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IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
COMMERCIAL DIVISION
ACCRA- A.D. 2026

FILED ON... 21/8/2026
2:15
JST
COMMERCIAL DIVISION OF
HIGH COURT, ACCRA

SUIT NO: GJ-CM/MISC/0426/2026

IN THE MATTER OF AN APPLICATION FOR A WARRANT FOR POLICE
ASSISTANCE UNDER SECTION 64 OF THE BORROWERS AND LENDERS ACT,
2020 (ACT 1052)

AND

IN THE MATTER OF AN APPLICATION BY NII AMANOR DODOO,
RECEIVER/MANAGER OF NO.1, OXFORD STREET HOTEL, ACCRA, AND COLA
HOLDINGS LTD FOR A WARRANT FOR POLICE ASSISTANCE TO REALIZE
SECURITY RIGHTS OF COLA HOLDINGS LTD

1. NII AMANOR DODOO - 1ST APPLICANT/RESPONDENT/
(RECEIVER/MANAGER OF APPELLANT/APPLICANT
NO.1, OXFORD STREET HOTEL, ACCRA)
4TH FLOOR, ALLIED HEIGHTS,
OLUSEGUN OBASANJO HIGHWAY
ABELEMKPE, ACCRA
2. COLA HOLDINGS LTD - 2ND APPLICANT/ RESPONDENT/
APARTMENT 1 APPELLANT/ APPLICANT
1-2 COACH AND HORSES YARD
LONDON W12 2EH

VRS.

KENSINGTON RESIDENTIAL - RESPONDENT/APPLICANT/
PARTNERS 1 LIMITED. RESPONDENT/RESPONDENT
HOUSE NO. 18
JULIUS NYERERE STREET
AVENUE LINCOLN, OSU, ACCRA

MOTION FOR AN ORDER FOR STAY OF EXECUTION OF THE ORDERS OF THE
HONOURABLE COURT DATED 21ST AUGUST, 2026 PENDING APPEAL
ORDER 27 OF C.I. 19

PLEASE TAKE NOTICE that Counsel for the Applicants/Respondents/ Appellants/Applicants herein will apply to the Honourable Court for an order for stay of execution of the orders of the Honourable Court dated 21st August, 2026 pending appeal to the Court of Appeal, upon grounds contained in the Notice of Appeal and the accompanying affidavit in support;

AND for any such further order(s) as this Honourable Court may deem fit.

COURT TO BE MOVED on ~~Feb~~ the ~~16th~~ day of ~~August~~, 2026 at 9 o'clock in the forenoon or so soon thereafter as Counsel may be heard.

DATED AT FUGAR & CO., ACCRA, THIS 21ST DAY OF AUGUST 2026.



TSATSU TSIKATA
LAWYER FOR APPLICANTS/RESPONDENTS/
APPELLANTS/APPLICANTS
LICENCE NO. eGAR00799/26
CHAMBERS NO: ePP00133/26

Fugar & Company
Barristers, Solicitors &
Notaries Public
2nd Floor, World Trade Centre
Independence Avenue, Accra
P O Box 6274, Accra-North
Ghana

THE REGISTRAR
HIGH COURT
(COMMERCIAL DIVISION)
ACCRA

AND TO:

THE RESPONDENT/APPLICANT/RESPONDENT/RESPONDENT HEREIN OR ITS
LAWYER, BOBBY BANSON, ESQ., ROBERT SMITH LAW GROUP, A602, THE
OCTAGON BUILDING, ACCRA.

IN THE SUPERIOR COURT OF JUDICATURE

IN THE HIGH COURT OF JUSTICE

COMMERCIAL DIVISION

ACCRA- A.D. 2026

2026
2.1.5 AP
REGIST
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RESPONDENT/APPLICANT/
RESPONDENT/RESPONDENT

AFFIDAVIT IN SUPPORT OF APPLICATION FOR STAY OF EXECUTION OF
ORDERS OF THE COURT PENDING APPEAL.

I, Nii Amanor Dodoo of 4th Floor, Allied Heights, Olusegun Obasanjo Highway, Abelemkpe, Accra, do make oath and say as follows:

1. I am the Receiver/Manager appointed by Cola Holdings Ltd (hereinafter Cola) to realize its security rights in respect of a property in Accra, No. 1, Oxford Street Hotel.
2. An application was filed to “set aside purported possession of Oxford No.1 Hotel”. I deposed to an affidavit on behalf of myself as well as Cola Holdings Ltd, which was also a respondent to that application, in opposition to that application.
3. By a ruling this morning by the vacation judge in Commercial Court 2, His Lordship Justice John-Mark Nuku Alifo, he claims to set aside my possession of the No. 1 Oxford Street Hotel and orders me to re-deliver forthwith my possession of the premises to Kensington Residential Properties 1.
4. His Lordship also made additional orders against me in respect of the steps I have taken since taking possession of the property.
5. I am advised by counsel and verily believe that the ruling of His Lordship Justice John-Mark Nuku Alifo is patently in error.
6. I am advised by counsel that the ruling flies in the face of the statutory provisions in the Borrowers and Lenders Act, 2020 (Act 1052) including provisions which make it a criminal offence for a borrower in default to stand in the way of possession being taken by the lender against a registered security interest. The ruling, in effect, is seeking to have criminal conduct restored.
7. I am further advised by counsel that the ruling of His Lordship Justice John-Mark Nuku Alifo disregarded a decision of the Court of Appeal - **Eugene Guddah, James Kojo Fyn & 38 Ors v. Goldfields (Ghana) Ltd (Civil Appeal No. H1/66/2014 delivered on 6 May 2005, CA)** regarding the alleged “automatic 7-day stay of execution”, which my counsel cited in his written submissions and a copy of which he made available to His Lordship.

