TEKYINA FAMILY)

- PLAINTIFF

VRS

1. KOJO EWUSI
 2. 2 STEPS REAL ESTATES
 3. LANDS COMMISSION
-

- DEFENDANTS

JUDGMENT

The Plaintiff is a principal elder and head of the Tekyina family of Gomoa Akramang in the Central Region of the Republic of Ghana. The Plaintiff describes the 1st Defendant as a member of the family and the 2nd Defendant as an estate development entity as well as a trespasser on the Plaintiff's family land.

According to the Plaintiff, the Tekyina family of Gomoa Akramang has had only one head and the Plaintiff is presently the only head of the family. The Tekyina family of Gomoa Akramang is a very large family possessing lands situate at Gomoa Akramang, Gomoa Amoanda and Kwagyan Kwaa village near Agona Mankrong. The Plaintiff maintains strongly that there is only one Tekyina family of Gomoa Akramang and that there is no Tekyina family of either Gomoa Amoanda and/or Kwagyan Kwaa village near Agona Mankrong.

The Plaintiff states that, apart from the family land situate at Gomoa Akramang which is under his direct care, it is the custom for the head of the Tekyina family of Gomoa Akramang to appoint a caretaker over the family lands situate at Gomoa Amoanda and Kwagyan Kwaa village near Agona Mankrong. Sometime ago, one Kwame Otabil, who was domiciled in the United Kingdom and his sister, Kwegyirwa Rose Abeka, both of whom are member of the Tekyina family suggested to the Plaintiff the need to prepare a site plan of all the Tekyina family lands beginning with the family land at Amoanda. Being members of the family, the Plaintiff gave his approval for the exercise to be undertaken.

The Plaintiff further states that, it recently came to his notice that the said Kwame Otabil and Kwegyirwa Rose Abeka indeed caused two site plans to be prepared for all that land described in paragraph 11 of the Plaintiff's Further Amended Statement of Claim filed on 13th December, 2022. Again, the Plaintiff states that it came to his notice that the 1st Defendant who was the current caretaker of the Tekyina family land situate at Gomoa Amoanda, has fraudulently used the two site plans prepared for the family to prepare Statutory Declarations in his own name and had proceeded to register same at the Registry of the 3rd Defendant.

The particulars of the fraud as outlined in the Further Amended Statement of Claim are as follows:

- i. 1st Defendant connived with Kwame Otabil and Kwegyirwa Rose Abeka to deceive the Plaintiff into giving his approval for the preparation of the site plan of Tekyina family land at Gomoa Amoanda.
- ii. 1st Defendant knew that the subject matter piece of land is the property of the entire Tekyina family of Gomoa Akramang and yet had same registered in his name and as the head of the Tekyina family.
- iii. 1st Defendant knew that Plaintiff is the head of the Tekyina family.
- iv. 1st Defendant knew there is no Tekyina family of Amoanda.

- v. 1st Defendant purports to be and falsely describes himself as Ebusuapanyin Kojo Ewusi, head of Nana Kwaa Annan Tekyina family of Gomoa Amoanda.
- vi. 1st Defendant has acted under the usurped headship of the Tekyina family of Gomoa Akramang to grant portions of the Tekyina family land at Gomoa Amoanda to unsuspecting developers, including the 2nd Defendant.

The Plaintiff's case is that, the 1st Defendant knowingly misrepresented the truth and concealed material facts with which the 3rd Defendant was induced to register the fraudulent Statutory Declaration in the 1st Defendant's name. The Plaintiff states that if the fraudulent Statutory Declaration is allowed to stand, the structure of the Tekyina family of Gomoa Akramang which has been from generation to generation will crumble.

The Plaintiff thus prays the Honourable Court for the following reliefs:

- a. A declaration of title of the two (2) pieces of land described in paragraph 11 of the Statement of Claim in favour of the Plaintiff's Tekyina family.
- b. A declaration that the Statutory Declarations made by the 1st Defendant in respect of the two (2) pieces of land described in paragraph 11 of the Statement of Claim and any transaction therefrom is fraudulent and therefore of no legal effect.
- c. An order directed at the 3rd Defendant to cancel and expunge any process of registration including the said Statutory Declarations involving the subject matter of dispute situate at Gomoa Amoanda.
- d. Recovery of possession
- e. Perpetual injunction restraining the 1st Defendant, his agent, grantees, assigns, privies, workmen or anybody whatsoever claiming through the 1st Defendant from having anything to do with the quiet enjoyment of the subject matter land.
- f. General damages

g. Costs, including lawyer's legal fees.

