

IN THE SUPERIOR COURT OF JUDICATURE

IN THE SUPREME COURT

ACCRA - A.D. 2023

CORAM: BAFFOE-BONNIE JSC (PRESIDING)

LOVELACE-JOHNSON (MS.) JSC

PROF. MENSA-BONSU (MRS.) JSC

ACKAH-YENSU (MS.) JSC

KOOMSON JSC

CIVIL APPEAL

NO. J4/88/2022

5TH JULY, 2023

NANCY ACQUAH PLAINTIFF/RESPONDENT/RESPONDENT
(*SUING ON BEHALF OF HERSELF*
AND ENUWA BAIDEN PER THIER LAWFUL
ATTORNEY ALBERT ACQUAH)

VS

1. JOSHUA TETTEH

2. STANLEY OWUSU

3. KENNEDY ANDAM 3RD DEFENDANT/APPELLANT/APPELLANT

4. ATAA NOI ODAI

JUDGMENT

KOOMSON JSC:-

This is an appeal from the unanimous judgment of the Court of Appeal delivered on the 14th June, 2021, on an appeal by the 3rd Defendant/Appellant/Appellant (herein after called “3rd Defendant”) from the decision of the trial High Court dated 31st October, 2018, which had entered judgment for the Plaintiff/Respondent/Respondent (hereafter called “the Plaintiff”) on all her reliefs.

The facts leading to the commencement of the original action at the High Court are that, in the year 2000, the plaintiff acquired a parcel of land from the Ashong Mlitse We of Teshie. The Plaintiff stated that she acquired the land in dispute from one Seth Laryea Mensah, head and lawful representative of the Ashong Mlitse Family of Odaitse We of Teshie upon the payment of GH¢3,200.00 or ¢32,000.000.00 in the year 2000. The said Seth Laryea Mensah happened to be the predecessor of the 4th Defendant. The Plaintiff said that a receipt was issued for the payment of the ¢32,000.000.00. She immediately took possession of the land, cleared it of bushes, erected a wall around the land and built a structure thereon. She then placed a caretaker by name Noah Agusah on the land as he was made to occupy the single room on the land. The Plaintiff stated further that two years after her acquisition of the land, she noticed that someone had commenced development of a portion of her land. According to the Plaintiff, her enquiries revealed that her land had been sold to the 2nd Defendant by the 1st Defendant. The Plaintiff contended further that, further enquiries made revealed that it was the 2nd Defendant who had also sold it to the 3rd Defendant and that it was the 3rd Defendant who was developing the land through a developer called Austin Wilson. The Plaintiff stated further that when her protestations were not heeded to by the Defendants, she instituted the present action in the High Court claiming the reliefs indorsed on her writ of summons, namely:

- “(a) Declaration that the Plaintiffs are the owners of the land described in the statement of claim, the subject matter of this action.*
- (b) Recovery of possession of the land*
- (c) Perpetual Injunction restraining the Defendants, agents, privies, workmen, assigns, beneficiaries from ever entering the property.*
- (d) An order to pull down any structure built on the land for or at the instance of any of the Defendants or their agents, servants, workmen, assign etc.*
- (e) General damages for fraud*
- (f) An order to cancel any land document procured by any of the Defendants in respect of the land.*
- (g) Any other relief as the court may deem fit.”*

It was the case of the plaintiff that the land in dispute lies at Adjiriganor bounded on the North-West, North-East and South-East by their Lessor's land, and covering an approximate area of 0.37 acre more or less or 2 plots.

The Plaintiff further alleged fraud and pleaded and particularized the fraud as follows:

- “(a) Deliberately building on the land when the Defendant knew it belongs to the Plaintiffs.*
- (b) Deceiving them to either replace same or compensate for same but which never materialized.*
- (c) Purporting to obtain documents on the land whilst knowing that the Plaintiffs have had one earlier on.*

- (d) *The 4th Defendant knew they cannot sell the same plot to two persons and yet it did causing the Plaintiffs a lot of hardship”.*

The 3rd Defendant on his part stated that he is a Ghanaian but resident in the United States of America. He further stated that the disputed land was originally acquired by the 2nd Defendant who later sold it to Ausbuild Construction Ghana Ltd. It is the contention of the 3rd Defendant that he is a purchaser for value without notice of the Plaintiffs interest and therefore claims estoppel against the Plaintiff to prevent her from making any claim to the land in dispute.

