



**IN IN THE SUPERIOR COURT OF JUDICATURE
IN THE APPEAL COURT OF JUSTICE
KUMASI-AD 2026**

SUIT NO H1/022/2022

ABUSUAPANIN KWAME
KONADU YIADOM SUIING FOR
AND ON BEHALF OF HUAHI ACHAAMA
TUTUWAA ROYAL FAMILY OF BOADI
SUBSTITUTED BY NANA OSEI BONSU.
HOUSE NO. 14, BOADI, KUMASI.

**PLAINTIFF/APPELLANT/
RESPONDENT**

VERSUS

1. YAW ACHEAMPONG
2. LANDS COMMISSION

DEFENDANTS

AND

NANA AWUAH.
NIMFOUR II.
H/NO. PLOT 1
BOADI, KUMASI.

**APPLICANT/RESPONDENT/
APPLICANT**

**AFFIDAVIT IN OPPOSITION TO NOTICE OF PRELIMINARY LEGAL
OBJECTION FILED BY APPLICANT/RESPONDENT/APPLICANT ON 17th
FEBRUARY 2026**

I, NANA OSEI BONSU, Businessman and Founder of Land Rights Defenders Inc., presently resident at 846 Wilson Avenue, Columbus, Ohio 43206, United States of America, and litigating herein through my solicitors in Ghana, AKYEDE LEGAL SERVICES, Sunyani, make oath and say as follows:

1. That I am the substituted Plaintiff/Appellant in this appeal, duly recognized by this Honourable Court, and competent to depose to this affidavit.
2. That I have been served with a Notice of Intention to Raise a Preliminary Legal Objection by the Applicant/Respondent/Applicant, and I oppose same.
3. That I am advised by my counsel and verily believe same to be true that the said preliminary legal objection is misconceived, misleading, and legally untenable.

4. That the Applicant/Respondent/Applicant's preliminary legal objection is founded on a purported public notification said to have been issued on 22nd December 2025 and published in the Daily Graphic of 3rd February 2026. A copy of the said publication, relied upon by the Applicant/Respondent/Applicant as the basis of the objection, is annexed hereto and marked Exhibit "NOB-US 1."
5. That the said publication contains misleading and inaccurate representations, which were publicly corrected by a rejoinder earlier issued by me in response thereto. A copy of the said rejoinder is exhibited hereto and marked Exhibit "NOB-US 2."
6. That the issue of my capacity was previously raised and conclusively determined by this Honourable Court in its ruling delivered on 24th May 2022 in this very matter. A Certified True Copy is annexed and marked Exhibit "NOB US 3."
7. That in the said ruling, this Honourable Court expressly held that, as the individual duly substituted for the original Plaintiff, I am the proper person to depose to affidavits and take steps in the appeal and accordingly overruled the objection to my capacity.
8. That in determining the said objection, this honorable Court rejected arguments seeking to characterize the dispute as involving traditional authority or chieftaincy and instead proceeded under the civil appellate framework of C.I. 19, thereby treating the matter as a civil land dispute and not a chieftaincy matter.
9. That consistent with the Court's reasoning in its ruling of 24th May 2022, the subject matter of this appeal concerns family land belonging to the Huahi Achama Tutuwaa Royal Family of Boadi, and does not relate to stool property, traditional office, installation, or removal of any chief.
10. That the dispute accordingly falls outside the purview of the Asantehene, his Royal Majesty Otumfuo Osei Tutu II, the Kumasi Traditional Council, or any traditional body, as it has been treated throughout by this Honourable Court as a civil family land dispute governed by C.I. 19.
11. That the present preliminary objection improperly seeks to reopen and relitigate issues already determined by this Honourable Court in its ruling of 24th May 2022, and I say that the Applicant/ Respondent/Applicant cannot be permitted to revisit a matter conclusively settled by this Court.

