

DEPRICK

REGISTRAR  
HIGH COURT  
ACCRA



# WRIT OF SUMMONS

(Order 2 rule 3(1))

WRIT ISSUED FROM Accra 2/6/2023 SUIT No. GJ/0901/2023

## IN THE HIGH COURT OF JUSTICE

.....GENERAL JURISDICTION, ACCRA.....

**BETWEEN KEN OFORI ATTA**

40 NDABANINGI SITHOLE ROAD  
GPS ADDRESS GL - 027 - 9451  
LABONE, ACCRA.

Plaintiff \*

AND

**BLESSED GODSBRAIN SMART (A.K.A. CAPTAIN SMART)**

ACCRA.  
(PLAINTIFF TO DIRECT SERVICE)

Defendant

To

AN ACTION having been commenced against you by the issue of this writ by the abovenamed Plaintiff.  
**KEN OFORI ATTA.**

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.

**BLESSED GODSBRAIN SMART (A.K.A. CAPTAIN SMART)**

AND TAKE NOTICE that in default of your so doing, judgment may be given in your absence without further notice to you.

Dated this 2nd day of JUNE 2023

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 5 at the Registry of the Court of issue of the writ at A defendant appearing personally may, if he desire give notice of appearance by post.

\*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).

SEALED  
  
HIGH COURT ACCRA

FORM 1

## STATEMENT OF CLAIM

Plaintiff claims against the Defendant as follows:

- a. A Declaration that the words uttered by the Defendant and particularized below are Defamatory of the Plaintiff.

*"Are you aware that Ken Ofori Atta has taken his 10% of the IMF money ? "*

.....

*"Every loan we take he takes 10% "*

- b. Recovery of the sum of Ten Million Ghana Cedis (GH¢10,000,000.00) as General Damages including Aggravated and/or Exemplary Damages for Defamation for the libel uttered by Defendant.
- c. An apology for and retraction of the words complained of and particularized supra.
- d. Perpetual injunction restraining the Defendant whether by himself, his servants, agents or assigns from repeating similar or other defamatory words against the Plaintiff.
- e. Costs.

ADJEKUM & CO PRUC  
P. O. BOX CT 7887, CANTONMENTS, ACCRA  
5TH FLOOR, LEFT WING PYRAMID HOUSE  
RING ROAD CENTRAL, ACCRA  
TEL: 0244653179/0207960263/0302229584

This writ was issued by **BRIGHT OKYERE-ADJEKUM ESQ**  
**ADJEKUM AND COMPANY PRUC**  
whose address for service is **5<sup>TH</sup> FLOOR, PYRAMID HOUSE**  
**RING ROAD CENTRAL, ACCRA**

Agent for

Address Number and date of lawyer's current licence. eGAR 00568/23 DATED 17<sup>TH</sup> NOVEMBER, 2022

Lawyer for the plaintiff

who resides in ACCRA,

.....

**Indorsement to be made within 3 days after service**

This writ was served by me at

on the defendant

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).

Filed on: 2/6/23  
at 2:50 pm  
HIGH COURT  
ACCRA

IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
GENERAL JURISDICTION  
ACCRA - A.D. 2023

SUIT NO.

KEN OFORI - ATTAH )  
40 NDABANINGI SITHOLE ROAD )  
GPS ADDRESS GL - 027 - 9451 )  
LABONE, ACCRA. )

PLAINTIFF

VRS

BLESSED GODSBRAIN SMART )  
(A.K.A. CAPTAIN SMART) )  
  
(PLAINTIFF TO DIRECT SERVICE) )

DEFENDANT

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**STATEMENT OF CLAIM**

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1. Plaintiff is a Ghanaian, a family man and among others the Minister of Finance and Economic Planning of the Republic of Ghana.
2. Defendant holds himself out as a TV and Radio Presenter and at all material times was the host of a programme entitled *"Maakye with Captain Smart"*, a programme carried on Onua TV and Onua FM.
3. Defendant's said programme is also given world wide circulation via the internet through Facebook and Youtube.
4. On **22/05/2023** during the course of the said *"Maakye with Captain Smart"* programme, Defendant broadcast and published on Onua TV, Onua FM and via the internet the following words defamatory of the Plaintiff;

*"Are you aware that Ken Ofori Atta has taken his 10% of the IMF money ? "*

.....

*"Every loan we take he takes 10% "*

5. The above statements are not only palpably false, absolutely fabricated but were also deliberately calculated to disparage the Plaintiff. Those words are malicious and were clearly further intended to convey and would be understood to convey

meanings that diminish the Plaintiff in the minds of right thinking members of society.

6. The said words set out supra in their natural and ordinary meaning meant and were understood to mean inter alia ;
  - a. *That Plaintiff is corrupt,*
  - b. *That Plaintiff has diverted public funds and*
  - c. *That Plaintiff has abused his office.*
7. By reason of the foregoing Plaintiff has been greatly injured in his credit, character and reputation, and has been brought into public scandal, ridicule, distress and embarrassment and has thereby suffered damage.
8. By letter dated 29/05/2023, Plaintiff per Solicitors demanded an apology and retraction of the defamatory statements but Defendant has failed and / or refused to do so.
9. Plaintiff will rely on the following matters in support of a claim for aggravated and/or exemplary damages.

#### Particulars

- a. *Defendant knew or ought to have known that the IMF funds and Loans contracted by the Government of Ghana are public funds and thus fully credited to the Government's accounts at the Bank of Ghana and no portion thereof can be diverted by any person.*
- b. *Defendant had absolutely no basis whatsoever for his defamatory statements.*
- c. *Defendant was absolutely reckless by his defamatory statements as he showed no scintilla of evidence to support the defamatory statements.*
- d. *Defendant's motivation was only to increase his listenership and viewership at Plaintiff's expense.*
- e. *Notwithstanding the fact that Plaintiff has made it clear to Defendant that the statements are false, the Defendant has not*

*offered the Plaintiff any apology or retraction. It is to be inferred that Defendant has failed to do so because he is indifferent to the truth and is simply reckless and malicious.*

10. Plaintiff contends that unless restrained by the Court, Defendant will not retract and apologize for the defamatory words and will continue to publish or cause to be published same or similar defamatory words concerning the Plaintiff.

Wherefore Plaintiff Claims against the Defendant as per the Writ of Summons.

DATED AT ADJEKUM AND COMPANY PRUC, 5<sup>TH</sup> FLOOR, PYRAMID HOUSE,  
RING ROAD CENTRAL, ACCRA THIS 1<sup>ST</sup> DAY OF JUNE, 2023.

ADJEKUM & CO PRUC  
P. O. BOX 217087, CANTONMENTS, ACCRA  
5TH FLOOR, LEFT WING PYRAMID HOUSE  
RING ROAD CENTRAL, ACCRA  
TEL: 0244659179/0207960263/0302229584

SOLICITOR FOR PLAINTIFF  
BRIGHT OKYERE-ADJEKUM  
LICENCE NO. eGAR 00568/23  
TIN. P0005655552  
CHAMBER'S REG. NO. ePP00497/22  
CHAMBER'S BP NO. 3000068190

THE REGISTRAR  
HIGH COURT  
GENERAL JURISDICTION  
ACCRA.

AND TO THE ABOVE NAMED DEFENDANT.