In reply to the contention of the 3rd Defendant, the Plaintiff contended that the 3rd Defendant did not act in good faith when he constructed the house on the disputed land. To buttress her case, the Plaintiff alleged that all the Defendants including the 3rd Defendant had notice of the Plaintiff's interest in the land before entering same to build on it. It is the further contention of the Plaintiff that the 3rd Defendant ignored her protestations and her visible acts of possession of the land including the fence wall and structure the Plaintiff had built on the land for the occupation of her caretaker before the Defendants entered the land.

The trial High Court set down the following issues for determination:

- (a) Whether or not the Plaintiff validly acquired the disputed land from the Ashong Mlitse Family (Odaitse Family) of Teshie.
- (b) Whether or not upon the acquisition of the land the Plaintiff took possession of the land.

- (c) Whether or not the 2nd Defendant was put on notice of Plaintiff's interest in the land.
- (d) Whether or not the 2nd Defendant has a valid title to the land.

On the 13th July, 2011 additional issues were filed (RoA Page 128). These are:

- (i) Whether or not the 3rd Defendant is a bona fide purchaser for value without notice of the interest of the party other than Austin Mills.
- (ii) Any other relevant issues raised during the trial.

After the trial, the High Court Judge (at page 205 of the Vol. 1 of the RoA), in his judgment made these findings and conclusions:

"In the instant case one observes that the fact that the land belongs to the Mlitse Family of Teshie is not in dispute and it is this family which made the grant to the Plaintiff so that if the same family or any other member of the said family which granted the same parcel of land to another person it amounts to trespass. It is my view that resolving issue (a) above and of course per the evidence on record resolves all the other issues of (b) to (e) in this case. The Court made the following findings of fact upon reviewing the evidence on record.

- (i) *The fact is well established that the disputed land was first acquired by the Plaintiff from the Ashong Mlitse family (Odaitei family of Teshie in 2000).*
- (ii) *It is also a fact that the plaintiff paid for the said land (per exhibit B) thereby annexing it as her legally acquired property.*

Further it is a fact that prior to J. Stanley Owusu encroaching on the disputed land, he was aware or put on notice by PW1 that the Plaintiff had earlier in 2000 acquired the same land.

It is further a fact from the evidence that all the lessors was leased out the land in dispute to J. Stanley Owusu which later was bought by Kenneth Andam the 3rd Defendant herein appear to be members of the same family that granted the land to the Plaintiff.

This Court and of course based on the evidence on record holds the view that the evidence of the Plaintiff is more probable than that of the 3rd Defendant. I have stated earlier in this judgment that the 1st, 2nd and 4th Defendants opted out of hearing and participation. The effect legally is that they have no defence to the action. The Court therefore enters judgment for Plaintiff on her reliefs."

The 3rd Defendant being dissatisfied with the judgment of the trial High Court appealed to the Court of Appeal on the sole ground that the judgment of the High Court was against the weight of evidence on record.

In the Court of Appeal, evidence of the parties was given consideration. The Court of Appeal then affirmed the decision of the trial High Court in the following words:

"After reviewing the evidence on record, both oral and documentary, it is our conclusion that on a preponderance of the probabilities, the judgment of the trial

court in favour of the Plaintiff was amply supported by the totality of the evidence and we accordingly affirm the said judgment.

We find no merit in this appeal and accordingly appeal is dismissed.” (page 85 of ROA Vol.2).

In this Court, the 3rd Defendant’s sole ground of appeal was that the judgment of the Court of Appeal is against the weight of evidence on record. An appeal on the sole ground that the judgment is against the weight of evidence opens the case up for a fresh consideration of all the facts and law by the appellate court. This Court in its decision in **Tuakwa v Bosom [2001-2002] SCGLR 61** on what an appellate court is expected to do when the ground of appeal is that the judgment is against the weight of evidence stated that “although it is not the function of the appellate court to evaluate the veracity or otherwise of any witness, it is incumbent upon an appellate court, in a civil case, to analyse the entire record of appeal, take into account the testimonies and all the documentary evidence adduced at the trial before it arrives at its decision, so as to satisfy itself that, on a preponderance of the probabilities, the conclusions of the trial judge are reasonably or amply supported by the evidence.”