12. That the objection also rests on disputed factual assertions and therefore does not qualify as a competent preliminary legal objection under Rule 16(1) of C.I. 19, which governs only pure points of law.
13. That I depose to this affidavit in good faith, believing the facts stated herein to be true and correct to the best of my knowledge and belief.
14. That in the circumstances, I respectfully pray this Honourable Court to dismiss the Applicant/Respondent/Applicant Preliminary Legal Objection as wholly unmeritorious and an abuse of the appellate process, and to award substantial costs in favor of the Plaintiff/Appellant/Respondent.
15. Wherefore I swear to this affidavit in opposition to the preliminary legal objection.

SWORN AT Cleveland - OH THIS 23rd DAY OF MARCH 2026.

DEPONENT



NANA OSEI BONSU

**THE REGISTRAR
COURT OF APPEAL
KUMASI**

**AND TO THE APPLICANT/RESPONDENT/APPLICANT OR HIS SOLICITOR:
MUJEEB RAHMAN AHMED ESQ.
MOOMIN & BOTTA SOLICITORS, KUMASI**



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} }
} } **APPLICANT/RESPONDENT/
} } **APPLICANT****

CERTIFICATE OF EXHIBITS

I *Antonio J. Nieves*, do hereby certify that the under-listed document has been exhibited to the affidavit sworn before me.

1. Exhibit "NOB-US1" A copy of the said publication relied upon by the Respondent/Applicant in his preliminary legal objection.
2. Exhibit "NOB-US2" A copy of the said rejoinder by Plaintiff/Appellant addressing misleading publication
3. Exhibit "NOB-US3" Certified True Copy of the ruling of this Honorable Court dated 24th May 2022

JURAT CERTIFICATE

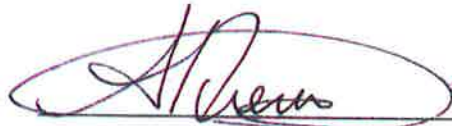
Signed: 

State of Ohio. County of Cuyahoga

Sworn to or affirmed and subscribed before me by Antonio J. Nieves

oath/affirmation) on this date of 03/23/2026





Signature of Notary Public – State of Ohio

My commission expires: 10/26/2027

Description of Attached Document

Title or Type of Document: Affidavit

Number of Exhibits Attached: 3

Document Date: 03/23/2026 Number of document Pages: 13

FILE NO. 24/2/20
AT. 12:00 AM / PM
REGISTRAR GENERAL OF LANDS
21
Exhibit NOB - USI

Daily Graphic, Tuesday, February 3, 2026

Original

Telephone: 020 7541365
Fax: (03220) 35525
Telegrams: Asantehene, Kumasi



ASANTEHENE'S LANDS SECRETARIAT
(KUMASI TRADITIONAL COUNCIL)
Manhyia Palace
P. O. Box 285
Kumasi - Ashanti

Ref: 5/Vol. 148/

Date: 22/ 12 /2025

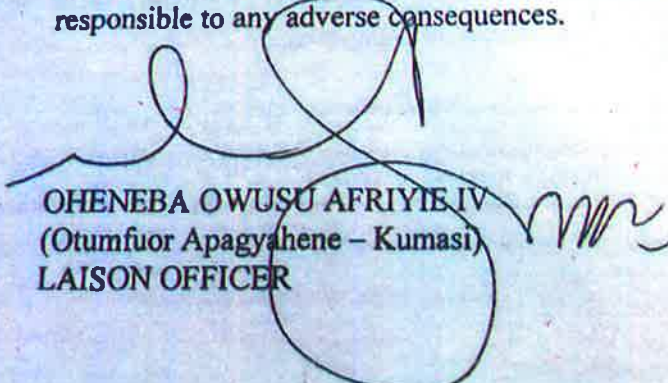
**PUBLIC ANNOUNCEMENT ON STOOL LAND AT
BOADI IN THE OFORIKROM MUNICIPALITY IN THE ASHANTI
REGION OF THE REPUBLIC OF GHANA**

The General Public is hereby informed that all that parcels of land situate and lying at BOADI in the Oforikrom Municipality in the Ashanti Region is under the caretaker-ship of **OHENEYERE HUAHI AKUA ASAMOA II (OTUMFUO'S CONSORT OF BOADI)**.

