

**IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
ACCRA, A.D 2020**

SUIT NO.:

THE REPUBLIC

VRS

DANIEL YAO DOMELEVO  
THE AUDITOR-GENERAL OF GHANA  
AUDIT SERVICE, MINISTRIES – ACCRA

**RESPONDENT**

1. YAW OSAFO-MAAFO  
OFFICE OF THE PRESIDENT  
ANNEX, RIDGE – ACCRA

2. MICHAEL AYESU  
MINISTRY OF FINANCE  
MINISTRIES – ACCRA

3. ABRAHAM KOFI TAWIAH  
MINISTRY OF FINANCE  
MINISTRIES – ACCRA

**APPLICANTS**

4. EVA ASSELBA MENDS  
MINISTRY OF FINANCE  
MINISTRIES – ACCRA

5. PATRICK NOMO  
MINISTRY OF FINANCE  
MINISTRIES - ACCRA

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**MOTION ON NOTICE FOR AN ORDER TO COMMIT THE RESPONDENT TO PRISON OR FOR THE IMPOSITION OF ANY OTHER PUNISHMENT FOR CONTEMPT OF COURT - ORDER 54 A RULE 5 (1) AND (2) OF CI 47 PURSUANT TO AMENDMENT BY CI 102**  
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**PLEASE TAKE NOTICE** that **YAW D. OPPONG, Lawyer** for the Applicants herein shall move this Honourable Court for the following:

- a) An affirmation that the Respondent's refusal to file the required documents and reply to the Notice and Grounds of Appeal within the mandatorily stipulated time dictated by Rule 5 (1) and (2) of Order 54 A of the High Court (Civil Procedure Rules) 2004 CI 47 pursuant to amendment by CI102, constitutes a contempt of this Honourable Court.
  
- b) An order committing the Respondent to prison; or in the alternative for the imposition of any other punishment that this Honourable Court, may deem just and proper upon the grounds contained in the accompanying Affidavit in Support.
  
- c) Consequential orders, including the setting aside of the Respondent's said impugned decision against the Applicants.

And for any other or further orders that the Honourable Court will deem meet.

**COURT TO BE MOVED ON..... THE ..... DAY OF .....**  
2020 at 9.0'clock in the forenoon or so soon thereafter as Counsel for the Applicant may be heard.

**DATED IN ACCRA THIS            DAY OF JANUARY 2020**

**YAW D. OPPONG ESQ.  
LAWYER FOR APPLICANTS  
LAWYER'S REG.. NO. eGAR 02401/20  
CHAMBERS REG. NO. ePP00554/19  
TIN NO.P0003358313**

**THE REGISTRAR  
HIGH COURT  
ACCRA**

**AND FOR SERVICE ON THE RESPONDENT HEREIN, WHOSE ADDRESS  
FOR SERVICE IS; AUDIT SERVICE, MINISTRIES, ACCRA**

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**AFFIDAVIT IN SUPPORT**

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I, **YAW OSAFO-MAAFO** of the Office of the President, Annex, Ridge, Accra make oath and say as follows:

1. THAT I am the 1<sup>st</sup> Applicant and the Deponent herein.
2. THAT I have the authority of the other Applicants to depose to all the matters contained herein, as same have come to my personal knowledge and honest belief as a party to the instant proceedings.
3. THAT on 11<sup>th</sup> December 2019 we caused our lawyer to file a Notice of Appeal containing inter alia, Grounds of Appeal with attached documents as exhibits on which we intend to rely on at the hearing of the Appeal, marked and attached as EXH. 'A'.
4. A search conducted at the Registry of the High Court, Commercial Division, Accra has revealed the following, that:
  - a) The Respondent was served with the Notice of Appeal (EXH.'A') on 13<sup>th</sup> December 2019.
  - b) The Respondent though duly served has refused to file the required processes mandated by law. The search report is marked and attached as EXH. 'B'.
5. THAT we have been advised by our lawyer and verily believe the same to be true that the refusal of the Respondent to file, in particular, the documents on which he based the purported decision against us, exposes his contrived scheme deliberately fashioned to achieve his own invidious agenda and also with a view to prevent the Honourable Court from efficiently ascertaining the full circumstances of our case and effectually ruling on it in terms of Order 54A Rule 5 (1) and (2) of CI 47 pursuant to amendment by CI 102.

6. THAT we have been further advised by our lawyer and verily believe the same to be true that the refusal of the Respondent to file the legally mandated documents and reply within the stipulated time amounts to

contempt of this Honourable Court, as dictated by Rule 5 sub-rules and (2) of Order 54 A of CI 47 pursuant to amendment by CI 102.

7. THAT the refusal of the Respondent to file the relevant documents and a reply contrary to the relevant provisions of the law is a confirmation of our conviction that the Respondent in taking the decision against us and the subsequent resort to media propaganda to damnify us, and disparage our hard earned reputation, he was actuated by malice and lack of good faith and without any legal basis whatsoever.

8. THAT we have been further advised by our lawyer and verily believe same to be true that the conduct of the Respondent clearly amounts to a gross, contumacious disrespect to the authority and sanctity of the law and therefore ought to be punished in accordance with law.

9. THAT this Honourable Court is inherently vested with judicial power and jurisdiction in the circumstances of this case to make consequential orders, including the setting aside of the impugned decision of the Respondent.

**10. WHEREFORE** I pray the Honourable Court that the Respondent be committed to prison, or otherwise be punished for his contemptuous conduct in accordance with law

**SWORN IN ACCRA THIS**

**DAY OF**

**2020**

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**DEPONENT**

**BEFORE ME**

**COMMISSIONER FOR OATHS**