The 1st and 2nd Defendants, on the other hand, denies the claims of the Plaintiff reproduced above. In the Amended Statement of Defence filed on 22nd July, 2021, the 1st and 2nd Defendants state that in or about the 18th Century, a group of people migrated from Mankessim to settle at Gomoa Akramang. The said group included three (3) Tekyina brothers by name Nana Kofi Ketu, Nana Kwaa Annan and Nana Oto Kojo, all of whom were farmers. On arriving at Gomoa Akramang, Nana Kofi Ketu and Nana Oto Kojo reduced their possession, a vast parcel of land at Akramang for farming.

Nana Kwaa Annan, on the other hand, migrated further to settle at Obokanfo, a current part of Gomoa Amoanda where he reduced to his possession, his personal farmland. Overtime, the descendants of Nana Kofi Ketu and Nana Oto Kojo fused together as one family thus jointly inheriting the lands cultivated and owned by Nana Kofi Ketu and Nana Oto Kojo. Given their residence at Akramang, they became known as the Tekyina family of Gomoa Akramang.

According to the 1st and 2nd Defendants, the land founded at Amoanda by Nana Kwaa Annan devolved unto his descendants who therefore became the Nana Kwaa Annan Tekyina family or the Tekyina family of Amoanda. Given their ancestral connections, the Tekyina families of Akramang and Amoanda provide some mutual support for each other particularly during bereavement and other celebratory occasions even though they maintained their individual family identities.

The 1st and 2nd Defendants state that the 1st Defendant is a member and the current head of the Nana Kwaa Annan Tekyina family or as is usually called, the Tekyina family of Amoanda. The 1st Defendant avers that he was installed in the year 2005 after several predecessors of his had occupied the said position. The said installation, the 1st and 2nd Defendants avers, was carried out in the presence of the legitimate elders

and same was attended by persons, including the Plaintiff, nine (9) years before the Plaintiff himself ascended the headship of the Tekyina family of Amoanda.

It is the case of the 1st and 2nd Defendants that the Plaintiff is estopped from seeking to relitigate the issue of the existence of the Tekyina family of Amoanda as the Plaintiff had initiated an arbitration proceeding against the 1st Defendant before the Gomoa Divisional Chief prior to this instant action. According to the 1st and 2nd Defendants, one of the issues raised for determination was that of the existence of a Tekyina family of Amoanda and that on February 2020 the Gomoa Divisional Chief determined the issue in favour of the 1st Defendant.

Further, the 1st and 2nd Defendants state that the Plaintiff is estopped from seeking to relitigate the issues of whether or not the 1st Defendant is the head of the Nana Kwaa Annan Tekyina family of Gomoa Amoanda and whether the said family owns the land it registered with the 3rd Defendant as these were also issues for determination at the arbitral proceeding before the Gomoa Divisional Chief and same were resolved in favour of the 1st Defendant.

It is the case of the 1st and 2nd Defendants that at the instance of the Plaintiff, the claims and reliefs sought by the Plaintiff herein have all been previously dismissed at the said arbitration by the Gomoa Divisional Chief in February, 2020 and the Plaintiff is hereby estopped from seeking to relitigate same before this Court.

The Plaintiff in his Reply joined issued with the 1st and 2nd Defendants jointly and stated among challenged the 1st Defendant's claim of being the head of Tekyina family of Gomoa Amoanda. The Plaintiff states that it is his predecessor who appointed the 1st Defendant only as a caretaker of the Tekyina family lands situate at Gomoa Amoanda.

After the close of pleadings, directions were initially taken on 4th June, 2021 whereby the issues set out in the Application for Directions filed on 17th May, 2021 were adopted as issues for trial. The said issues are as follows:

- a. As between the Plaintiff and the 1st Defendant, who owns the land in dispute.
- b. Whether the 1st Defendant's conduct is fraudulent.

However, by an order of this Court (differently constituted) dated 15th October, 2021 the initial issues set down for trial on 4th June, 2021 were amended to include the following:

- a. Whether or not the Plaintiff's claim had been settled before the Gomoa District Chief.
- b. Whether or not the Plaintiff is estopped from relitigating the instant issues.

