IN THE SUPERIOR COURT OF JUDICATURE
IN THE SUPREME COURT
ACCRA, A.D.2014

CORAM: ANSAH,JSC (PRESIDING)
DOTSE,JSC
GBADEGBE,JSC
BENIN,JSC
AKAMBA,JSC

CIVIL APPEAL
NO.J4/33/2012

26TH NOVEMBER, 2014

NANA OTUO ANTWI BOASIAKO **PLAINTIFF/RESPONDENT/RESPONDENT**

VRS.

NANA ADJEI PANIN **DEFENDANT/APPELLANT/APPELLANT**

BY COURT

We have read the record of appeal and the submissions made by counsel in the matter herein and have come to the view that having regard to the 1927 decision entitled Chief Kofi Tumtuo v Chief Kwame Agyei determined on the 19-5-27 before the Native Tribunal of the Kumasehene tendered in evidence as Exhibit A at page 105 of the record of appeal, which determined the boundary between the parties herein as indeed, the two lower courts found in their respective judgments, and in order to have the said boundary effectively settled for the

purpose of avoiding any future litigation in respect of same, we hereby proceed to set aside the decision of the Court of Appeal in the matter herein and in place thereof remitting the action herein to the High Court, Kumasi, for a trial de novo and in particular direct that an order of survey be ordered in respect of the disputed property with the area previously determined in the 1927 action being superimposed on the said plan for the purpose of determining whether or not the Defendants have actually trespassed the boundaries determined in the 1927 action.

The appeal for the reasons above, is allowed; we make no order as to costs

(SGD) J. ANSAH
JUSTICE OF THE SUPREME COURT

(SGD) J. V. M. DOTSE
JUSTICE OF THE SUPREME COURT

(SGD) N. S. GBADEGBE
JUSTICE OF THE SUPREME COURT

(SGD) A. A. BENIN
JUSTICE OF THE SUPREME COURT

(SGD) J. B. AKAMBA

JUSTICE OF THE SUPREME COURT

COUNSEL

MR. KWAKU ASIRIFI ESQ. WITH HIM MISS AKUA CATO AND KATE OSEI KUFFUOR FOR THE DEFENDANT /APPELLANT/APPELLANT .

MR. KWABENA KONADU YIADOM ESQ. FOR THE PLAINTIFF/RESPONDENT /RESPONDENT.