8. A Notice of Appeal to the Court of Appeal has been filed by my counsel which I am exhibiting herewith, marked **A**.
9. My counsel has applied to the court for a copy of the ruling of the court and, when it is made available, I will provide it to this Honourable Court for the hearing of this application.
10. I am advised by counsel that His Lordship Justice John-Mark Nuku Alifo, as vacation judge in Commercial Court 2, had no jurisdiction over this application which was in respect of a case in Commercial Court 6.
11. I exhibit herewith, marked **B**, the notice published on the website of the Judicial Service of Ghana regarding the sitting of the vacation courts, Commercial Court 2, which makes it clear that cases pending before Commercial Court 6 were to go to the vacation judge sitting in Commercial Court 8.
12. Indeed, after filing our affidavit in opposition, I am informed by my junior counsel, Tata Kosi Foliba, that he went to commercial court 8 to ensure it was placed on the docket but the clerk there informed him they did not have the docket.
13. When Mr. Foliba realized it was rather sent to Commercial Court 2, he asked the clerk in Commercial Court 2 how come the case was in that court and she said she could not explain why the docket was brought to their court.
14. Indeed, at paragraph 11 in the written submissions filed by my counsel, he makes the point that another application which this Applicant filed for an injunction, was to have been put before Commercial Court 8 as the vacation court, had also apparently been put before Commercial Court 2.
15. I am informed by my counsel that His Lordship, at the hearing this morning, acknowledged having seen that part of the written submission.
16. In respect of that application, therefore, His Lordship did not proceed with it but deferred it for hearing by the substantive judge in 22nd October 2026.

17. It is not at all clear why His Lordship proceeded with hearing and ruling on an application which, according to the clear indication on the Judicial Service website, ought not to have been before him.
18. Not having a warrant in respect of this suit, His Lordship had no jurisdiction in connection with it.
19. There are other grounds of lack of jurisdiction which my counsel put forward before His Lordship but which His Lordship dealt with in terms that, I am advised by counsel and verily believe, are in error.
20. The ruling of His Lordship, I am advised by Counsel and verily believe, is also inconsistent with the provisions of article 296 of the 1992 Constitution, being unfair and unreasonable in ordering, in effect, a borrower in default, who gives no basis for not giving up possession in terms of section 64 of the Borrowers and Lenders Act, to re-take possession.
21. I am advised by Counsel and verily believe that, with due respect to His Lordship, the ruling is unreasonable and irrational.
22. It is, therefore, in the interest of justice that execution of the orders of His Lordship be stayed pending an appeal which stands a great chance of success.
23. Indeed, upon notice to His Lordship of this application, His Lordship may opt to set aside his ruling and orders this morning.
24. I am also advised by Counsel that, upon receipt of the ruling, an application in the nature of certiorari will be made by him to the Supreme Court to have the said ruling brought before the court and quashed if, by then, His Lordship himself has not discharged the ruling as not within his warrant of authority in the vacation.
25. At the hearing of this application, my counsel will, as a preliminary matter, pray His Lordship himself, if the matter is before him, to correct the error in his hearing and ruling on the application when his warrant as a vacation judge did not include a suit in Commercial Court 6.

26. Wherefore I depose to this affidavit in opposition to the application herein.

Sworn at Accra this 21st
day of 21st August 2026)

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DEPONENT



COMMISSIONER FOR OATHS

ct 6

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
COMMERCIAL DIVISION
ACCRA- A.D. 2026

FILED ON 21/5/20
AT 2:15
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HIGH COURT

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- | | | | |
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VRS.

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PARTNERS 1 LIMITED.
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JULIUS NYERERE STREET
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- RESPONDENT/APPLICANT/
RESPONDENT/RESPONDENT

CERTIFICATE OF IDENTIFICATION OF EXHIBITS

I, *Benjamin Sekyi* Commissioner for Oaths, Accra, hereby certify that the under-listed documents have been annexed as exhibits to the affidavit sworn before me.

Exhibit "A" - Notice of Appeal

Exhibit "B" - Notice published on the website of the Judicial Service



COMMISSIONER FOR OATHS

Court 6

Exh 'A'



IN THE SUPERIOR COURT OF JUDICATURE

IN THE COURT OF APPEAL

ACCRA- A.D. 2026

ON... 24/8/26
AT
COMMERCIAL DIVISION OF
HIGH COURT, ACCRA

SUIT NO: GJ-CM/MISC/0426/2026

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NOTICE OF APPEAL

TAKE NOTICE that the Applicants/Respondents/Appellants, who are dissatisfied with the decision of the High Court, Accra, Commercial Division 2 (sitting as a vacation judge), dated the 21st day of August, 2026, appeal to the Court of Appeal on the grounds set out in paragraph 3 and will, at the hearing of the appeal seek the reliefs set out in paragraph 4.