Having outlined the issues for determination it is necessary to briefly state the law on the burden of proof in civil cases. As a matter of principle, the burden of proof rests on he who asserts or alleges. The law requires the categorical establishment of a fact a Party alleges, most especially, when same has been denied by his opponent.

See **ZABRAMA V SEGBEDZI (1991) 2 GLR 221.**

Failing to adduce such evidence as to convince a reasonable mind, such as this Court, would be detrimental to the case of the person who alleges as he risks his case being dismissed.

Applying the above to this instant case, the Plaintiff bears the onus to establishing, through cogent evidence, his claims before this Court. It is, however, noteworthy that the burden does not rest on the Plaintiff throughout the case. It is settled law that the evidential burden is not fixed on the Plaintiff throughout the case but shifts from Party to the other at various stages of the trial depending on the issues asserted and/or denied.

See **IN RE ASHALLEY BOTWE LANDS; ADJETEY AGBOSU & OTHERS V KOTEY & OTHERS (2003-2004) SCGLR 420.**

In view of the effect of a successful plea of estoppel per res judicata, I deem it fit to first determine the additional issues of 15th October, 2021 together which collectively with the particulars of estoppel in paragraphs 16 and 24 of the Amended Statement of Defence raises or amounts to the defence of res judicata.

It is trite learning that a successful plea of res judicata truncates the action as the doctrine of res judicata does not permit a matter that had been tried by a court of competent jurisdiction between the same Parties or their privies and a decision made thereon to be tried afresh. In other words, public policy demands that there should be an end to litigation. It is also against public policy for an individual to be vexed twice for the same cause.

See **PRAH V AMPAH [1992] 1 GLR 34; KOFITSE DZEKLU & ANOTHER V AMEGAVI ESO & ANOTHER (H1/10/2021) DATED 26TH NOVEMBER, 2021 (DELIVERED BY THE COURT OF APPEAL).**

As a rule, it is not enough for a Party to plead res judicata. A party who raises this plea bears the onus of proof and must adduce evidence which clearly establishes the ingredients of the plea.

See **APPEAH AND ANOTHER V ASAMOAH (2003-2004) SCGLR 226.**

The 1st and 2nd Defendants therefore have to establish that:

- a. that there exists an earlier decision on the issue;
- b. there was a final judgment on the merits; and
- c. it involved the same Parties or Parties in privity with the original Parties.

It is worthwhile to note that the plea of res judicata is not limited to only decisions, judgments or orders of a court of competent jurisdiction. It is also settled that the plea applies to valid customary arbitration award.

See **KWASI V LARBI (1952) 13 WACA 76; ADUNSIAH V ADDAE (1982-83) 2 GLR 716; AKUNOR V OKAN (1977) 1 GLR 173 CA.**

In the Witness Statement of Rose Abakah, the Lawful Attorney of the 1st Defendant, she stated that prior to the institution of this instant action, the Plaintiff had initiated arbitration proceedings against the 1st Defendant before the Paramount Chief of the Gomoa Akyampim Traditional Council (Omanhene) claiming that there was no Nana Kwaa Annan Tekyina family of Amoanda, that the 1st Defendant is no head of any such Nana Kwaa Annan Tekyina family and also that the land in dispute did not belong to any such Nana Kwaa Annan Tekyina family of Gomoa Amoanda.

Both sides paid the arbitration fee and the Paramount Chief heard both sides and their witnesses. Rose Abakah further testified that at the end of the proceedings, the Omanhene found and held that:

1. There was a Nana kwaa Annan Takyina family of Amoanda;
2. Opanyin Kojo Ewusi was indeed the head of the said Nana Kwaa Annan Tekyina family of Amoanda and
3. The instant subject matter was owned by the said Nana Kwaa Annan Tekyina family of Amoanda whilst the Takyina family of Akramang owned two (2) other parcels of land. The claims of the Plaintiff herein were therefore dismissed.

To the extent that there was an arbitration proceeding before the Omanhene, the Plaintiff denies that same was brought to a finality. From the testimony of P.W.1, as contained in his Witness Statement, Okyeame Kwame Arhinful stated that at the palace, the 1st Defendant demonstrated so much disrespect that the Omanhene could not amicably resolve the matter as a result of which the principal elders decided that the Tekyina family institutes the instant action against the 1st Defendant seeking the reliefs indorsed on the Writ of Summons and Statement of Claim.

