IN THE SUPERIOR COURT OF JUDICATURE

IN THE SUPREME COURT

ACCRA-AD 2020

CORAM: AVRIL LOVELACE-JOHNSON SITTING AS A SINGLE JUDGE

CIVIL MOTION
NO. J8/78/2020

1ST JUNE, 2020

MET CAPITAL GROUP LIMITED …….. PLAINTIFF/APPELLANT/APPELLANT/ RESPONDENT

VRS

1. GUARANTY TRUST BANK (GHANA) LTD. ……. 1ST DEFENDANT/RESPONDENT/ RESPONDENT/APPLICANT

2. LINKSFIELD RIDGE REALTY LIMITED

RULING

LOVELACE-JOHNSON, JSC:-

This is an application for consolidation of Civil Appeal No. H/112/2019 filed by the 1st Defendant/Respondent/Applicant in respect of the Court of Appeal judgment attached as exhibit A with the present appeal filed by the Plaintiff/Appellant/Appellant/Respondent.

Clearly the appeals being in respect of the same judgment delivered by the court of appeal, it makes sense to hear them together as a consolidated appeal. Both appeals arise from the same facts, that is, the same commercial transaction between the parties.

The position of counsel for the respondent is that he would not have opposed the present application but for the failure of the Applicant to give notice of his cross

appeal as required by rule 9(1) of the Supreme Court Rules CI 16. Counsel for the Applicant admits that he failed to give the said notice.

It is this court's considered opinion that the circumstances of this case being such that an order to consolidate the appeals in question is the most appropriate order to make, the non-compliance with rules 9 (1) by the applicant should be and is hereby waived by virtue of Rule 79 of the Supreme Court rules 1996 CI 16.
The application is granted as prayed in all the terms sought. Further to (d), the Applicants are to file their statement of case within 14 days of today.

AVRIL LOVELACE-JOHNSON
(JUSTICE OF THE SUPREME COURT)

COUNSEL

TONY LITHUR WITH MARK BEKUI FOR THE 1ST DEFENDANT/RESPONDENT/REPONDENT/APPLICANT.

EDWARD SAM-CRABBE FOR THE PLAINTIFF/APPELLANT/APPELLANT/RESPONDENT.