

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
KUMASI - ASHANTI

SUIT NO. GJ12/20/2026

AKOSUA SERWAAH FOSUH
SCHWESTER - ERMELINDIS WEG 9
BORNHEIM SECHTEM 53332, GERMANY

)
)
) PLAINTIFF
) /APPLICANT

VERSUS

1. ABUSUA-PANIN KOFI OWUSU
ABUAKWA - KUMASI
2. PRISCILLA OFORI
a.k.a. ODO BRONI
ACCRA
3. TRANSITIONS FUNERAL HOME
a.k.a. ENTERPIRSE FUNERAL SERVICES
HAATSO, ASORE JUNCTION
ATOMIC ROAD, ACCRA

)
) FILED ON 03/10/25
) AT 10:20 am
) REGISTRAR
) LAND/HUMAN RIGHT COURT
) KUMASI
)
) DEFENDANTS
) /RESPONDENTS

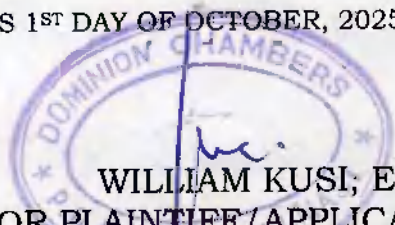
MOTION ON NOTICE
FOR INTERLOCUTORY INJUNCTION

MOTION ON NOTICE by WILLIAM KUSI, ESQ. of "DOMINION" CHAMBERS, Barristers and Solicitors, Adum/Kumasi of Counsel for and on behalf of the Plaintiff/Applicant herein PRAYING this Honourable Court for **an Order restraining the Defendants, their agents, assigns, workmen etc from either collecting the body of the late CHARLES KWADWO FOSU a.k.a. DADDY LUMBA from the morgue and to perform the burial and final funeral rite of the deceased** upon the grounds set out in the accompanying Affidavit.

AND for such further Order or Orders as to this Honourable Court may seem fit.

COURT to be moved on THURS the 16TH day of OCT 2025
at 9.00 O'clock in the forenoon or soon thereafter as Counsel can be heard.

"DATED AT DOMINION CHAMBERS, ADUM/KUMASI THIS 1ST DAY OF OCTOBER, 2025".


WILLIAM KUSI, ESQ.
LAWYER FOR PLAINTIFF/APPLICANT
LICENSE: eASH00991/25
TIN: P000116385X
CH. REG. ePP00012/25

THE REGISTRAR
HIGH COURT
KUMASI - ASHANTI.

1247438
03/10/25

AND TO THE DEFENDANTS/RESPONDENTS HEREIN:

1. ABUSUA-PANIN KOFI OWUSU
ABUAKWA – KUMASI
2. PRISCILLA OFORI
a.k.a. ODO BRONI
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) /RESPONDENTS

FILED ON 03/10/25
AT 10:20 am
REGISTRAR
LAND/HUMAN RIGHT COURT
KUMASI

AFFIDAVIT IN SUPPORT

I, **RICHARD OPARE – DARKO** of Dominion Chambers, Adum-Kumasi in the Ashanti Region of the Republic of Ghana make oath and say as follows;

1. That I am the Deponent herein.
2. That I have the consent of the Plaintiff/Applicant to swear to this Affidavit as all the facts pertaining to this action is within my personal knowledge by virtue of the fact that I am a law clerk at Dominion Chambers, the law firm entrusted to conduct this case on her behalf.
3. That the Plaintiff/Applicant is the only surviving spouse of the late CHARLES KWADWO FOSU a.k.a. DADDY LUMBA.
4. That the Plaintiff took out a Writ of Summons together with its Statement of Claim for the following reliefs;
 - a) *An Order of this Honourable Court declaring that the Plaintiff is the only surviving spouse of the late CHARLES KWADWO FOSU a.k.a. DADDY LUMBA.*
 - b) *An Order of this Court declaring that, it is only the Plaintiff who has the right to perform the widowhood rites of the late CHARLES KWADWO FOSU a.k.a. DADDY LUMBA.*

