

GHANA / JUDGMENT

Ababio Vrs Ewule [2023]

GHADC 592 (13 January 2023)

COURT
ghadcDECIDED
13 January 2023

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IN THE DISTRICT COURT HELD AT HALF ASSINI ON FRIDAY, THE 13TH DAY OF JANUARY, 2023. BEFORE HIS WORSHIP WILLIAM OFORI-ABOAGYE - DISTRICT MAGISTRATE- SUIT NO. WR/HA/DC/A2/30/22 JANET ABABIO -VRS. - NYAMEKEH EWULE J U D G E M E N T By Court: The Plaintiff herein issued against the Defendant a Writ of Summons in this Honourable Court on 29-3-22 for reliefs endorsed thereon. The Writ and a Hearing Notice were duly served on the Defendant by Substituted Service per the order of this court on 31-05-2022. This was after several attempts were made by the Plaintiff to serve the Defendant had failed. The matter has seen several adjournments all in an effort for the Defendant to either enter appearance or file a defence. The Honourable Court is therefore compelled under the circumstance to give judgment in favour of the Plaintiff herein. 1 “A party who fails to appear in court after due service on him is taken to have deliberately failed to take advantage of the opportunity to be heard. The audi alteram partem rule cannot be said to have been breached in such a situation”. Per Brobbey JSC in his book Practice and Procedure In The Trial Courts, And Tribunals of Ghana, 2nd Ed. p 280. In the case of Ankumah v City Investments Co. Ltd [2007-2008] I SCGLR 1064 it was held that “The Defendant, after several attempts was finally served but failed to appear in Court. The trial court rightly adjourned the case for judgement. A court is entitled to give a default judgement, as in the instant case, if the party fails to appear after notice of the proceedings has been given to him. For then, it would be justifiable to assume that he does not wish to be heard”. I therefore give judgement in favour of Plaintiff for all her reliefs (a-c) as endorsed on her Writ of Summons.

ORDERS

The following orders are hereby made:

- (1) Defendant to pay to the Plaintiff GH¢2,500.00 being balance of money paid for supply of drink to her which Defendant refused to supply.
- (2) Payment of GH¢105.00 miscellaneous expenses incurred by Plaintiff in pursuing Defendant for the supply of the drink.
- (3) Cost of GH¢1,000.00 in favour of the Plaintiff and against the Defendant.

- (4) All orders are to be carried out within one month from the date of service of a copy of the Judgement on the Defendant. 2 (SGD) H/W. WILLIAM OFORI-ABOAGYE (MAGISTRATE)
13-01-2023 3

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Prepared on 26 October 2026 · Esheria