P.W.1 was resolute in his testimony and all attempts by Counsel for the 1st and 2nd Defendant to extract an admission from his as to the final decision of the Omanhene proved futile during cross-examination on 8th March, 2022. The following ensued during cross-examination:

Q: *It was after this that the Plaintiff took the same matter to the Omanhene of Gomoa Traditional Area?*

A: *Yes. He did not produce the documents. That was why.*

Q: *The Omanhene of Gomoa Traditional Area resolved the matter?*

A: *He did not resolve it.*

Q: *You agree that in February 2021, Plaintiff gave evidence before the Omanhene supra on the matter he presented to him?*

A: *Yes.*

Q: *The 1st Defendant asked him questions?*

A: *Yes*

Q: *The 1st Defendant also testified?*

A: *Yes.*

Q: *The Plaintiff asked him questions?*

A: *Yes.*

Q: *Finally, the Omanhene Supra refused the Plaintiff's claims?*

A: *Not correct.*

From the above, I find that, indeed there was an arbitration proceeding before the Omanhene. However, there is no concrete evidence as to a final award against the Plaintiff. In the face of the denial that the matter was brought to a finality, merely stating that there was an award dismissing the Plaintiff claims before the Omanhene is not enough. The 1st and 2nd Defendants ought to have tendered in evidence a certified copy of the said award or where the award was not in writing, other cogent evidence to satisfy this Court that the probability of the existence of such award far outweighs its non-existence.

In the circumstances, I am not satisfied that the claims of the Plaintiff herein were previously and conclusively determined on arbitration before the Omanhene. The plea of estoppel therefore fails.

With the first hurdle successfully surmounted, I proceed to determine which of the Parties (whether the Plaintiff or the 1st Defendant) own the land in dispute. In an action for declaration of title to land, the onus is on the Party such relief to satisfactorily prove his root of title, mode of acquisition and various acts of possession exercised over the land.

See **RUKAYATU USUMANU V ZONGO NAA KUN-GARI & 16 OTHERS (J4/23/2020) DATED 31ST MARCH 2021 (DELIVERED BY THE SUPREME COURT).**

It is only where the Party has succeeded in establishing these facts on the balance of probabilities that the party would be entitled to the claim. This was emphasised by the Supreme Court in the case of **MONDIAL VENEER (GH) LTD V AMUAH GYEBI XV [2011] 1 SCGLR 466 at 476.**

Although the law also requires such Party to satisfactorily prove the identity of the land as held in **TACKIE V LAMPTEY [2001-2002] 2 GLR 186**, the requirement of prove is dispensed with when the Parties are ad idem regarding the nature or identity of the land in dispute. In this instant case, I am satisfied that the identity of the land is not in dispute. The Parties are merely disputing ownership to the said land.

The Plaintiff's testimony in support of his case is simply that the Tekyina family of Gomoa Akramang owns vast lands situate at Gomoa Akramang, Gomoa Amoanda and Kwagyan Kwaa village near Agona Mankrang. For the orderly administration of the family land, it has been the custom for the head of the Tekyina family of Gomoa Akramang to appoint a caretaker over the family lands which at the aforementioned locations while the Gomoa Akramang land is under the direct care of the Plaintiff as head. The testimony of the Plaintiff is no different from his Statement of Claim. He gives no evidence as to the mode of acquisition of the lands of the family.

However, the historical account of the Plaintiff's family's ownership of the vast lands through Gomoa Amoanda and beyond was given by P.W.2, Kojo Benyin in his Witness Statement. According to him, traditional history has it that craftsmen from Akim Asamanba came to Gomoa Akramang to request from Nana Kwaannan and his brother Nana Assan a place to settle to enable them do their craftworks. In response, Nana Kwaannan and his brother Nana Assan both of whom are members of the Tekyina family of Gomoa Akramang granted the craftsmen a portion of their land to do their craftworks.

It used to be the case that whenever the settlers were done with their craftworks for the day, they had to return to Gomoa Akramang to pass the night but during the rainy season, the settlers often found it difficult to return to Gomoa Akramang after their work, especially when it rained heavily and the river called Akyin Raba got flooded. As a result of this, the settlers were compelled to construct some form of habitats for themselves and over time that became the foundation of the modern day Gomoa Amoanda.