- c) *A further order restraining the 1st Defendant from ever dealing with the 2nd Defendant as spouse of the deceased.*
 - d) *An Order restraining the 2nd Defendant from carrying herself as the surviving spouse of the late CHARLES KWADWO FOSU a.k.a. DADDY LUMBA.*
5. That at the hearing of this Application, the Lawyer for the Plaintiff/Applicant will seek leave and refer to all the processes filed so far.
 6. That the gravamen of the Plaintiff's case is that on the 23rd day of December 2004, she got married to the late CHARLES KWADWO FOSU a.k.a. DADDY LUMBA under the German Law which marriage is strictly monogamous.
 7. That the said marriage has subsisted until the deceased died on the 26th day of July, 2025.
 8. That upon the death of the deceased, the 2nd Defendant who alleges to have had children with the deceased has shown up and she is making demands that she is the surviving spouse of the deceased.
 9. That I have attached a copy of the German version of the Marriage Certificate and mark same as **Exhibit "A1"**.
 10. That I also attach an English translation of the Marriage Certificate and mark same as **Exhibit "A2"**.
 11. That I have also attached a Letter from the 3rd Defendant's funeral home as evidence of the death of the deceased and mark same as **Exhibit "B"**.
 12. That the conduct of the 2nd Defendant is fraudulent as she carries herself as the wife of the deceased when she knows she is not.
 13. That the 1st Defendant has at all material times been in cahoots with the 2nd Defendant in perpetrating the fraudulent act.

14. That by the joint enterprise, the 1st & 2nd Defendants were able to register their names as those who deposited the body of the deceased at the morgue.
15. That as a result, they are the only persons who are allowed to visit the corpse at the morgue thereby depriving the legitimate wife from seeing her husband.
16. That the 3rd Defendant has by so doing infringed the rights of the Plaintiff who is the only surviving spouse.
17. That there is information that the 1st Defendant in corroboration with the 2nd Defendant have started planning the burial and final funeral rite of the late CHARLES KWADWO FOSU a.k.a. DADDY LUMBA without the involvement of the Plaintiff.
18. That the Plaintiff/Applicant is likely to suffer irreparably if the 1st & 2nd Defendants are allowed to perform the burial and final funeral rite before this case is determined.
19. That if this court refuses to grant this Application, the Plaintiff will not have the lifetime opportunity to perform the widowhood rites.
20. That on a balance of convenience, it is the Plaintiff who will suffer if this Application is not granted.
21. That a refusal of this Application will result in depriving the Plaintiff of her conjugal and property rights.
22. WHEREFORE I SWEAR to this Affidavit in Support.

"DATED AT DOMINION CHAMBERS, ADUM/KSI THIS 1ST DAY OF OCT., 2025"

SWORN before me at Kumasi this 3rd day of October, 2025 in the presence of:

)
)
DEPONENT

COMMISSIONER FOR OATHS.

ISAAC ESSIBU
COMMISSIONER FOR OATHS
ADUM
0243571871

THE REGISTRAR
HIGH COURT
KUMASI

AND TO THE DEFENDANTS/RESPONDENTS HEREIN:

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Exh. "A1"

Eheurkunde

Standesamt Bornheim

Registernummer B 142/2004

FILED ON 03/10/25
AT 10:20 am
REGISTRAR
LAND/HUMAN RIGHT COURT
KUMASI

Ort, Tag der Eheschließung Bornheim, 23.12.2004

1. Ehemann

Familienname vor der Ehe Fosuh

Geburtsname vor der Ehe

Vorname(n) vor der Ehe Charles Kwadwo

Ort, Tag der Geburt Nanta, Ashanti, Ghana, 29.09.1964

Familienname in der Ehe Fosuh

Geburtsname in der Ehe

Vorname(n) in der Ehe Charles Kwadwo

2. Ehefrau

Familienname vor der Ehe Schindler

Geburtsname vor der Ehe Serwah

Vorname(n) vor der Ehe Akosua

Ort, Tag der Geburt Kumasi, Ghana, 01.09.1963

Familienname in der Ehe Fosuh

Geburtsname in der Ehe Serwah

Vorname(n) in der Ehe Akosua

Ort, Tag Bornheim, 12.08.2025

Urkundsperson

Berchem
(Berchem, Standesbeamtin)