Any person or group of persons or corporate body who has/have acquired a plot or plots in the said area from any source, whether built or work in progress or not developed at the above mentioned place must stop all forms of physical developments and submit all documents to **OHENEYERE HUAHI AKUA ASAMOA II (OTUMFUO'S CONSORT OF BOADI)** at Plot No. 7 Block 'I' Boadi - Ashanti (Tel. No. 0208199213) for verification and/ or regularisation within Sixty (60) days from the date of this publication.

All other persons/developers who do not possess any document and have acquired land from any source must also present themselves at Oheneyere's Palace for appropriate documents.

All affected persons who fail to respond to this announcement must hold themselves responsible to any adverse consequences.


OHENEBA OWUSU AFRIYIE IV
(Otumfuor Apagyahene - Kumasi)
LAISON OFFICER

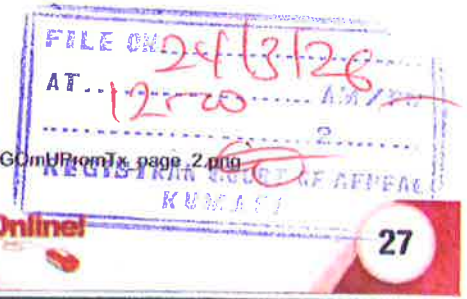


Exhibit NOB - US 2

PUBLIC NOTICE / REJOINDER

RE: MISLEADING PUBLICATION ON BOADI LANDS BY THE ASANTEHENE'S LANDS SECRETARIAT (KUMASI TRADITIONAL COUNCIL)

The attention of the **Huahi Achama Tutuwaa Royal Family of Boadi** has been drawn to a public notice published on page 21 of the **Daily Graphic** on **3 February 2026**, purporting that all parcels of land at Boadi fall under the caretaker-ship of a named individual. This claim is **misleading, legally inaccurate, and contradicted by binding judicial authority.**

The Circuit Court, Kumasi, in its 27th November 2024 judgment Suit No. A1/73/2023, conclusively declared that the Boadi/Benimasi lands are **Family Lands**, acquired through an absolute customary-law gift from **Otumfuo Osei Tutu I to Oheneyere Yaa Huahi Achama Tutuwaa** and her matrilineal descendants. The Court held that **only the Head of Family** possesses authority to deal with the land, and that any purported alienations by persons lacking such capacity are null, void, and ineffectual, with a perpetual injunction issued accordingly.

It is therefore necessary to clarify that **Family Lands are not Stool Lands**. Stool Lands are held in trust by the occupant of a Stool for the benefit of the community, whereas Family Lands belong collectively to a lineage and are administered solely by the Head of Family and principal members. No administrative announcement, including the notice issued by the Asantehene's Lands Secretariat, can convert Family Land into Stool Land, nor can it override judicial pronouncements.

Furthermore, in Suit No. H3/117/2022, the Court of Appeal, Kumasi, on 24 May 2022, dismissed objections to the competence of **Nana Osei Bonsu**, affirming him as the duly substituted representative of the Family.

Additionally, the High Court, Kumasi, Suit No. E1/217/25 on 24 September 2025, granted an **interlocutory injunction** restraining all persons from entering, developing, or interfering with the land pending the final determination of the suit. Any directive inconsistent with this order risks **contempt of court**. The public is urged to rely on court judgments, not administrative notices.

Signed:

Nana Kwesi Osei Bonsu
Lawful Attorney for the Head of the
Huahi Achama Tutuwaa Royal Family of Boadi
Date February 5, 2026

NOTARY SEAL



Exhibit NO 8

FILE ON 24/3/22
AT 12:00 AM ZEM
REGISTRAR COURT OF APPEAL
KUMASI

**IN THE SUPERIOR COURT OF JUDICATURE, THE COURT OF APPEAL
SITTING AT KUMASI ON TUESDAY THE 24TH DAY OF MAY, 2022.**

**CORAM: JUSTICE A. M. DOMAKYAAREH (MRS) JA (PRESIDING), JUSTICE
ALEX B. POKU-ACHEAMPONG AND JUSTICE S.K.A. ASIEDU JJA**

SUIT NO. H3/117/2022

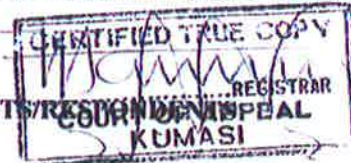
**ABUSUAPANYIN KWAME KONADU YIADOM
SUBST. BY NANA OSEI BONSU : PLAINTIFF/APPELLANT/RESPONDENT**

VRS.