P.W.2 further stated that during the tenure of Nana Asemanyi as the head of the Tekyina family, he built his house at Gomoa Amoanda and took his niece, being the mother of the 1st Defendant, from Gomoa Akramang to stay with him at Gomoa Amoanda. At Gomoa Amoanda, Nana Asemanyi doubled as the head of the Tekyina family as well as the caretaker of the family while regularly touching base with his

principal elders at Gomoa Akramang. After the death of Nana Asemanyi, Opanyin Kobena Donkor became the next caretaker of the Tekyina family land at Gomoa Akramang.

Subsequently, Opanyin Kwame Adu, Opanyin Kwame Andoh and Opanyin Kojo Ahensah respectively were all caretakers of the family land of the Tekyina family of Gomoa Akramang who, in their respective eras, rendered accounts of their stewardship to the elders of Tekyina family of Gomoa Akramang. P.W.2 further stated that, after the death of Opanyin Kojo Ahensah, the elders of the Tekyina family of Gomoa Akramang performed the usual customary rites to make 1st Defendant a caretaker of the family land of the Tekyina family of Gomoa Akramang but unlike all his predecessors, he refused to be accountable to the head of the Tekyina family of Gomoa Akramang and has also registered a portion of the land in his personal name without notice to the head of the Tekyina family at Gomoa Akramang.

The 1st and 2nd Defendants, on the other hand, relied on the historical account as contained in their Amended Statement of Defence. It is therefore clear that the evidence as to title to the land in dispute is mainly of traditional character on each side and are conflicting. The position of the law when a court is faced rival historical account or traditional evidence with respect to claims to land is to evaluate the testimonies in the light of recent acts of ownership. This has been held to be the surest guide to such evidence to see which was preferable. This has been upheld in numerous decisions including **DZOKU II V ADZAMLI (DECEASED) SUBSTITUTED BY ADZAMLI & ANOTHER [2017-2020] 1 SCGLR 663; IN RE TAAHYEN AND ASAAGO STOOLS; KUMANIN II V ANIN [1998-99] SCGLR 399.**

The Supreme Court has recently restated the essential guidelines for assessing traditional evidence in the case of **COMFORT OFFEIBEA DODOO V NII AMARTEY MENSAH (CIVIL APPEAL SUIT NO. J4/12/2019) DATED 5TH FEBRUARY, 2020** as follows:

1. *The Court must be slow in being carried away by the impressive manner in which a party narrated his or her version of the traditional evidence and how coherent or methodical that is.*
2. *The Court must pay particular attention to undisputed acts of overt acts of ownership and possession on record in addition to an examination of the events and acts therein within living memory which have been established by evidence.*
3. *Consider which of these narratives is more probable by the established acts of ownership established by evidence.*
4. *Finally, the party whose traditional evidence coupled with established overt acts of ownership and possession are rendered more probable must succeed unless there exists on the record other valid reasons to the contrary.*

The undisputed evidence is that the 1st Defendant is currently in possession of the land in dispute and has exercised acts of ownership over the land in dispute. From the Plaintiff's own evidence, the 1st Defendant has granted portions of the land in dispute to Third Parties, including the 2nd Defendant herein. Another undisputed evidence on record is the registration of the land in dispute by the 1st Defendant. There is further evidence of a Statutory Declaration (**EXHIBIT C**) by one Opanyin Kwame in the year 2016 wherein the declarant confirmed having mistakenly leased a portion of land situate at Gomoa Amoanda originally acquired by the ancestors of the late Nana Kwaa Annan of Tekyina family of Gomoa Amoanda (now headed by Ebusuapanyin Kojo Ewusie) to Havana City Properties.

No further evidence was adduced to challenge the said Statutory Declaration (**EXHIBIT C**). Although Statutory Declaration are only considered self-serving and of no probative value, this is only true when the facts contained therein are challenged and disputed.

See **IN RE ASHALLEY BOTWE LANDS, ADJETEY AGBOSU & OTHERS V KOTEY & OTHERS [2003-2004] SCGLR 420.**

In the absence of any such opposition to Exhibit C, I consider same as an acknowledgement of the title of the Tekyina family of Gomoa Amoanda.

Further evidence of acts of ownership can be seen in **EXHIBIT D series** which contains several notices published in the newspapers of the Statutory Declaration of the 1st Defendant in the registration process. The notices expressly stated that the 1st Defendant had been exercising ownership rights and continue to enjoy undisturbed and uninterrupted possession of the land described therein (which is the land in dispute herein). Persons claiming or having interest in the land were given the opportunity to object in the manner stated therein. The said sworn by the 1st Defendant was further posted on polls. See **EXHIBIT D6**.