Geburtsnachtrag zu 1. St. Amt Mampong/Ghana 1567/1998

Geburtsnachtrag zu 2. St. Amt Kumasi, Adum 37/1988

This is Exhibit Marked
Referred to in the Affidavit
Of
Commissioner for Justice

	SYMBOLS/ZEICHEN/SYMBOLS/SIMBOLOS/EYMBOLAA/SIMBOLI/SYMBOLEN/SIMBOLOS/ISARETLER/SIMBOLE/SIMBOLE/SIMBOLURI/SIMBOLD/SIMBOLURİ/SIMBOLИ
Ja:	Jour/Tag/Day/Dia/Hμέρο/Giorno/Day/Dia/Gün/Dan/Dien/Diena/Zī/Piev/Zī/Dien
Mo:	Mois/Monat/Month/Mes/May/Merz/Kaland/Mēs/Ay/Mese/Airail/Menue/Lună/Kuu/Lunä/Mececi
Ak:	Kinnak/Äänne/Yeni/Aankou/Anno/Äänne/Kinnak/Äänne/Meta/Äänne/Kasta/Äänne/Äänne
Sc:	Séparation de corps/Trennung von Tisch und Bett/Legal separation/separación personal/Xυρίσμός από τραπεζίας και κοίτης/ Separazione personale/Scheidung van tafel en bed/Seperação de pessoas e bens/Ayrılık/Fizička rastavo/Separacija/Gyvenimas skyrium/ Séparatie de corp/Lahuseli/Separatie de corp/Разрешение разлуки
Div:	Divorce/Scheidung/Divorce/Divorcio/Divórcio/Divorzio/Echtscheidung/Divórcio/Rozanma/Razvod/Rozwod/Utuoka/Divort/Lahutus/ Divort/Passion
A:	Annullatio/nietigverklaring/Annulment/Anulación/Aκύρωσις/Annulamento/Nietigverklaring/Anulação/Ipota/Ponistenje/ Unieważnienie/Panaiknimas/Anulare/Xehtetuks tunnistamine/Anulare/Hilukhochnost na spaka
Dm:	Decès du mari/Tod des Ehemannes/Death of the husband/Defunción del marido/Oάνατος του ουζύου/Morte del marito/ Overlijden van de man/Óbito do marido/Kannin ölümü/Smrt muža/Zgon męta/Vyro/mlitis/Decesul sotului/Mehe surm/Decesul sotului/ Смерть на супруга
Df:	Decès de la femme/Tod der Ehefrau/Death of the wife/Defunción de la mujer/Oάνατος της ουζύου/Morte della moglie/ Overlijden van de vrouw/Óbito da mulher/Kannin ölümü/Smrt žene/Zgon żony/Zmonos mlitis/Decesul soției/Naise surm/Decesul soției/ Смерть на супругу

[illegible]