YAW ACHEAMPONG & ANOR. : DEFENDANTS/RESPONDENTS

AND

NANA AWUAH NIMMFOUR II : APPLICANT/RESPONDENT/APPLICANT



Parties - Plaintiff/Appellant/Respondent absent; marooned in his house in Accra due to floods.

1st Defendant/Respondent is absent; 2nd not represented
Applicant/Respondent/Applicant present.

Counsel: Mujeeb Rahman Ahmed for the Applicant/Respondent/Applicant with Ackah Himans, Prince Senyo, Gai Flavin, Benjamin Ntow and Joel Amoako.

Kwasi Afrifa for Plaintiff/Appellant/Respondent.

Before the court is an application for an order to set aside the Plaintiff/Appellant/Respondent's written submission filed on 01-02-2022. Counsel for the Defendants/Respondents raises a preliminary legal objection to the jurisdiction of the court to hear this application. Counsel refers to Rule 16 (1) of C.I. 19 which mandates the respondent to give notice of same to the appellant by filing the notice at the Registry of the court. However, in this case, the respondent did not comply with the mandatory rule. Counsel has filed a motion supported by an affidavit. Counsel relies on Boyefio case [1997-98] 1GLR 768 that where an enactment prescribes a procedure by which something is to be done, it is that procedure that has to be followed. Therefore, the jurisdiction of this court has not been properly invoked; therefore, application for

being a nullity. Counsel cites the case of Iddrisu v. Amartey [2009] SCGLR 179. Counsel for the applicant in response submits that the objection is misconceived because Rule 16 (1) applies when the appeal is being heard and the court is not hearing the appeal today. Counsel also submits that the preliminary objection of the Appellant would have been well grounded if all the conditions in Rules 14(1) and 21 of C.I. 19 were complied with. Counsel submits that as at today, those conditions have not been complied with and therefore the objection cannot hold water.

BY COURT:

We have listened to the respective counsel on the preliminary objection raised to the hearing of the application before the court today. We hereby overrule the preliminary objection raised by counsel for the Plaintiff/Appellant/Respondent. The appeal in this case has not yet matured for hearing. Therefore, Rule 16(1) relied on by counsel for the Plaintiff/Appellant/Respondent does not apply. The said Rule 16(1) of C.I. 19 provides as follows:

"(1) A Respondent who intends to rely on a preliminary objection to the hearing of the appeal shall give the appellant three clear days notice before the hearing of the preliminary objection, setting out the grounds of objection and shall file the notice specified in Form 8 in Part 1 of the Schedule together with five copies of the appeal with the Registrar within the same time."

Counsel for the Applicant/Respondent/Applicant also raised two preliminary objections to the Affidavit in Opposition filed by counsel for the Plaintiff/Appellant/Respondent. Counsel takes particular objection to the language used in paragraphs 9 and 10 of the Affidavit in Opposition wherein the Deponent deposed that *"the application is wholly bereft of any factual or legal basis save a desire to postpone the inevitable, that is, a reversal of the completely erroneous ruling culminating in the instant appeal"* and that *"the purported return of written submission served on counsel for the Applicant/Respondent/Applicant on grounds that same has to be served on the party rather than the counsel demonstrates a gross and unforgiveable misunderstanding of the basic rules of the Honourable Court and ought not be tolerated."* Counsel relied on the case of Republic v. High Court, Kumasi, Ex-parte Koduah (Paragan Investment Ltd. Interested Party) [2015-2016] 2 SC GLR 1341 at 1357 and at 1362-1363 wherein Vida Akoto Banfo JSC and Anin Yeboah JSC (as he then was) bemoaned the use of