It is interesting to note that, the Plaintiff who claims the said land belongs to his family did not raise any such objection to the registration of the land in dispute. If indeed, the lands at Gomoa Amoanda belong to the Plaintiff's family and that the 1st Defendant was merely a caretaker, then inhabitants, including P.W.2 who is versed with the history of the family and lives at Gomoa Amoanda would have drawn the Plaintiff's attention to the notices given for the Plaintiff to object to same.

The collective effect of the above is that the 1st Defendant as the head of the Tekyina family of Gomoa Amoanda (see **EXHIBIT B** attached to the Witness Statement of 1st Defendant's Attorney), exercised acts of ownership in respect of the land in dispute and which said acts have been admitted by the Plaintiff herein.

In this light and on the authority of **COMFORT OFFEIBEA DODOO V NII AMARTEY MENSAH supra**, the traditional evidence of the 1st Defendant is rendered more probable on account of the overt acts of ownership and possession of the disputed land and preference is given to same over the Plaintiff's traditional evidence. This view is further fortified by section 48 of the Evidence Act.

By this provision, possession, generally, betokens ownership. The law presumes a person in possession of a property or who exercises acts of ownership in respect of the

property as the owner thereof. In the absence of any evidence in rebuttal, the 1st Defendant, and for that matter, the Nana Kwaa Annan Tekyina family of Gomoa Amoanda are the owners of the land in dispute.

This brings me to the final issue of whether or not the 1st Defendant's conduct of registering the land in dispute is fraudulent. Reference is made to the particulars of fraud set out in pages 2-3 of this judgment. In addressing this issue, it is worthy of note that the Plaintiff must prove the above reproduced particulars of fraud beyond reasonable doubt. This is an exception to the standard of proof in civil cases. The law is that where a Party alleges the commission of a crime against the other and same is directly in issue, the burden of persuasion requires proof beyond reasonable doubt.

See section 13 of the Evidence Act; **FENUKU V JOHN TEYE [2001-2002] SCGLR 985 and SASU BAMFO V SINTIM [2012] SCGLR 136; JANET TAGOE V ALFRED NII TETTEH [2016] 98 GMJ 125 at p.147-148, C.A.**

Sadly, on the totality of the evidence, the Plaintiff woefully fails in this regard. These particulars, without more, were merely repeated in the Witness Statement of the Plaintiff. The basic principle of law which is known, even to the average law student is that where a Party makes an averment which is denied by his opponent, he is unlikely to be held by the Court to have sufficiently proved that averment by merely going into the witness box and repeating the averment on oath or having it repeated on oath by his witness.

See **MAJOLAGBE V LARBI [1959] GLR 190; ZABRAMA V SEGBEDZI supra.**

On this basis alone, the issue of whether or not the conduct of the 1st Defendant was fraudulent ought to fail for lack of evidence. The 1st Defendant, on whom the burden of persuasion did not rest, rather adduced cogent evidence to satisfy this Court of the propriety of his conduct in registering the land in dispute. There is evidence before this Court that the 1st Defendant is the Head of the Nana Kwaa Annan Tekyina family of Gomoa Amoanda. There is a certificate of recognition of his Headship of the

Takyina family of Gomoa Amoanda issued by the Gomoa Akyempim Traditional Council. See **EXHIBIT B**.

In his capacity of as Head of family, he took steps to register the interest of his family in the Gomoa Amoanda lands as evidence in **EXHIBIT D series** which steps included the publication of a Statutory Declaration sworn by the 1st Defendant in newspapers as well as poles in Gomoa Amoanda yet the 3rd Defendant received no objection to the registration of the land in dispute from person purporting to have interest in the land in dispute including the Plaintiff herein. I find no misrepresentation in the conduct of the 1st Defendant and concealment of material facts.

From the foregoing, the Plaintiff claims fail woefully and thus not entitled to the reliefs sought. On the totality of the evidence, the Plaintiff has failed to satisfy this Court of his family's ownership of the land in dispute. Accordingly, judgment is entered against the Plaintiff on all the reliefs sought.

Cost of GH¢15,000.00 is awarded against the Plaintiff in favour of the 1st and 2nd Defendants.

(SGD)

BERNARD BENTIL J.

[HIGH COURT JUDGE]

COUNSEL:

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JOHN T. K. ZIDA ESQ. FOR THE 3RD DEFENDANT.