1	Staat/Country/Estado/Kpótoc/Stato/Staatt/Estado/Devlet/Država/Państwo/Valstybė/Stat/Riik/Stat/ДържавА
2	Standesamtsbehörde/Civil Registry Office of/Registro Civil de/Αντιστοιχία Αρχής του (ή της ή των)/Servizio dello stato civile/Dienst van de burgerlijke stand van/Servics do registro civil de/Nufus idaresi/Matična služba/Urzad Stanu Cywilnego w/Civilinės būklės aktų įrašų tarnyba/Organ de stare civilă/Perekonnaseisuutus/Serviciu de stare civilă al/СПУЖБА ПО ГРАЖДАНСКО СЪСТОЯНИЕ НА
3	Auszug aus dem Heiratsantrag Nr./Extract from marriage registration no./Extracto del acta de matrimonio n.º/Απόσπασμα Αηγιστηρχικής πράξεως γάμου όδης/Estratto dell'atto di matrimonio n./Littreksel uit de huwelijksakte n./Certidão de assento de casamento n.º/Evlenime sicil örneği No./Izvod iz matične knjige venčanih br./Odpis skrócony aktu małżeństwa n./Kraľas li santuokos akto įrašo Nr./Extras de pe actul de căsătorie n./Abielutöend number/Extras al actului de căsătorie n./ИЗВЛЕЧЕНИЕ ОТ АКТ ЗА СКЛЮЧЕН ГРАЖДАНСКИ БРАК N°
4	Tag und Ort der Eheschließung/Date and place of the marriage/Fecha y lugar del matrimonio/Χρονολογία και τόπος τελέσεως του γάμου/Data e luogo del matrimonio/Datum en plaats van huwelijk/Data e lugar do casamento/Evlenime yeri ve tarihi/Datum i mesto zaključenja braka/Data i miejsce zawarcia małżeństwa/Santuokos data ir vieta/Data și locul înregistrării căsătoriei/Abielu sõlmimise aeg ja koht/Data și locul căsătoriei/ДАТА И МЯСТО НА СКЛЮЧАВАНЕ НА БРАКА
5	Ehemann/Husband/Marido/Züçüycü/Marito/Mari/Marido/Koca/Muži/Matš/Vyras/Sot./Mees/Sot./СъпругЪ
6	Ehefrau/Wife/Mujer/Tuvvy/Moglie/Vrouw/Mulher/Karı/Zena/Zona/Zmona/Soñje/Naine/Soñje/СъпругА
7	Name vor der Eheschließung/Name before the marriage/Apelidos antes del matrimonio/Επώνυμιον πρό του γάμου/Cognome prima del matrimonio/Naam vóór het huwelijk/Apelidos antes do casamento/Evlenmeden önceki soyadı/Prezime pre zaključenja braka/Nazwisko noszone przed zawarciem małżeństwa/Pavardė ili santuokos/Numele pînă la căsătorie/Perekonnanimi enne abielu/Nume înainte de căsătorie/ΦΑΜΙΛΙΟ ΙΜΕ ΠΡΙΔΙ ΒΡΑΚΑ
8	Vorname/Forename/Nome proprio/Qvdmjato/Prenomi/Yoornamen/Nóme próprio/Ad./Ime/Imiona/Varda/Prenumele/Eesnimed/Prenume/СОБСТВЕНО И БАЩИННО ИМЕ
9	Tag und Ort der Geburt/Date and place of birth/Fecha y lugar de nacimiento/Χρονολογία και τόπος γεννήσεως/Data e luogo di nascita/Geboortedatum en -plaats/Data e lugar do nascimento/Doğum yeri ve tarihi/Datum i mesto rođenja/Data i miejsce urodzenia/Gimino data ir vieta/Data și locul nașterii/Sünniaeg ja koht/Data și locul nașterii/ДАТА И МЯСТО НА РАЖДАНЕ
10	Name nach der Eheschließung/Name following marriage/Apelidos después del matrimonio/Επώνυμιον μετά τον γάμου/Cognome dopo il matrimonio/Naam na het huwelijk/Apelidos depois do casamento/Evlenmeden sonraki soyadı/Prezime posle zaključenja braka/Nazwisko noszone po zawarciu małżeństwa/Pavardė po santuokos/Numele după la căsătorie/Perekonnanimi pärast abielu/Nume după căsătorie/ΦΑΜΙΛΙΟ ΙΜΕ ΣΠΕΔ ΒΡΑΚΑ
11	Andere Angaben aus dem Eintrag./Other particulars of the registration/Ötros datos del acta/Επιράφαι της πράξεως/Altre enunciazioni dell'atto/Andere vermeldingen van de akte/Outros elementos do assento/Alte mje aiti d'ijer bilgiler/Drugi podaci iz izvoda/Wzmianki dodatkowe/Kiti akto įrašė pateikti duomenys/Menşuri/Muud andmed/Alte menţiuni cu privire la acte/ДРУГИ ДАННИ ОТ АКТА
12	Tag der Ausstellung, Unterschrift, Siegel/Date of issue, signature, seal/Fecha de expedición, firma, sello/Χρονολογία έκδόσεως, όπογραφή, σφραγίς/Data di rilascio, firma, bollo/Datum van afgifte, handtekening, zegel/Data de emissão, assinatura, selo/Verilis tarihi, imza, mühür/Datum izdavanja, potpis, pečat/Data wydania, podpis, pieczęć/Izdavimo data, parašas, antspaudas/Data eliberării, semnătură, stampilă/Väljaandmise kuupäev, allkiri, pitser/Data eilberätt, semnătura, sigillu/ДАТА НА ИЗДАВАНЕ, ПОДПИС, ПЕЧАТ

*Nach den Artikeln 3, 4, 5 und 7 des Übereinkommens.

