

REGISTRAR
HIGH COURT
ACCRA



WRIT OF SUMMONS

(Order 2 rule 3(1))

WRIT ISSUED FROM *Accra 25/10* 2024..... SUIT No.

GJ1007/2025

IN THE HIGH COURT
ACCRA

.....
BETWEEN

BENJAMIN TETTEH YEMOH

No.4 Boifio Street
GL-004-0700
Accra

PLAINTIFF

AND

1. SPEAKER OF PARLIAMENT

Parliament of Ghana
Accra

1ST DEFENDANT

2. ANDREW ASIAMAH ADOMAKO

Parliament of Ghana
Accra

2ND DEFENDANT

3. CYNTHIA MAMLE MORRISON

Parliament of Ghana
Accra

3RD DEFENDANT

4. KWADWO ASANTE

Parliament of Ghana
Accra

4TH DEFENDANT

5. PETER YAW KWAKYE-ACKAH

Parliament of Ghana
Accra

5TH DEFENDANT

(Plaintiff shall direct service)

To

AN ACTION having been commenced against you by the issue of this writ by the above-named Plaintiffs.

BENJAMIN TETTEH YEMOH

YOU ARE HEREBY COMMANDED that within EIGHT DAYS after service of this writ on you inclusive of the day of service you do cause an appearance to be entered for you **1. SPEAKER OF PARLIAMENT 2. ANDREW ASIAMAH ADOMAKO 3. CYNTHIA MAMLE MORRISON 4. KWADWO ASANTE 5. PETER YAW KWAKYE-ACKAH**

AND TAKE NOTICE that in default of your so doing, judgment may be given in your absence without further notice to you **1. SPEAKER OF PARLIAMENT 2. ANDREW ASIAMAH ADOMAKO 3. CYNTHIA MAMLE MORRISON 4. KWADWO ASANTE 5. PETER YAW KWAKYE-ACKAH**

Dated this 25 day of

OCTOBER

2024

G. SACKY TORKORNOO (MRS)

Chief Justice of Ghana

NB: This writ is to be served within twelve calendar months from the date of issue unless, it is renewed within six calendar months from the date of that renewal.

The defendant may appear hereto by filing a notice of appearance either personally or by a lawyer at Form 3 at the Registry of the Court of issue of the writ at ACCRA. A defendant appearing personally may, if he desires give notice of appearance by post.

SEALED

*State name, place of residence or business address of plaintiff if known (not P.O. Box number).

**State name, place of residence or business address of defendant (not P.O. Box number).

FORM 1

WRIT OF SUMMONS

The Plaintiff claims from the Defendants jointly and severally as follows:

PLEASE FIND ATTACHED

This writ was issued by BENEDICTA NAA AYELEY QUAYE ESQ.

whose address for service is ADDO, ADDO [LEGAL ATTORNEYS] NO. 34 TEMA MOTORWAY, SPINTEX ROAD, NEXT TO CEMIX GHANA LTD., ACCRA

Agent for THE PLAINTIFFS Address Number and date of lawyer's current licence. eGAR 01114/24

Lawyer for the plaintiff BENEDICTA NAA AYELEY QUAYE ESQ who resides at ACCRA

Indorsement to be made within 3 days after service

This writ was served by me at on the defendants

on the day of

endorsed the day of

Signed.....

Address.....

NOTE: If the plaintiff's claim is for a liquidated demand only, further proceedings will be stayed if within the time limited for appearance the defendant pays the amount claimed to the plaintiff, his lawyer or his agent or into court as provided for in Order 2 rule 3(2).