It must be noted that a party who alleges on appeal that the judgment is against the weight of evidence on record carries the burden of showing to the appellate court the pieces of evidence on the record which, if applied in his favour, could have changed the decision in his favour, or certain pieces of evidence have been wrongly applied against him. See **Djin vrs Musa Baako [2007-2008] SCGLR 686; Abbey vrs Antwi [2010] SCGLR 17.**

Before embarking upon the resolution of the sole ground of appeal, it is necessary to resolve the issue raised by the Counsel for the 3rd Defendant, regarding the identity of the land and a request by 3rd Defendant's Counsel for an order of this Court for the preparation of a composite survey plan to ascertain whether the respective plans of both Plaintiff and 3rd Defendant relates to the land in dispute.

In the view of Counsel for the 3rd Defendant, an order for possession might be challenged if the identity of the land in dispute is not well ascertained. Counsel stressed that the failure to identify the identity or location of the land is likely to render an order for possession nugatory. Counsel for 3rd Defendant, however, admits that the issue of the identity of the subject matter was never raised before the High Court and the Court of Appeal, as the parties were *ad idem* on the identity of the land in dispute. Counsel for 3rd Defendant draws the attention of the Court to its powers under Article 129(4) of the Constitution, 1992, Section 24(4) of the Courts Act, 1993 (Act 459) and Rule 23 of the Supreme Court Rules, 1996 CI.16. Counsel then cites the case of **Benjamin Quarcoopome Sackey vrs Isaaka A. Musah, Civil Appeal No. J4/25/ 20014** in which this Court ordered the preparation of a site plan for the purposes of determining if the parties in that suit were all litigating over the same land.

Article 129(4) of the 1992 Constitution provides:

"129(4) For the purposes of hearing and determining a matter within its jurisdiction and the amendment, execution or the enforcement of a judgment or order made on any matter, and for the purposes of any other authority, expressly or by necessary implication given to the Supreme Court by this Constitution or

any other law, the Supreme Court shall have all the powers, authority and jurisdiction vested in any court established by this Constitution or any other law."

The Section 2(4) of the Courts Act, 1993 (Act 459) is a repetition of the provision in Article 129 (4) of the 1992 Constitution.

The Rule 23 (3) of CI.16 also provides that:

"23(3) The Court may in hearing any civil appeal make any order necessary for determining the real issue or question in controversy between the parties."

It appears to me that, the effect of the invitation to the court to make an order for a composite survey plan on which the site plans of the Plaintiff and the 3rd Defendant will be superimposed, will constitute adducing new evidence. After the preparation of any such composite plan it ought to be tendered in evidence in this court by the surveyor who will be appointed by the court. To that extent, it constitutes adducing new evidence. This is covered by Rule 76 of CI.16 which provides:

"76. (1) A party to an appeal shall not be entitled to adduce new evidence in support of his original action unless, the Court, in the interest of justice, allows or requires new evidence relevant to the issue before the Court to be adduced.

(2) No such evidence shall be allowed unless the Court is satisfied that with due diligence or enquiry the evidence could not have been and was not available to the party at the hearing of the original action to which it relates.

(3) Any such evidence may be by oral examination in Court, by an affidavit or by deposition taken before an examiner as the court may direct."

Now, in the Quarcoopome Sackey v Issaka Musa case (supra), the record showed that the parties had alleged to have bought the land from different grantors and both parties did not call any of their grantors to give evidence in the suit. Thus even though the parties appeared to agree on the identity of the disputed land, this court rightly ordered as follows:

"Under these circumstances, I think it is prudent for this court to determine whether in truth and in fact, the parties are really disputing over the same parcel of land. It is only when this matter has been determined scientifically that the other issues of priority and or the "nemo dat quod non habet principle" and the other provision concerning the Land Title Registration Law would be considered. This will help prevent a total failure of justice. In that respect, I am of the opinion that in order to do justice to the parties, this court should order a survey plan with clear instructions to the parties to file survey instructions using their respective land documents."

The question to be asked in this instant case regarding the identity of the land in dispute is, whether or not there is a reasonable doubt concerning the identity of the land in dispute so as to present a reasonable risk of rendering any declaration of title and orders for possession of the land in dispute nugatory or unenforceable.

In my view, I think that reasonable risk does not arise on the preponderance of probabilities and that risk of subsequent failure of justice is unfounded. It is to observed that, none of the parties disputed the identity, dimensions or location of the land.

