

GHANA / JUDGMENT

NYANOR & 2 ORS V ANSAH (C1/14/2025)

[2025] GHACC 37 (16 January 2025)

[2025] GHACC 37

COURT

Circuit Court

CASE / FILE NUMBER

C1/14/2025

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IN THE CIRCUIT COURT, OFFINSO, ASHANTI HELD ON FR7DAY, THE 16TH DAY OF JANUARY 2025 BEFORE HIS HONOUR PAUL ODURO ESQ.

1. KWABENA NYANOR PLAINTIFFS/APPLICANTS
2. ADWOA SARPOMAAH
3. KWASI OWUSU ANSAH SUIT NO.: C1/14/2025 VRS ABENA ANSAH DEFENDANT/
RESPONDENT

RULING

On 15th January 2025, the Plaintiff/Applicant (hereinafter referred to as the “Applicant”) filed a Motion Ex-Parte praying the Honourable Court for an Order to restrain the Defendant, her agents, servants, assigns, workmen, privies etc. from developing the disputed plots situate and lying at “Abedease” on Kyekyewere stool lands in the Afigya Kwabre North District which is bounded to the South by kunefie, to the North by a chop bar, to the east by L/A Primary School and to the West by the main road leading to Abofour for ten (10) days. From a litany of judicial decisions, in considering an application for an injunction, a Court ought to consider inter alia, the following factors:

- a) Whether the case of the Applicant is not frivolous. That is to say, whether the Applicant prima facie, has demonstrated a legal or equitable right that ought to be protected by the court.
- b) Whether hardship would be occasioned if the application is granted or refused and which of the parties will suffer greater hardship.
- c) Whether on the facts, it is just and convenient for the preservation of the status quo.
- d) Whether the loss, damage, or injury can be quantified in monetary terms and whether damages could afford adequate compensation if the application was refused. See the following cases: Owusu v Owusu-Ansah (2007-2008) 2 SCGLR 870 Vanderpuye vrs Nartey

(1971) 1 GLR 428, C. A American Cynamide Co. v Ethicon Ltd. (1975) 1 All ER 304 Musicians Union of Ghana v Abraham (1982-83) GLR 337. Frimpong v Nana Asare Obeng II (1974) 1 GLR 16. The Applicants stated that the disputed plots were gifted to them by their late father, Opanin Kwaku Duah, a native of Kyekyewere during his lifetime. Noting the pictures in Exhibits “KN Series”, the balance of convenience is in favour of the Applicants herein, for which reason the Order of interim Injunction is granted as prayed and same is valid for ten (10) days from the date of service and posting on the disputed land. SGD PAUL ODURO (CIRCUIT COURT JUDGE) COUNSEL EMMANUEL AGYEMANG YAMOAH FOR REGINA BOATENG FOR THE PLAINTIFFS/APPLICANTS. AUTHORITIES:

1. Owusu v Owusu-Ansah (2007-2008) 2 SCGLR 870
2. Vanderpuye vrs Nartey (1971) 1 GLR 428, C. A
3. American Cynamide Co. v Ethicon Ltd. (1975) 1 All ER 304
4. Musicians Union of Ghana v Abraham (1982-83) GLR 337.
5. Frimpong v Nana Asare Obeng II (1974) 1 GLR 16. 3

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