WHEREFC

WHEREFORE the Plaintiff claims against the Defendants jointly and severally as follows:

- a) A declaration that pursuant to the Constitution of Ghana, 1992, Article 99(1)(a), it is the High Court which has the sole jurisdiction to hear and determine all disputes arising out of a declaration or ruling by the Speaker of Parliament that a seat has become vacant.
- b) A declaration that the filing of nomination forms with the Electoral Commission by the 2nd Defendant who was elected as the Independent Member of Parliament for the Fomena Constituency in the Ashanti Region and Second Deputy Speaker of Parliament in the 8th Parliament of the 4th Republic, to contest the Fomena Parliamentary seat on the ticket of the New Patriotic Party in the upcoming general Presidential and Parliamentary elections on the 7th of December, amounted to a vacation of his parliamentary seat.
- c) A declaration that the filing of nomination forms with the Electoral Commission by the 3rd Defendant who was elected as the Member of Parliament for the Agona West Constituency in the Central Region on the ticket of the NPP in the 8th Parliament of the 4th Republic of Ghana to contest the Agona West Parliamentary seat as an Independent Parliamentary Candidate in the upcoming general elections on the 7th of December 2024 amounted to a vacation of her parliamentary seat.
- d) A declaration that the filing of nomination forms with the Electoral Commission by the 4th Defendant, who was elected as the Member of Parliament for the Suhum Constituency in the Eastern Region in the 8th Parliament of the 4th Republic of Ghana to contest the Suhum Parliamentary seat as an Independent Parliamentary Candidate in the upcoming general elections on the 7th of December 2024, amounted to a vacation of his parliamentary seat.
- e) A declaration that the filing of nomination forms with the Electoral Commission by the 5th Defendant who was elected as the Member of Parliament for the Amenfi Central Constituency in the Western Region in the 8th Parliament of the 4th Republic of Ghana, to contest the Amenfi Central Parliamentary seat as an Independent Parliamentary

Candidate in the upcoming general elections on the 7th of December 2024, amounted to a vacation of his parliamentary seat.

- f) A declaration that the Ruling made by the 1st Defendant in the Chamber of Parliament on the 17th day of October, 2024 made in accordance with Constitution of Ghana, 1992, Article 97 (1) (g) and (h) and was therefore a valid ruling.
- g) Interlocutory injunction restraining and preventing the 2nd, 3rd, 4th, and 5th Defendants from holding themselves out as Members of Parliament in the 8th Parliament of the 4th Republic of Ghana; and also having access to the Chamber of Parliament until the final determination of this suit.
- h) Perpetual injunction restraining and preventing the 2nd, 3rd, 4th, and 5th Defendants from holding themselves out as Members of Parliament in the 8th Parliament of the 4th Republic of Ghana; and also having access to the Chamber of Parliament.
- i) An order directed at the 1st Defendant to remove the 2nd, 3rd, 4th and 5th Defendants who have vacated their seats from the chamber of Parliament.
- j) An order directed at the 1st Defendant to deny the 2nd, 3rd, 4th and 5th Defendants who have vacated their seats access to the chamber of Parliament.
- k) Any other order(s) that this Honourable Court may deem fit to award.

ADDO, ADDO LEGAL ATTORNEYS
NO. 84, TENA MOTORWAY,
SPINTEX ROAD, ADJACENT CEMIX
GALVA LIMITED ACCRA.
P. O. BOX 534, KWABENYA-ACCRA

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
GENERAL JURISDICTION
ACCRA - A. D 2025

Filed on 25/10/24
at 1:01 am/pm
[Signature]
SUI NO. 3 COURT
ACCRA

PLAINTIFF

BENJAMIN TETTEH YEMOH
No.4 Boifio Street
GL-004-0700
Accra

AND

1. **SPEAKER OF PARLIAMENT**
Parliament of Ghana
Accra

1ST DEFENDANT

2. **ANDREW ASIAMAH ADOMAKO**
Parliament of Ghana
Accra

2ND DEFENDANT

3. **CYNTHIA MAMLE MORRISON**
Parliament of Ghana
Accra

3RD DEFENDANT

4. **KWADWO ASANTE**
Parliament of Ghana
Accra

4TH DEFENDANT

5. **PETER YAW KWAKYE-ACKAH**
Parliament of Ghana
Accra

5TH DEFENDANT

(Plaintiff shall direct service)