It is further to be noted that, both parties claimed their root of title from the same Ashong Mlitse Family (Odaitse We) of Teshie. It was also not denied at the trial court or the Court of Appeal that the land was fenced. The only question in the courts below was regarding ownership of the land in dispute. There was no question regarding the identity of the land. In my view, the courts below were justified to deduce that such a fact as to the identity of the land in dispute has been admitted or agreed to by the parties and the law requires no further proof of such a fact: see **Fori v Ayirebi [1966] GLR 627; Kusi & Kusi vs Bonsu [2010] SCGLR 60**. The evidence on record establishes without any doubt that both parties are fighting over the same piece of land.

It is my considered view that, the invitation of Counsel for 3rd Defendant to the Court to forage for further disputes that do not arise between the parties due to minor inconsistencies in evidence led and whose determination is not necessary to the determination of the real question between the parties should be refused. And to re-echo what this court said in **Effisah v Ansah [2005-2006] SCGLR 943** that:

“In the real world, evidence led at any trial which turned principally on issues of fact, and involving a fair number of witnesses, would not be entirely free from inconsistencies, conflicts or contradictions or the like. In evaluating evidence led at a trial, the presence of such matters per se, should not justify a whole rejection of the evidence to which they might relate. Thus in any given case, minor, immaterial, insignificant or noncritical inconsistencies must not be dwelt upon to deny justice to a party who had substantially discharged his or her burden of persuasion. Where inconsistencies or conflicts in the evidence were clearly

reconcilable and there was a critical mass of evidence or corroborative evidence on crucial or vital matters, the court would be right to gloss over those inconsistencies.”

The parties in the instant case had in their possession their respective site plans before the commencement of this suit. The plaintiff described the disputed land in her statement of claim. The 3rd Defendant also had his site plan which described his land before filing his statement of defence. None of the parties raised any issue about the description and location of the disputed land. I do not think that the 3rd Defendant has satisfied the threshold under Rule 76 (2) of CI.16. It is to be noted that, unless the Court requires the new evidence in the interest of justice, any party who ask for leave to adduce new evidence must establish that, with due diligence or enquiry, the evidence could not have been or was not available to him at the hearing of the original action. Counsel for 3rd Defendant failed to satisfy this Court that, the 3rd Defendant did not have his site plan during the hearing of the action in the courts below. The invitation to make the order for a survey plan is accordingly refused as the circumstances of the case does not warrant it.

Having refused the invitation of Counsel for 3rd Defendant to forage for further disputes that do not arise between the parties, I will now consider the sole ground of appeal, that is, the judgment is against the weight of evidence.

As stated earlier, this court has held in a legion of cases including the case of **Tuakwa v Bosom [2001-2002] SCGLR 61; Agyeiwaa v P &T Corporation [2007-2008] SCGLR 985; Brown v Quarshigah [2003-2004] SCGLR 93**, that an appeal is by way of rehearing.

These cases collectively posit that, it is the duty of an appellant who seeks to challenge the decision of a lower court to demonstrate where the lower court erred in its decision. The authorities further state that, as an appeal is by way of a rehearing, particularly where the Appellant alleges in his notice of appeal that the decision of the trial court is against the weight of the evidence, although it is not the function of the appellate court to evaluate the veracity or otherwise of any witness, it is incumbent upon an appellate court, in a civil case, to analyse the entire record of appeal, take into account the testimonies and all documentary evidence adduced at the trial before it arrives at its decision, so as to satisfy itself that, on a preponderance of the probabilities, the conclusions of the trial judge are reasonably or amply supported by the evidence on record. This Court speaking on the omnibus ground explained in the case of **F.K.A. Company Ltd & Nii Teiko Okine substituted vrs Nii Ayikai Akramah II and Others** [2016] DLSC 2854 thus:

" Under this ground of appeal, the whole matter opens up for re-hearing based upon the record of appeal. Thus, the entire record of what transpired in the court of trial including testimonies, cross-examinations, re-examinations, exhibits-accepted or rejected, and indeed every or any documentary or other evidence adduced or ejected at the trial before the court arrived at its decision, will be open to the appellate court to examine to satisfy itself that on a preponderance of probabilities, the conclusions of the trial judge are reasonable or amply supported by the evidence."

The question I will pose in the instant case is, did the Plaintiff acquire title to the land in dispute? If she did, then the principle of *nemo dat quod non habet* applies to any interest which the Ashong Mlitse family of Teshie purported to transfer to the predecessors in title of the 3rd Defendant.