Ziffern von 01 bis 09 zu bezeichnen.

- Alle Eintragungen sind in lateinischen Druckbuchstaben vorzunehmen, sie können außerdem in den Schriftzeichen der Sprache geschrieben werden, die bei der Eintragung in das Personenstandsbuch, auf die sie sich beziehen, verwendet worden ist.
- Ein Datum ist in arabischen Zahlen einzutragen, die der Reihe nach den Tag, den Monat und das Jahr bezeichnen. Der Tag und der Monat sind durch zwei Ziffern, das Jahr ist durch vier Ziffern zu bezeichnen. Die ersten neun Tage des Monats und die ersten neun Monate des Jahres sind durch

- Dem Namen jenes Ortes ist der Name des Staates beizufügen, in dem dieser Ort liegt, wenn dieser Staat nicht derjenige ist, in dem der Auszug ausgestellt wird.
- Den Zeichen Mar, Sc, Div, A, D, Om und Df sind das Datum und der Ort des Ereignisses hinzuzusetzen. Dem Zeichen Mar sind außerdem der Familienname und die Vornamen des Ehegatten beizufügen.
- Ermöglicht der Eintrag nicht, ein Feld oder einen Teil eines Feldes auszufüllen, so ist dieses Feld oder dieser Teil des Feldes durchzuziehen.

Exh. "A2"

Certified translation from German into English

Marriage certificate

Civil registry
Registry number

Bornheim
E 142/2004

Place, date of the marriage

Bornheim, 23 December 2004

1. Husband
Surname before marriage Fosuh
Birth name before marriage
First name(s) before marriage Charles Kwadwo
Place, date of birth Nsuta, Ashanti, Ghana, 29 September 1964
Surname during marriage Fosuh
Birth name during marriage
First name(s) during marriage Charles Kwadwo

2. Wife
Surname before marriage Schindler
Birth name before marriage Serwah
First name(s) before marriage Akosua
Place, date of birth Kumasi, Ghana, 01 September 1963
Surname during marriage Fosuh
Birth name during marriage Serwah
First name(s) during marriage Akosua

Place, date Bornheim, 12 August 2025

Authenticating person [Signature]
(Berchem, Civil registrar)

[Round seal of the Civil registry of Bornheim, Rhein Sieg district]
Seal

Birth registration no. 1 Civil registry of Mampong/Ghana 156/1998

Birth registration no. 2 Civil registry of Kumasi, Adum 37/1988

FILED ON 08/10/25
AT 10:20am
REGISTRAR
LAND/HUMAN RIGHT COURT
KUMASI

This is Exhibit Marked
Referred to in the Affidavit
OF
Commissioner for Oath

Exh. "B"

Transitions
THE TRANSITION PEOPLE

04 September 2025

To Whom It May Concern

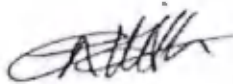
Dear Sir/Madam,

Death Confirmation of the Late Charles Kwadwo Fosuh

This document confirms that the above-named deceased, with Mortuary Number 10207-009344, who died of July 26, 2025 was brought to our facility on July 28, 2025. The family is yet to confirm the date of release for burial.

Thank you

Yours sincerely



Worlanyo Aidam

Branch Manager

FILED ON 03/10/25
AT 10:20 am
REGISTRAR
LAND/HUMAN RIGHT COURT
KOMASI

This is a CONFIDENTIAL document
Referred to by the Affidavit
Of [Signature]
Commissioner for Oath

Francis Kwarteng - Chairman
Kofi Oduro - Daniel Lartey-Tekul - Jacqueline Benya - Prof. (Mrs) Angela Ulan - Alton - Eng. Gyn. (Dr) Seth Anon
Transitions Place info@transitions-gh.com 0302634706 / 0308249445
C1/17 Maatso Asore Junction https://myenterprise-group.co/gh-transitions/ 56688931 - 04416293

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REGISTRAR
LAND/HUMAN RIGHT COURT
KUMASI

CERTIFICATE OF EXHIBIT

I, **ISAAC ESSIBU** Commissioner of Oaths of Kumasi and before whom the Affidavit in Support is sworn by the Deponent(s) herein hereby certify that I have identified the document(s) annexed and/or attached to the said Affidavit as **EXHIBITS** “A1”, “A2” & “B”.