STATEMENT OF CLAIM

1. The Plaintiff is a Ghanaian Citizen and a businessman.
2. The 1st Defendant is Speaker of Parliament of Ghana.
3. The 2nd Defendant is a Ghanaian citizen who until his recent filing of nomination forms with the Electoral Commission to stand for parliamentary election on the ticket of the New Patriotic Party (NPP) was the Independent Member of Parliament for the Fomena Constituency in the Ashanti Region and also held the position of the Second Deputy Speaker of Parliament in the 8th Parliament of the 4th Republic of Ghana

4. The 3rd Defendant is a Ghanaian citizen who until her recent filing of nomination forms with the Electoral Commission as an independent parliamentary candidate for Agona West Constituency was the Member of Parliament for the Agona West Constituency on the ticket of the NPP in the 8th Parliament of the 4th Republic of Ghana.
5. The 4th Defendant is a Ghanaian citizen who until his recent filing of nomination forms with the Electoral Commission as an independent Parliamentary candidate for the Suhum Constituency was the Member of Parliament for the Suhum Constituency in the Eastern Region on the ticket of NPP in the 8th Parliament of the 4th Republic of Ghana.
6. The 5th Defendant is a Ghanaian citizen who until his recent filing of nomination forms with the Electoral Commission as an independent Parliamentary candidate for the Amenfi Central Constituency was the Member of Parliament for the Amenfi Central Constituency in the Western Region on the ticket of the National Democratic Congress (NDC) in the 8th Parliament of the 4th Republic of Ghana.
7. The Plaintiff says that on the 17th day of October, 2024, the 1st Defendant made a Parliamentary Ruling in which he declared vacant the seats of the 2nd, 3rd, 4th and 5th Defendants and ordered the current Members of Parliament to vacate their seats.
8. The Plaintiff says that the Ruling of the 1st Defendant made on the 17th day of October, 2024, was based on the provisions of the Constitution of Ghana, 1992, Article 97 (1) (g) and (h) and was therefore a valid ruling.
9. The Plaintiff says that the declaration by the 1st Defendant that the 2nd Defendant has vacated his seat was on the basis that 2nd Defendant having been elected as an Independent Member of Parliament for Fomena Constituency has filed

nomination forms with the Electoral Commission to contest the up-coming election on the ticket of the NPP.

10. The Plaintiff says that the declaration by the 1st Defendant that the 3rd and 4th Defendants have vacated their seats was on the basis that 3rd and 4th Defendants having been elected as Members of Parliament for the Agona West Constituency and Suhum Constituency respectively on the ticket of the NPP has filed nomination forms with the Electoral Commission to contest the up-coming election as an independent candidate.
11. The Plaintiff says that the declaration by the 1st Defendant that the 5th Defendant have vacated his seat was on the basis the 5th Defendant having been elected as a Member of Parliament for the Amenfi Central Constituency on the ticket of the NDC has filed nomination forms with the Electoral Commission to contest the up-coming election as an independent candidate.
12. The Plaintiff says that the Constitution of Ghana, 1992, Article 99(1)(a) provides that it is the High Court which has the jurisdiction to hear and determine any question whether a person has been validly elected as a member of Parliament or the seat of a member has become vacant
13. The Plaintiff says that pursuant to the Constitution of Ghana, 1992, Article 99(1)(a), it is the High Court which has the sole jurisdiction to hear and determine all disputes arising out of a declaration or ruling by the Speaker of Parliament that a seat has become vacant.
14. The Plaintiff says that the 2nd, 3rd, 4th and 5th Defendants by their actions will continue to hold themselves out as Members of 8th Parliament of the 4th Republic of Ghana and access the Chamber of Parliament unless ordered by this Honourable Court to refrain from holding themselves out as Members of the 8th Parliament and also prevented from accessing the Chamber of Parliament by virtue of their vacation of their parliamentary seats.