From the records before the Court, especially paragraph 2 of the Amended Statement of Claim (ROA p. 36), the Plaintiff pleaded that:

“2. The Plaintiff acquired this land in or about 2000 by way of a lease from the Lessor, Seth Laryea Mensah, Head and Lawful Representative of the ASHONG MLITSE FAMILY OF ODAITSE WE for 32m (Thirty-two Million Cedis), that is GH¢3,200.00 (Three Thousand Two Hundred Ghana Cedis) at the time apart from the customary expenses such as drinks etc.”

The Plaintiff's Attorney also testified that, the disputed land was acquired by the Plaintiff through Mrs. A. A. Acquaaah in the year 2000 at a cost of Gh¢32,00.00 or ¢32,000,000.00. This pleading and testimony of the Plaintiff was never denied or challenged by the 3rd Defendant either in his pleadings or in cross-examination. The effect of the non-denial of the pleadings of the Plaintiff regarding the acquisition of the disputed land in 2000, by the 3rd Defendant is that, the 3rd Defendant is deemed to have admitted same. The principle is that, where a party makes an averment and that averment is not denied no issue is joined and no evidence need be led on that averment: see **Hammond v Amuah (1991) 1GLR 89**. Similarly, when a party has given evidence of a material fact and is not cross-examined upon it, he need not call further evidence of the fact: see **Fori v. Ayirebi [1966] GLR 62**. The 3rd Defendant's lawyer did not challenge the evidence of the Plaintiff's Attorney regarding the Plaintiff's acquisition of the land in dispute. As it is, the evidence of the Plaintiff stands unchallenged. The fact of the matter is that, the Plaintiff proved her grant from the Ashong Mlitse Family of Teshie.

In my view, an effective grant of the land having been made by the Ashong Mlitse family of Teshie to the Plaintiff in 2000, the said family divested itself of any further right, title or interest in the land to convey or grant the same land to a subsequent grantee in the person of 2nd Defendant. It is noted that, any alienation of an interest in land which gives a greater interest than what a person actually has renders the alienation void. This court discussed this principle in the consolidated suit, No. J4/11/2010, dated 16th March 2011, titled Mrs Edith Agyarkwa Aboa v Keelson; Yima v Keelson (consolidated) and concluded as follows:

“It can thus be safely concluded that, the principle nemo dat quod non habet applies whenever an owner of land who had previously divested himself of title in the land previously owned by him to another person, attempts by a subsequent transaction to convey title to the new person in respect of the same land cannot be valid. This is because an owner of land can only convey what he owns, and having already divested himself of title, the new occupant of the stool Cannot revoke what his predecessor had done.”

In the instant case, Seth Laryea Mensah, Head and Lawful Representative of Ashong Mlitse Family (Odaitse We) of Teshie having divested the interest of the family in 2000 to the Plaintiff, his successor 4th Defendant, cannot revoke what his predecessor did by granting the same land to the 2nd Defendant. The 2nd Defendant therefore acquired nothing. His subsequent transfer of the said land to Ausbuild Company was equally void. Therefore, Ausbuild Company Ltd acquired no interest in the disputed land for it to make a valid transfer to the 3rd Defendant.

It is my view therefore, that, the 3rd Defendant acquired no interest in the disputed land. The transaction between 2nd Defendant and Ausbuild Company is void. The transaction between Ausbuild Company and the 3rd Defendant therefore, cannot be better than what his grantor had. In the circumstance the grant of the disputed land by the Ashong Mlitse Family headed by the 4th Defendant to the 2nd Defendant and the subsequent grant by the 2nd Defendant to Ausbuild Company Ltd; then the transfer by Ausbuild Co. Ltd to the 3rd Defendant were all void and never conveyed any interest in the disputed land.

Now, issues of non-stamping and non-registration of certain document admitted in evidence by the trial High Court has been raised in this appeal. Section 32 (6) of the Stamps Act 2005, Act 689 provides:

“Except as expressly provided in this section, an instrument

- (a) Executed in Ghana; or
- (b) Executed outside Ghana but relating to property situate or to any matter or thing done in Ghana shall except in criminal proceedings, not be given in evidence unless it is stamped in accordance with the law in force at the time when it was first executed.”

It is noted that, the provisions in section 32(6) of Act 689 is clear and unambiguous and does not require any interpretation. The trial High Court failed to reject exhibits 3,3A,3B, 3C, 4 for non- stamping.

The Court of Appeal after a thorough examination of the various documents tendered in evidence stated (at page 79 of RoA Vol. 2) that:

“It is our judgment that the trial judge mis-received Exhibit C executed between Seth Lawyer Mensah the head and Lawful Representative of Ashong Mlitse Family of Odaitei Tse We Family of Teshie as Lessors and Enuwa Baiden and Nancy Acquah as Lessees because it was not registered.....”