“DATED AT DOMINION CHAMBERS, ADUM/KUMASI THIS

15 DAY OF October 2025”

COMMISSIONER FOR OATHS.

ISAAC ESSIBU
COMMISSIONER OF OATHS
KUMASI
1871

IN THE SUPERIOR COURT OF JUDICATURE
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PLAINTIFF/APPLICANT'S
STATEMENT OF CASE

My Lord, the Plaintiff took out a Writ of Summons against the Defendants for the following reliefs;

- a) *An Order of this Honourable Court declaring that the Plaintiff is the only surviving spouse of the late CHARLES KWADWO FOSU a.k.a. DADDY LUMBA.*
- b) *An Order of this Court declaring that, it is only the Plaintiff who has the right to perform the widowhood rites of the late CHARLES KWADWO FOSU a.k.a. DADDY LUMBA.*
- c) *A further order restraining the 1st Defendant from ever dealing with the 2nd Defendant as spouse of the deceased.*
- d) *An Order restraining the 2nd Defendant from carrying herself as the surviving spouse of the late CHARLES KWADWO FOSU a.k.a. DADDY LUMBA.*

My Lord, the gravamen of this case is that the Plaintiff who has been married to CHARLES KWADWO FOSU a.k.a. DADDY LUMBA has been deprived of the right to perform the widowhood rites of the late husband.

According to the Plaintiff, she got married to the late husband under the German Law on the 23rd day of December, 2004. The said marriage have subsisted till the death of the husband.

Upon the death of the husband the 2nd Defendant has now shown up to be the wife of the deceased.

This assertion is legally impossible as the 2nd Defendant has never been married to the deceased.

The Plaintiff has brought this Application because, she could be deprived of her right if the final funeral rites are performed without her.

THE APPLICABLE LAWS ON THE GRANT OF INJUNCTION

1.0. Introduction

My Lord, the law on injunction is captured under **Order 25 Rule 1 of C.I. 47** which states that:

*"The Court may grant an injunction by an interlocutory order in all cases in which it appears to the Court to be **just or convenient** to do so, and the order may be made either unconditionally or upon such terms and conditions as the Court considers just".*

1.1. "Just" or "Convenient" in Injunction Application Defined

In the Supreme Court case of **REPUBLIC v. HIGH COURT, HO; EX PARTE EVANGELICAL PRESBYTERIAN CHURCH OF GHANA AND ANOTHER [1991] 1 GLR 323-345**, the Court in defining what "just or convenient" meant stated thus:

"It has been explained that the words "just or convenient"; must be read "just as well as convenient": see Day v. Brownrigg (1878) 10 Ch. D. 294 at 307, C.A., per Jessel M.R. As stated in Halsbury's Laws of England (3rd ed.), Vol. 21 at para. 730, they do not mean that the court can grant an injunction simply for the protection of rights simply because the court thinks it convenient, but mean that the court should do so according to legal principles. They confer no arbitrary or unregulated discretion on the court".

My Lord, the emphasis is ours, these legal principles as noted by their Lordships in the above-cited case is in reference to well-established old-aged principles the Courts have been accustomed to. My Lord, these legal principles be it statutory or conventions of the Court cannot be side-stepped in the consideration of injunction applications.

2.0. GENERAL GUIDELINES IN GRANTING INJUNCTION APPLICATION

My Lord, the present application is one which is quite demanding on the Court to exercise its discretion to issue same than to refuse in order to prevent the Defendants/Respondents from continuously disregarding the legal rights of the Plaintiff/Applicant. In the case of **FRIMPONO v. NANA ASARE OBENG II [1974] 1 GLR 16-22**, the Court noted that in granting an application for interim injunction, the following guiding principles must be observed:

- (a) the hardship that would be caused if the application was granted or refused;
- (b) whether on the facts before the court it was just and convenient for the preservation of the status quo;
- (c) whether damages would afford adequate compensation for the loss if the application was refused;
- (d) the likelihood of there being a breach of the peace was not a legal ground for granting injunction; and
- (e) the applicant must show a strong prima facie case in support of the title asserted and must make out a probability of the respondent's case failing.

