IN THE SUPERIOR COURT OF JUDICATURE

IN THE SUPREME COURT

ACCRA – A.D. 2018

CORAM: PWAMANG, JSC SITTIN AS A SINGLE JUDGE

CIVIL MOTION
NO. J8/11/2018

11TH JULY, 2018

THE REPUBLIC

VRS

HIGH COURT, HO

EX-PARTE: AWUKU ADOPLEY	…….	APPLICANT
AND		
SARA AKU WADZA	…….	INTERESTED PARTY

RULING

PWAMANG, JSC:-

This is an application filed by Counsel for and on behalf of the Applicant seeking leave for extension of time to invoke the supervisory jurisdiction of the Supreme court for an order of certiorari to quash the ruling of the High Court, Ho dated 8th February, 2018 on grounds of error of law patent on the face of the record. A close look at the application reveals that it was filed on the 7th June, 2018 which is beyond the ninety (90) days permitted by **Rules 62 and 66 of CI 16 as amended by CI 24**. This was brought to the attention of Counsel for the Applicant but he has

argued that going by legal counting which excludes weekends and public holidays, his application is within the 90 days' time limitation. Counsel was given an adjournment to enable him furnish the court with legal authorities on his concept of legal counting. Counsel for the Applicant filed the following legal authorities on 27/06/2018.

1. **THE REPUBLIC V HIGH COURT, KUMASI EX PARTE MOBIL OIL(GHANA) [2005-2006] SCGLR 312 REPUBLIC VRS HIGH COURT, KOFORIDUA EX PARTE OHENE [1995-1996] GLR 1**

2. REPUBLIC VRS HIGH COURT 17, ACCRA EX PARTE ADA TRADTIONAL COUNCIL

3.ARMY VRS REP. EX PARTE BRUIMAH [1967

4. REPUBLIC VRS HIGH COURT, KOFORIDUA EX PARTE EASTERN REGIONAL DEVELOPMENT CORPORATION [2003-2004]

5. REPUBLIC VERS HIGH COURT, KOFORIDUA EXATER ASARE.

6. HIGH COURT CIVIL PROCEDURE AMENDED RULES 2014 CI 87

7. ORDER 79 RULE 3 of HIGH COURT CIVIL PROCEDURE RULES, CI 47

Of the authorities cited by Counsel it is the case of **ex parte Mobil (supra)** that is relevant to the issue of time limitation raised by the court. In that case reference was made to **Rule 62 of CI 16** as amended by **CI 24** which states that:

"An application to invoke the supervisory jurisdiction of the Court shall be filed within 90 days of the date when the grounds for the application first arose unless the time is extended by the Court."

In the instant case, the ruling of the court sought to attacked was delivered in the applicant's presence on the 7th February, 2017 so the cause of action of the applicant arose on that day. Counsel has said that he was unable to obtain a certified copy of the ruling in good time but that is neither here nor there. He was in court and became aware of the court's decision so time began to run from that day.

Rule 66 of CI 16 provides that:

"An application for extension of time within which to invoke the Supervisory jurisdiction of the Court under rule 62, shall not be made after the expiration of the 3 months period within which an application seeking to invoke the supervisory jurisdiction may be filed"

The three months in the original Rule 62 has been amended to 90 days by CI 24 so the effect is that an application for extension of time to invoke the supervisory jurisdiction of the Supreme Court has to be filed not later than 90 days from the date the cause of action arose. The rule appears not to afford real relief to a party out of time to invoke the supervisory jurisdiction of the court as of right but it is as it is and until it is amended there is nothing I can do, particularly as I am exercising the single justice jurisdiction of the court under Article 134 of the Constitution.

Section 44(7) of the **Interpretation Act 2009 (ACT 792)** states as follows:

"Where a period of time prescribed by an enactment for the doing of a thing does not exceed five days, Saturdays, Sundays and public holidays shall not be included in the computation of the period."

In this case the time exceeds five days so weekends and public holidays are to be counted.

In the circumstances, I am unable to grant the application and same is dismissed.

G. PWAMANG
(JUSTICE OF THE SUPREME COURT)

COUNSEL

BENONY AMEKUDZI FOR THE APPLICANT.

NELSON MAWUTOR KPORHA FOR THE INTERESTED PARTY.