

GHANA / JUDGMENT

Edwards v Achaama

(ER/KF/DCB/A1/12/2025) [2025]

GHADC 64 (4 August 2025)

[2025] GHADC 64

COURT

District Court

CASE / FILE NUMBER

ER/KF/DCB/A1/12/2025

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IN THE DISTRICT COURT 'B' HELD AT KOFORIDUA ON MONDAY THE 4TH DAY OF AUGUST, 2025, BEFORE H/W YVONNE NELLY AMA ADJADI SUIT NO. ER/KF/DCB/A1/12/2025 Time: 8:58HRS CAMILLE SARAH EDWARDS KOFORIDUA PLAINTIFF VRS NORBERT ACHAAMA KOFORIDUA DEFENDANT

===== Parties: Present.

JUDGMENT

The Plaintiff on 8th April, 2025 filed a Writ and claimed the following reliefs against the Defendant:

1. A declaration of title to land situate at Sokode Juaso in the Abuakwa Municipal Assembly in the Eastern Region of the Republic of Ghana containing an approximate area of 2.54 acres and 1.03 hectares more or less bounded on the North East by lessor's land measuring 219.5 feet more or less and bounded on the South East by lessors land measuring 489.5 feet more or less on the South West by lessor's land measuring 369.5 feet more or less and on the North West by lessor's land measuring 450.6 feet more or less.
2. Recovery of possession of the above described land.
3. Perpetual injunction restraining the Defendant either by himself, his agents, assigns, privies, workmen etc from interfering with the above described land.
4. General damages for trespass.
5. Special damages of GH20,000.00
6. Specific restraining order against Defendant from entering Plaintiff's land.

7. Punitive cost. The Plaintiff also filed a Motion on Notice for Interlocutory Injunction on the same 8th April, 2025 seeking to injunct the Defendant from farming on her land. The Defendant filed his Statement of Defence and Counterclaim to the suit on 19th May, 2025. On 22nd May, 2025 he filed an Affidavit in Opposition to the Motion on Notice for Injunction. On 16th June, 2025 when the motion was moved, Defendant declared in open court that he is aware the land belongs to the Plaintiff. Based on this admission he was injuncted from dealing with the land in any manner which affected the ownership rights of the Plaintiff. On 17th July, 2025 when the court was about to give directions in respect of the case, the Defendant again declared in court that Plaintiff owned the land. Based on this, the court directed the Plaintiff to file a copy of her lease for the matter to be summarily determined based on the case of AGYEI OSAW V. ADJEIFIO [2007-2008] SCGLR 499 at page 504 where the Supreme Court states this principle: “The principle is that to succeed in an action for the declaration of title of land, injunction and recovery of possession, the Plaintiff must establish positive evidence to identity the limits of the land he claims”. To begin with, the Defendant did not raise any issue with the court having jurisdiction to hear this matter. The land which is the subject matter of this suit is situate in the Abuakwa North Municipality of the Eastern Region. The matter before the court can be summarized thus: The parties were in a consensual relationship between 2021 and 2023. It is the Plaintiff’s case that the relationship ended after she had acquired the land. She permitted the Defendant to farm on the land in spite of their relationship ending. Consent was given by the Plaintiff for farming on a certain portion of the land, yet Defendant went ahead to cultivate other portions not granted him. This caused the Plaintiff to withdraw the permission, with the agreement that Defendant was to harvest the crops by February, 2024 and to cease all farming activities. In March, 2025, the Plaintiff realized the Defendant was once again cultivating the land hence the filing of this suit. Defendant claimed in his defence that the parties were married and that they bought the land together. The land was therefore matrimonial property and he therefore has an interest in it. Finding of the court. As stated supra, based on the admission of the Defendant, this matter is being summarily determined. In his book ESSENTIALS OF GHANA LAW OF EVIDENCE at pages 112-113, the learned author Justice S. A. Brobbey says: “Admission simply implies that the fact of issue has been conceded and is no longer in contention. The importance of admission lies in the fact that the court can act on them without proof of the facts constituting the admission. Admission therefore constitutes the second category of matter which require no proof. The rationale for this rule is obvious. If a person admits or concedes to facts which are against his interest, there is no need to proceed further to prove those facts before he would be bounded by the terms of these facts”. The court asked Defendant to provide evidence of his marriage to the Plaintiff and evidence of the financial contribution he made towards the acquisition of the land. There is nothing before the court which backs this claim. The court therefore holds that the parties were in an amorous relationship which ended. The Defendant therefore has no interest in the land as he has admitted. Having also failed to show any evidence of his contribution to the purchase of the land, the court holds that Defendant has no interest in the land. The court has studied the lease provided by the Plaintiff which was made between Daasebre

Buamah Darko II (Chief of Kukurantumi and Adomehene of Akyem Abuakwa Traditional Area) and the Plaintiff and her son. It was filed on 17th July, 2025. The lease contains two schedules which describe two parcels of land with the approximate area being claimed by the Plaintiff. Schedule A: All that piece or parcel of land situate lying and being at Sokode Juaso in the Abuakwa North Municipality in the Eastern Region of the Republic of Ghana and containing an approximate area of 0.93 Acre or 0.38 Hectare and bounded on the North by Lessor's Property measure from Ghana Survey Pillar 6 Pillar 7 a distance of 152.6 feet and bearing of 125°49' by Pillar 7 Pillar 8 a distance of 160.3 feet a bearing of 060°18' more or less on the South by Lessor's Property measuring from Pillar 4 Pillar 5 a distance of 350.5 feet a bearing of 309°02' more or less on the East by Lane measuring from Pillar 4 Pillar 8 distance 429.3 feet and a bearing of 173°41' on the West by Lessor's Property measuring from Pillar 5 Pillar 6 a distance of 219.2 feet and a bearing of 350°03' by Pillar 8 Pillar 9 a distance of 21.1 feet a bearing of 105°03' by Pillar 2 Pillar 4 a distance of 80.2 feet a bearing of 299°53'. Schedule B: All that piece or parcel of land situate lying and being at Sokode Juaso in the Abuakwa North Municipality in the Eastern Region of the Republic of Ghana and containing an approximate area of 1.61 Acre or 0.65 Hectare and bounded on the North by Lessor's Property measuring from Ghana Survey Pillar SGE C964 24 9 Pillar SGE C964 241 a distance of 176.6 feet and a bearing of 125°30' more or less on the South by Lessor's Property measuring from Pillar 2 Pillar 3 a distance of 80.2 feet a bearing of 299°53' more or less on the East by Lessor's Property measuring from Pillar 1 Pillar 2 a distance of 369.5 feet and a bearing of 182°43' on the West by Lane measuring from Pillar 3 Pillar 9. Based on the above, the court enters judgment in favor of the Plaintiff against the Defendant on reliefs 1, 2 and 3 as endorsed on the Writ of Summons. There will be no order as to cost. H/W YVONNE NELLY AMA ADJADI MAGISTRATE 5

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