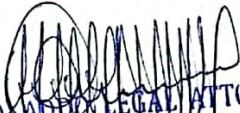
WHEREFORE the Plaintiff claims against the Defendants jointly and severally as follows:

- l) A declaration that pursuant to the Constitution of Ghana, 1992, Article 99(1)(a), it is the High Court which has the sole jurisdiction to hear and determine all disputes arising out of a declaration or ruling by the Speaker of Parliament that a seat has become vacant.
- m) A declaration that the filing of nomination forms with the Electoral Commission by the 2nd Defendant who was elected as the Independent Member of Parliament for the Fomena Constituency in the Ashanti Region and Second Deputy Speaker of Parliament in the 8th Parliament of the 4th Republic, to contest the Fomena Parliamentary seat on the ticket of the New Patriotic Party in the upcoming general Presidential and Parliamentary elections on the 7th of December, amounted to a vacation of his parliamentary seat.
- n) A declaration that the filing of nomination forms with the Electoral Commission by the 3rd Defendant who was elected as the Member of Parliament for the Agona West Constituency in the Central Region on the ticket of the NPP in the 8th Parliament of the 4th Republic of Ghana to contest the Agona West Parliamentary seat as an Independent Parliamentary Candidate in the upcoming general elections on the 7th of December 2024 amounted to a vacation of her parliamentary seat.
- o) A declaration that the filing of nomination forms with the Electoral Commission by the 4th Defendant, who was elected as the Member of Parliament for the Suhum Constituency in the Eastern Region in the 8th Parliament of the 4th Republic of Ghana to contest the Suhum Parliamentary seat as an Independent Parliamentary Candidate in the upcoming general elections on the 7th of December 2024, amounted to a vacation of his parliamentary seat.
- p) A declaration that the filing of nomination forms with the Electoral Commission by the 5th Defendant who was elected as the Member of Parliament for the Amenfi Central Constituency in the Western Region in the 8th Parliament of the 4th Republic of Ghana, to contest the Amenfi Central Parliamentary seat as an Independent Parliamentary

Candidate in the upcoming general elections on the 7th of December 2024, amounted to a vacation of his parliamentary seat.

- q) A declaration that the Ruling made by the 1st Defendant in the Chamber of Parliament on the 17th day of October, 2024 made in accordance with Constitution of Ghana, 1992, Article 97 (1) (g) and (h) and was therefore a valid ruling.
- r) Interlocutory injunction restraining and preventing the 2nd, 3rd, 4th, and 5th Defendants from holding themselves out as Members of Parliament in the 8th Parliament of the 4th Republic of Ghana; and also having access to the Chamber of Parliament until the final determination of this suit.
- s) Perpetual injunction restraining and preventing the 2nd, 3rd, 4th, and 5th Defendants from holding themselves out as Members of Parliament in the 8th Parliament of the 4th Republic of Ghana; and also having access to the Chamber of Parliament.
- t) An order directed at the 1st Defendant to remove the 2nd, 3rd, 4th and 5th Defendants who have vacated their seats from the chamber of Parliament.
- u) An order directed at the 1st Defendant to deny the 2nd, 3rd, 4th and 5th Defendants who have vacated their seats access to the chamber of Parliament
- v) Any other order(s) that this Honourable Court may deem fit to award.

DATED AT ACCRA THIS 24TH DAY OF OCTOBER, 2024


ADVO. ADVOC. LEGAL ATTORNEYS
Benedicta Nana Ayeley Quaye Esq
Solicitor for the Plaintiff
Licence No: EGAR 01114/24
P. O. BOX KW 534, KWABENYA-ACCRA

The Registrar
High Court
General Jurisdiction
Accra

AND FOR SERVICE ON THE ABOVE-NAMED DEFENDANTS