27 – 02 - 13

IN THE SUPERIOR COURT OF JUDICATURE, THE SUPREME COURT (CIVIL DIVISION) SITTING IN ACCRA ON WEDNESDAY THE 27TH DAY OF FEBRUARY, 2013.

CORAM: ATUGUBA J. S. C. (PRESIDING), ANSAH, ADINYIRA, OWUSU AND DOTSE JJSC.

CIVIL APPEAL

NO. J4/41/2012

ISAAC OSEI SARFO

VRS;

SAMUEL KWAME SACKEY

Parties present.

Osafo Buabeng for the appellant.

James Ahenkora for the respondent.

BY COURT;

After a prolonged and anxious consideration of this appeal we are of the unanimous opinion that the act of demolition of the plaintiff's property was not the act of the defendant since, so to speak, there was no active instrumentality on his part with regard to the same. We therefore apply the maxim, *actus curiae nemini facit injuriam*, allow the appeal, set aside the judgment of the Court of Appeal and dismiss the plaintiff's action.

No order as to costs.

[SGD] W. A. ATUGUBA

[JUSTICE OF THE SUPREME COURT

[SGD] J. ANSAH

[JUSTICE OF THE SUPREME COURT]

[SGD] S. O. A. ADINYIRA [MRS.]

[JUSTICE OF THE SUPREME COURT]

[SGD] R. C. OWUSU [MS.]

[JUSTICE OF THE SUPREME COURT]

[SGD] J. V. M. DOTSE

[JUSTICE OF THE SUPREME COURT]