

IN THE SUPERIOR COURT OF JUDICATURE; IN THE HIGH COURT OF JUSTICE
HELD AT KUMASI ON THURSDAY THE 29TH DAY OF OCTOBER, 2025 BEFORE
HER LADYSHIP ENID MARFUL-SAU, JUSTICE OF THE HIGH COURT.

SUIT NO. ASH/ADK/HC/E1/177/25

**ABUSUAPANYIN ODENEHO ODHYEE NANABA
KWABENA BADU** SUING FOR AND ON BEHALF
OF HUAHI ACHAMA TUTUWAA ROYAL FAMILY OF
BOADI PER HIS LAWFUL ATTORNEY **NANA KWESI
OSEI BONSU** OF HOUSE No. PLOT 10 BLOCK K, BOADI

- PLAINTIFF

VRS

1. **KWAME NKURUMAH UNIVERSITY
OF SCIENCE & TECHNOLOGY (KNUST)**
(OFFICE OF THE VICE-CHANCELLOR)
KNUST CAMPUS, KUMASI)

- DEFENDANTS

2. **LAND COMMISSION**
(REGIONAL OFFICE, KUMASI)

PARTIES:

TIME: 9:00AM

PLAINTIFF ABSENT REPRESENTED BY ABDUL KARIMADOTEVI

DEFENDANTS

- ABSENT

LEGAL REPRESENTATION:

PETER BLEBO HOLDING BRIEF OF NANA OPPONG ESQ, FOR
PLAINTIFF/APPLICANT IS PRESENT

COUNSEL FOR THE PLAINTIFF: I have a motion for interlocutory judgment
in default of defence.

COUNSEL FOR THE PLAINTIFF: The Plaintiff instituted this action on 20th June, 2025 praying for the reliefs endorsed on the writ and the statement of claim. The Writ was served on the Defendants who entered conditional appearance on 27th June, 2025. Till this date, they have failed to file their defence and also failed to file an affidavit in opposition to our instant application. The Supreme Court in the case of **REPUBLIC V COURT OF APPEAL; EX-PARTE TSATSU TSIKATA [2005-2006] SCGLR 614**. Failure of Respondent to file affidavit in opposition means in law means that they have admitted all the facts contained in the affidavit in support. The noncompliance of the strict rules to file their statement of defence is a gross disregard of procedure rules which dismantled them of the favour of this Court. In the premises we rely on our motion, our affidavit in support and all Exhibits attached. We also rely on the averments in our depositions and humbly pray this Court to grant Interlocutory Judgment in default of Defence against the 1st and 2nd Defendants. My humble prayer.

BY COURT: This is a motion on notice for Judgment in Default of Defence filed on 11th September, 2025 by Counsel for Plaintiff against the Defendants. I note that both Defendants were duly served with the instant application and I note further that no statement of defence has been filed by the Defendants. However, I have had regard to the reliefs sought by the instant action filed on 20th June, 2025. Relief 'a' seeks a declaration with the other reliefs ancillary to it. The law is trite that a declaratory judgment should be final in the sense of finally determining the rights of the parties and therefore should not be granted in the course of interlocutory proceedings by way of interim declaration. **See Halsbury's Laws of England Vol. 37 page 255.** Default Judgment cannot

be entered in the instant case. The action is to accordingly proceed in accordance with the rules of court under Order 13 rule 6 (3)(b). The action is accordingly hereby set down. The Plaintiff is to cause his witness statement and Pre-trial checklists to be filed. The case shall be adjourned to 9th December, 2025 for CMC.

BY COURT: Francisca Nyarba holding brief for Kwabena Yeboah Asuamah for 1st Defendant now present at 09:16am.

(SGD)
H/L ENID MARFUL-SAU
(JUSTICE OF THE HIGH COURT)

CERTIFIED TRUE COPY
Enid Marful-Sau
THE REGISTRAR
HIGH COURT
KUMASI