Respectfully my Lord, the Court in **18TH JULY LIMITED V. YEHANS INTERNATIONAL LIMITED [2012] 1 SCGLR 167** on the grant of an interlocutory injunction has further noted that the grant or refusal of the application is based on the discretion of the judge which is to be exercised based on factual and legal principles. Hence, for the Applicant to succeed, the Court has held that the Applicant must establish the following:

1. That the Applicant has a legal or equitable right,
2. That the balance of convenience is in the Applicant's favour,
3. That the Applicant will suffer irreparable damage upon the refusal of the application.

2.1. "Legal" and "Equitable" Right Defined

My Lord, in **OWUSU v. OWUSU-ANSAH [2007-2008] 2 SCGLR 870**, the Supreme Court held in Holding 1 as follows:

"The grant or refusal of an injunction was at the discretion of the trial court but the discretion was to be exercised judiciously..... The fundamental principle in applications for interim injunction is whether the applicant has a legal right at law or in equity which the court ought to protect by the maintaining the status quo until the final determination of the action on its merits. This could only be done by considering the pleadings and affidavit evidence before the court."

Hence, the existence of legal right as may be evidenced from the affidavit evidence of the Applicant should give the court a fair idea that the Applicant has established some prima facie evidence of the said right.

My Lord, in the instance case, the Plaintiff/Applicant herein is not only making mere proclamations but statement of fact backed by documents evidencing her monogamous marriage that existed between herself and the late Charles Kwadwo Fosu a.k.a. Daddy Lumba. That the said marriage between the Applicant and the deceased was notoriously known across the length and breadth of the country.

3.0. DISCUSSIONS

3.1. The Hardship That Would Be Caused If The Application Was Granted Or Refused.

My Lord, it is the case of the Plaintiff/Applicant that if the Defendants/Respondents are allowed unchecked or restrained, they will continue in their act of mockery and contempt at the Plaintiff/Applicant since this will undermine her customary cum cultural right enshrined in the constitution, 1992.

The act of the Defendants/Respondent means a total breakdown of the customary laws and practices and a lack of respect for same. This means no one will take our customs and cultural rights of the Plaintiff/Applicant seriously if they're not restrained.

In the circumstance, the acts of the Defendants/Respondents are posing threats to the right of the Plaintiff/Applicant as the only surviving spouse and they do not have any intention of stopping unless they are restrained by this Honourable Court.

My Lord, if the Defendants/Respondents are allowed to carry on with their act, the Plaintiff/Applicant will be deprived of a right and recognition which she can only enjoy once in a lifetime.

3.2. Whether On The Facts Before The Court It Was Just And Convenient For The Preservation Of The Status Quo

My Lord, in **WELFORD QUARCOO VRS. ATTORNEY-GENERAL & ANR [2012] 1 SCGLR 259**, the Supreme Court stated per Date-Bah JSC as follows:

"....The balance of convenience, of course, means weighing up the disadvantages of granting the relief against the disadvantages of not granting the relief."

My Lord, should this Honourable Court refuse to grant the instant Application, the Plaintiff/Applicant will further be disadvantaged due to the fact that the aged-long Akan and Ashanti tradition of allowing the rightful widow to perform the widowhood rites would be desecrated and a once-in-a-lifetime role of the Plaintiff/Applicant will be tossed away of which same cannot be compensated for.