intemperate language by lawyers and seriously cautioned against same. In the unreported case of Kodwo Nyarku Ackah & 2 ors. V. Nana Kwamina Apreh Ackah Suit No. H3/54/15 dated 28-7-2015 at page 6-7 wherein Ayebi JA deprecated the use of similar unprofessional language. Counsel also objected to the capacity of deponent to depose to the affidavit in opposition in this matter. The Deponent described himself as the Managing Director (MD) of a company that is not mentioned. Counsel submits that the matter concerns traditional authority and the deponent has not disclosed how he is related to the traditional authority and matters related there to. Counsel submits in paragraph 10 of the Supplementary Affidavit that one Abusuapanin Nana Kwame Boateng in respect of the same matter claimed to be the head of family of the Huahi Achamaa Tutuwaa Royal Family of Boadi as supported by Exhibit NAN "5". Counsel cites the case Abusuapanin Yaw Stephenson v. Kwasi Apoh [2010] 2 MLRG 12 at 26-27 CA on capacity where lack of capacity truncates the case and it will not be heard on its merits. Same was repeated in Sarkodie v. Boateng [1982-83] 1 SLR 715 and Sam Jonah v. Duodu Kumi [2003-2004] SCGLR 50. Counsel therefore submits that the affidavit in opposition is void.

Counsel for the Plaintiff/Appellant/Respondent responded to the issue of capacity by saying that if there is no Plaintiff in this matter, then this application before the court is incompetent because counsel for the Applicant/Respondent/Applicant who filed the motion titled the deponent as the Plaintiff/Appellant/Respondent. Counsel submits that the substantive matter is about land so there is no chiefly matter in it therefore the deponent is competent to depose to the affidavit in opposition. Counsel submits that in the cases cited on capacity, same had been raised and determined but in the instant case no such determination has been made.

Counsel in response to the use of offensive language submits that there is no offensive language in paragraph 9 of the affidavit in opposition. Counsel submits that paragraph 10 of the affidavit in opposition is premised on the Dictum of the Rep. v. High Court, Accra, Ex-parte Aryeetey [2003-2004] 1 SCGLR 398 where Kpegah JSC referred to unforgiveable lapses of procedure. Counsel therefore submits that the two legal objections should be overruled. In response, counsel for the Applicant/Respondent/Applicant submits that in accordance with the legal profession Act s. 26 (2) and Order 75(2) of C.I. 47 and Adu v. Ankomah [1972] 1 GLR 22 at 25 to the effect that lawyer/client relationship ends at judgment. Counsel submits that they could only take the title of the case and no other title otherwise it would be set aside as

a different case. Counsel submits that Exhibit NAN "5" demonstrates that the case is about traditional authority.

BY COURT:

We have considered all the submissions made by both counsel on the objections based on the use of unacceptable language and the issue of the capacity of the deponent to the affidavit in opposition. On the use of the unacceptable language, we are of the opinion that even though the language used is very strong, it has not gone overboard such that it should be expunged. We however caution counsel for the Plaintiff/Appellant/Respondent to be considerate in his language whether by himself or when he is advising his clients and tone down his language. Precedents have shown that counsel has the tendency to use language which some members of the Bar and the Bench deem offensive. Counsel is to refrain from that and will do well to follow the advice of Vida Akoto Bamfo JSC in the case of the Republic v. High Court, Kumasi Ex-parte Koduah, cited supra and other similar authoritative pronouncements. The objection to the use of offensive language is therefore overruled. On the issue of capacity, the Deponent is the one substituted for the original Plaintiff/Appellant/Respondent. We therefore deem him to be the best person to depose to the affidavit in opposition. Order 20 r 4(2) of C.I. 47 provides that every affidavit shall be expressed in the first person and shall state the place of residence of the deponent or if the deponent has none, the description of the deponent and whether the deponent is, or is not employed by a party to the cause or matter in which the affidavit is sworn. In this case, the deponent who is the Plaintiff/Appellant/Respondent in the case has also provided his residential address and is therefore qualified to depose to the affidavit. Therefore, the preliminary objection in respect of the capacity of the deponent to the affidavit in opposition is also overruled.