And the appellants further state that the name and address of the person directly affected by the appeal is that set out in paragraph 5.

2. THE PART OF THE DECISION COMPLAINED OF IS AS FOLLOWS:

The whole decision.

3. THE GROUNDS OF APPEAL:

- i. The High Court committed patent errors of law.

Particulars of Patent Errors of Law

- a. The decision of His Lordship was in contravention of Article 296 of the 1992 Constitution.
 - b. The decision of His Lordship fundamentally undermines and flies in the face of the Borrowers and Lenders Act, 2020, Act 1025
 - c. His Lordship wrongly interpreted the warrant for police assistance under section 64 of the Borrowers and Lenders Act as a warrant to take possession.
 - d. The decision of His Lordship was per incuriam the Court of Appeal decision in **Eugene Guddah & Anor vrs. Goldfields (Ghana) Ltd., Suit No.: Civil Appeal No. H1/66/2014**
 - e. His Lordship, as vacation judge in Commercial Court 2, had no jurisdiction in respect of an application relating to a suit in Commercial Court 6.
- ii. His Lordship misrepresented the contents of the affidavit in opposition.

Additional grounds of appeal may be filed upon receipt of the ruling.

4. THE RELIEF BEING SOUGHT FROM THE COURT OF APPEAL IS:

- i. The decision of the High Court, Accra, Commercial Division 2 (sitting as a vacation judge), dated 21st August, 2026, be set aside.

5. PERSON DIRECTLY AFFECTED BY THE APPEAL IS:

KENSINGTON RESIDENTIAL PARTNERS 1 LIMITED.
HOUSE NO. 18
JULIUS NYERERE STREET
AVENUE LINCOLN, OSU, ACCRA

6. THE ADDRESS FOR SERVICE OF THE APPELLANTS IS:

C/O TSATSU TSIKATA., ESQ.
FUGAR & COMPANY
2ND FLOOR, WORLD TRADE CENTRE
INDEPENDENCE AVENUE
ACCRA

DATED AT ACCRA THIS 21ST DAY OF AUGUST, 2026



**TSATSU TSIKATA
SOLICITOR FOR APPLICANTS/RESPONDENTS/APPELLANTS**

LICENSE NO.: eGAR 00799/26

CHAMBERS NO.: ePP00133/26

Fugar & Company
Barristers, Solicitors &
Notaries Public
2nd Floor, World Trade Centre
Independence Avenue, Accra
P O Box 6274, Accra North
Ghana

THE REGISTRAR
COURT OF APPEAL
ACCRA

THROUGH:

THE REGISTRAR
HIGH COURT
COMMERCIAL DIVISION
ACCRA

AND FOR SERVICE ON RESPONDENT/APPLICANT/RESPONDENT,
KENSINGTON RESIDENTIAL, PARTNERS 1 LIMITED, HOUSE NO. 18, JULIUS
NYERERE STREET, AVENUE LINCOLN, OSU, ACCRA

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Courts to Handle

Cause List

LCC Accra - Land Court 8 Virtual Court Hearings

6, 7, 8, 9 & 10

[Preview](#)

LCC Accra - Land Court 11 Virtual Court Hearings

1, 2, 3, 4, 5 & 11

[Preview](#)

LCC Accra - General Jurisdiction Court 2 Virtual Court Hearings

1, 2, 3, 5, 6 & 7

[Preview](#)

LCC Accra - General Jurisdiction Court 14 Virtual Court Hearings

4, 8, 9, 10, 11, 12, 13 & 14, Financial Courts 1 & 2

[Preview](#)

LCC Accra - Criminal Court 4 Virtual Court Hearings

1, 2, 3, 4 & 5

[Preview](#)

LCC Accra - Virtual Court Probate & LA 2 Court Hearings

1, 2 & 3

[Preview](#)

LCC Accra - Commercial Court 2 Virtual Court Hearings

1, 2, 3, 4 & 5

[Preview](#)

LCC Accra - Commercial Court 8 Virtual Court Hearings

6, 7, 8, 9 & 10

[Preview](#)

Accra - Family Court 2 Virtual Court Hearings

Family Courts

[Preview](#)

Accra - Labour Court 1 Virtual Court Hearings

Labour Courts/ Human Rights Courts

[Preview](#)

Amasaman High Court 2 Virtual Court Hearings

HC 1 & 2, Amasaman

[Preview](#)

Sowutuom High Court Virtual Court Hearings

HC Sowutuom

[Preview](#)

Gbetisile High Court Virtual Court Hearings

HC Tema/ Gbetisile

[Preview](#)

Adenta High Court 2 Virtual Court Hearings

HC Adentan

[Preview](#)

Koforidua High Court 4 Virtual Court

HC Koforidua, Somanya, Krobo Odumase, Akropong/Akuapem

[Preview](#)