3.3. Whether Damages Would Afford Adequate Compensation For The Loss If The Application Was Refused

My Lord, the Learned Lord Diplock in the celebrated case of **AMERICAN CYNAMID CO. VRS. ETHICON LTD. [1975] 1 ALL E.R. 504**, stated the object of injunctions in the following terms:

The object of the interlocutory injunction is to protect the Plaintiff/Applicant against injury by violation of his right for which he could not adequately be compensated in damages recoverable in the action if the uncertainty were resolved in his favour at the trial; but the Plaintiff/Applicant's need for such protection must be weighed against the corresponding need of the defendant to be protected against injury resulting from his having been prevented from exercising his own legal rights for which he could not be adequately compensated under the Plaintiff/Applicant's undertaking in damages if the uncertainty were resolved in the defendant's favour at the trial. The Court must weigh one need against another and determine where the "balance of convenience" lies.

My Lord, in the instant case, damages cannot restore the sanctity of old-aged tradition which is unquantifiable. No amount of money can compensate for any intentional breach of the customs and traditions as what is currently being done by the Defendants/Respondents. Their acts are intentional and unwilling to recognize the authority of the Plaintiff/Applicant. The legal and cultural right of the Plaintiff/Applicant in the instant situation only occurs once in a lifetime and same cannot be taken away from her for any monetary compensation.

3.4. The Applicant Must Show A Strong Prima Facie Case In Support Of The Title Asserted And Must Make Out A Probability Of The Respondent's Case Failing.

My Lord, the Defendants/Respondents do not have any defense for disrespecting the traditions of the Asantes and Akans as a whole.

The Plaintiff/Applicant herein is the only legitimate wife of the deceased, Charles Kwadwo Fosu and the 2nd Defendant parading herself such is illegal and sins against our customary/statutory laws in Ghana. That it is only the Plaintiff/Applicant who legitimately can be recognised as the rightful person to perform all widowhood rites per customs and traditions.

3.5. That The Applicant Has A Legal Or Equitable Right

Also, in the above-cited case of **18TH JULY LIMITED V. YEHANS INTERNATIONAL LIMITED [supra]** the Court further rendered itself thus:

"Even though it is discretionary, we are of the view that a trial court in determining interlocutory application must consider whether the case of an applicant is not frivolous and had demonstrated that he had legal or equitable right which a court should protect. The court is also enjoined to ensure that the status quo is maintained so as to avoid any irreparable damage to the applicant pending the hearing of the matter. Thirdly, the trial court ought to consider the balance of convenience and should refuse the application if its grant would cause serious hardships to the other party".

My Lord, the Plaintiff/Applicant is the only legitimate wife of the deceased, married under the monogamous marriage of Germany.

Thus, indeed, Plaintiff/Applicant has both legal and equitable right at law and same must not be looked down by the Court for it to be extinguished.

3.6. That The Applicant Will Suffer Irreparable Damage Upon The Refusal Of The Application.

My Lord, the Plaintiff/Applicant will suffer irreparable damage since her name and dignity will be soiled and her legal customary right which has taken a constitutional character will be extinguished should the Court refuse to grant this application.

The reputational blot that will occasion this disrespectful act of the Defendants/Respondents should be stopped before it becomes a canker in our Akan customs.

My Lord, it is indeed true that the performance of widowhood rites together with the planning of the funeral is a once-in-a-lifetime activity and should the right of the Plaintiff/Applicant be overlooked, the legal cultural damage cannot be compensated for.

4.0. CONCLUSION

My Lord, we humbly submit that when the need of the Plaintiff/Applicant is weighed against that of the Defendants/Respondents, one conclusion can be had, which conclusion is that the Plaintiff/Applicant will be done a great injustice by the Defendants/Respondents if not restrained by this Honourable Court.

HUMBLY SUBMITTED.

"DATED AT DOMINION CHAMBERS, ADUM/KUMASI THIS 1ST DAY OF OCTOBER, 2025".



WILLIAM KUSI, ESQ.
LAWYER FOR PLAINTIFF/APPLICANT
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THE REGISTRAR
HIGH COURT
KUMASI - ASHANTI.

AND TO THE DEFENDANTS/RESPONDENTS HEREIN:

1. ABUSUA-PANIN KOFI OWUSU
ABUAKWA – KUMASI
2. PRISCILLA OFORI
a.k.a. ODO BRONI
ACCRA
3. TRANSITIONS FUNERAL HOME
a.k.a. ENTERPIRSE FUNERAL SERVICES
HAATSO, ASORE JUNCTION
ATOMIC ROAD, ACCRA