(SGD)

A. M. DOMAKYAAREH (MRS) JA (PRESIDING)

(JUSTICE OF APPEAL)

ALEX B. POKU-ACHEAMPONG

(JUSTICE OF APPEAL)

S.K.A. ASIEDU

(JUSTICE OF APPEAL)

24-05-2022.

CASE STOOD DOWN.

CASE RECALLED.

**IN THE SUPERIOR COURT OF JUDICATURE, THE COURT OF APPEAL
SITTING AT KUMASI ON TUESDAY THE 24TH DAY OF MAY, 2022.**

**CORAM: JUSTICE A. M. DOMAKYAAREH (M^{PS}) JA (PRESIDING), JUSTICE
ALEX B. POKU-ACHEAMPONG AND JUSTICE S.K.A. ASIEDU JJA**

SUIT NO. H3/117/2022

**ABUSUAPANYIN KWAME KONADU YIADOM
SUBST. BY NANA OSEI BONSU : PLAINTIFF/APPELLANT/RESPONDENT**

VRS.

YAW ACHEAMPONG & ANOR : DEFENDANTS/RESPONDENTS

AND

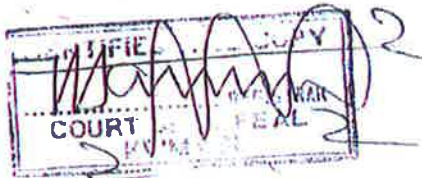
NANA AWUAH NIMFOUR II : APPLICANT/RESPONDENT/APPLICANT

Parties: Plaintiff/Appellant/Respondent absent; 1st Defendant/Respondent absent; 2nd not represented; Applicant/Respondent/Applicant present.

Counsel: Mujeeb Rahman Ahmed for Applicant/Respondent/Applicant with Ackah Himans, Gai Flavin, Benjamin Ntow and Joel Amoako.
Kwasi Afrifa for Plaintiff/Appellant/Respondent.

Before the court is a motion for an order to set aside the written submission by the Plaintiff/Appellant/Respondent filed on 1st February 2022 moved in terms of the motion paper and the supporting affidavit as well as its exhibits as well as the supplementary affidavit filed on 19-5-2022.

Counsel for Plaintiff/Appellant/Respondent submits that the application is an abuse of the court process because the Defendants/Respondents were served with the written submissions of the Appellant on 1st February 2022 and instead of filing their written submissions within 21 days, chose to come by this application after he had run out of time. Counsel also submitted that the application flouts the procedure in C.I. 19 with respect to the conduct of appeals.



BY COURT:

Rule 20(1) of C.I. 19 directs as follows:

"An appellant shall within three weeks of being notified in Form 6 set out in Part 1 of the Schedule, that the Record is ready, file with the Registrar, a written submission of his case based on the grounds of appeal as set out in the Notice of Appeal." Exhibit NAN "3a" of the Affidavit in Support filed by Applicant/Respondent/Applicant testifies that Form 6 was served on the Plaintiff/Appellant/Respondent on 27-01-2022 on Nana Osei Bonsu the Plaintiff/Appellant/Respondent herein. We are therefore satisfied that the Plaintiff/Appellant/Respondent was within his right to file his written submission on 01-02-2022 as testified to by the same Exhibit NAN "3a". The application is therefore refused. Counsel for the Plaintiff/Appellant/Respondent asked for cost of GH¢10,000.00. Counsel for the Applicant/Respondent/Applicant offered GH¢1,000.00.

BY COURT:

Costs assessed at GH¢2,000.00 in favour of the Plaintiff/Appellant/Respondent as against the Applicant/Respondent/Applicant.

(SGD)

A. M. DOMAKYAAREH (MRS) JA (PRESIDING)

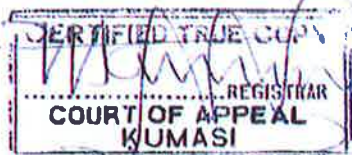
(JUSTICE OF APPEAL)

ALEX B. POKU-ACHEAMPONG

(JUSTICE OF APPEAL)

S.K.A. ASIEDU

(JUSTICE OF APPEAL)



24-05-2022.