The Court of Appeal having found that the trial judge mis-received some of the exhibits failed to reject same. The exhibit 3,3A,3B,3C and 4 are hereby rejected as not being stamped in accordance with section 32(6) of the Stamp Act, 2005, Act 689. The Court of Appeal, in my view, did not however err when it affirmed the decision of the trial High Court. At page 80 of RoA Vol.2, the Court of Appeal rightly stated thus:

“Despite this fact on non-registration of Exhibit ‘C’, there are other pieces of evidence in the entire record which speak volumes of the Plaintiff’s acquisition of the land in the year 2000 and her possession of the land.”

In my view, although the exhibits tendered by plaintiff in support of her case though not stamped and ought to have been rejected by the court below, it had no adverse effect on her case. There is evidence on record that the Ashong Mlitse family of Teshie, through their then Head and Lawful Representative Seth Laryea Mensah divested itself of their title to the Plaintiff in 2000.

There is also evidence on record that the Plaintiff, having acquired the disputed land, took possession of it by erecting a fence wall around it and also erected a structure for the

occupation of her caretaker. Despite the protestation of the Plaintiff, the Defendants ignored and went ahead to develop the land. From page 80 through to page 84 of Vol. 2 of the RoA, the Court of Appeal gave adequate consideration of all the facts relied on by the 3rd Defendant in his plea of “purchaser for value without notice” before concluding thus:

“We are therefore of the opinion that there is evidence on record for the trial judge entering judgment in favour of the Respondent. Furthermore, the law is that if one buys property without conducting a search and it is proved that the grantor did not have title or lacked capacity to grant the property, the buyer cannot plead that he was a bona fide purchaser of the estate without notice. In the instant case, the 2nd Defendant defied all the warning and sold the land to Ausbuild who in turn sold it to the Appellant. The 2nd Defendant did not have title to grant to Ausbuild and then to the Appellant.”

Clearly, the analysis of the evidence on record by the Court of Appeal does not, in my view, show that the evidence on record does not support its decision given on the 24th June, 2021. There is evidence that the plaintiff acquired the disputed land from Ashong Mlitse family of Odaitse We of Teshie. There is further evidence that the Plaintiff took possession of the land so granted to her and erected a fence wall round it. Plaintiff further erected a structure on the land for the occupation of her caretaker. The plaintiff also described the land she acquired in 2000. It is my considered view that the Plaintiff established all the salient evidence that is expected of a party who seeks relief for a declaration of title to land as stated in this Court’s case of **Mundial Veneer Gh. Ltd v Amuah Gyebu XV [2011] 1SCGLR 466 at 475**, where the Court, delivered itself per Wood CJ thus:

“...the law requires the person asserting title, and on whom the burden of persuasion falls, as in the instant case, to prove the root of title, mode of acquisition and various acts of possession exercised over the subject matter of litigation.”

It is clear from the evidence that the 3rd Defendant’s grantors had no title to the disputed land at the time the land was purportedly granted to him. The Ashong Mlitse family had divested itself by an earlier grant to the Plaintiff. The subsequent grant to the 2nd Defendant was void and never conveyed any interest in the disputed land; the transfer to the 3rd Defendant is equally void.

I find no merit in the instant appeal and accordingly dismiss same in its entirety. The judgment of the Court of Appeal, dated 24th June, 2021, affirming the judgment of the High Court, Accra dated October 31, 2018, is hereby confirmed.

**G. K. KOOMSON
(JUSTICE OF THE SUPREME COURT)**

**P. BAFFOE-BONNIE
(JUSTICE OF THE SUPREME COURT)**

A. LOVELACE-JOHNSON (MS.)

(JUSTICE OF THE SUPREME COURT)

PROF. H. J. A. N. MENSA-BONSU (MRS.)

(JUSTICE OF THE SUPREME COURT)

B. F. ACKAH-YENSU (MS.)

(JUSTICE OF THE SUPREME COURT)

COUNSEL

**NANA ACKAH WATSON JAINIE ESQ. FOR THE 3RD DEFENDANT/APPELLANT/
APPELLANT.**

**KORMIVI ASOTSI ESQ. FOR THE PLAINTIFF/RESPONDENT/RESPONDENT LED
BY MARTIN KPEBU ESQ..**