



WRIT OF SUMMONS

(Order 2 rule 3(1))

WRIT ISSUED FROM

ACCRA, 29/10

2021 SUIT No

HR/0006/2022

IN THE HIGH COURT OF JUSTICE HUMAN RIGHTS DIVISION, ACCRA

BETWEEN

GHANA RUGBY FOOTBALL ASSOCIATION
(a.k.a. GHANA RUGBY FOOTBALL UNION)

X FM BUILDING, NEAR BLUE GATE
ACCRA

3000062074

To

Plaintiff*

AND

1. HERBERT AMPONSAH MENSAH
2. RAFATU INUSAH
ALL OF HOUSE NO. 46, OKODAN ROAD
OSU, ACCRA

Defendants*

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

GHANA RUGBY FOOTBALL ASSOCIATION

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.

HERBERT AMPONSAH MENSAH & RAFATU INUSAH

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

Dated this 29TH day of OCTOBER

20.21

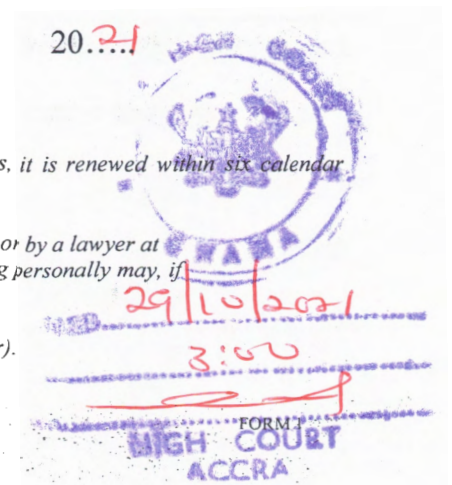
Chief Justice of Ghana
ANIN YEBOAH

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).



STATEMENT OF CLAIM

Wherefore and in the circumstances, the Plaintiff claims against the Defendants as follows:

- i. A declaration that the conduct of the 1st Defendant holding himself out as Chairman and President of the Plaintiff when he knows he has been removed from office is fraudulent;
- ii. An order perpetually restraining the 1st Defendant from holding himself out as a director, president and Chief Executive Officer of the Plaintiff;
- iii. An order directed to the 1st Defendant to handover all assets and properties of the Plaintiff that are in his custody, and render account from June, 2014 to date of handover;
- iv. An order directed to the 1st Defendant to disclose to the Plaintiff all bank accounts being operated in the name of the Plaintiff;
- v. An order restraining the 2nd Defendant from exercising any power pertaining to organising Rugby activities without the approval and authority of the board or members;
- vi. Legal costs;
- vii. General damages;
- viii. An order directed to the 1st Defendant to indemnify Plaintiff for losses, damages, injuries and liabilities that the Plaintiff has suffered as a result of the 1st Defendant's conduct; and
- ix. An order directed to the 1st Defendant to refund any personal gains, profits, rewards and whatsoever benefits he has received from June, 2014 to the date of handover.

DATED AT PAINSTIL, PAINTSIL & CO., GOSHEN CHAMBERS, HOUSE NO. 26, FARRAR AVENUE, BETWEEN HOTEL PRESIDENT AND TATTERS BOUTIQUE, ADABRAKA, ACCRA. THIS 29TH DAY OF OCTOBER, 2021


This writ was issued by: **KWEKU Y. PAINTSIL, ESQ.**

Whose address for service is: **PAINTSIL, PAINTSIL & CO., GOSHEN CHAMBERS,
NO. 26, FARRAR AVENUE, BETWEEN HOTEL PRESIDENT AND
TATTERS BOUTIQUE, ADABRAKA, ACCRA**

Agent for: **PLAINTIFF**

Address Number and date of lawyer's current licence. **eGAR 01550/21**

Lawyer for the plaintiff: **KWEKU Y. PAINTSIL, ESQ.** who resides at: **ADABRAKA - 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).

IN THE SUPERIOR COURT OF JUDICATURE
THE HIGH COURT OF JUSTICE
HUMAN RIGHT DIVISION
ACCRA - A.D. 2021

Filed on 29/10/2021
3:00 am/pm
Registrar
HUMAN RIGHTS COURT "1" ACCRA, G/R

SUIT NO.:

BETWEEN:

GHANA RUGBY FOOTBALL ASSOCIATION
(a.k.a GHANA RUGBY FOOTBALL UNION)
X FM BUILDING, NEAR BLUE GATE
ACCRA
AND

PLAINTIFF

1. HERBERT AMPONSAH MENSAH
2. RAFATU INUSAH
ALL OF HOUSE NO. 46
OKADAN ROAD
OSU, ACCRA

DEFENDANTS

STATEMENT OF CLAIM

1. The Plaintiff commences this action on the authority of an Ordinary Resolution agreed by Delegates of the Plaintiff's Affiliate Member Associations (Members) entitled to attend and vote at a general meeting consistent with the Companies Act 2019 (Act 992) and the Constitution of the Plaintiff.
2. Further, the Members initiates this action in the name of and on behalf of the Plaintiff pursuant to section 144 (5) of Act 992, following the inability or neglect of the board to act by reason of a legal action by one section of the board against another section of the board.
3. The Plaintiff was set-up in or about 2003 with the mandate to administer and regulate the game of rugby and related matters in the country.
4. The 1st Defendant was elected as a board member and President of the Plaintiff in 2014, and subsequently appointed as its board chairman and Chief Executive Officer (CEO) in the same year.
5. The 2nd Defendant is a board member of the Plaintiff.
6. However, at a duly constituted Special General Meeting attended by delegates of Members entitled to attend and vote, dated 8th June, 2021, the 1st Defendant was removed from office as the President, director and CEO of the Plaintiff with immediate effect, and same communicated to the 1st Defendant.
7. Subsequently, the 1st Defendant was requested to handover all properties and assets of the Plaintiff in his possession, and account for his stewardship during his tenure of office, but the 1st Defendant has failed to comply with such request up to date despite several reminders.

8. However, the 1st Defendant continues to falsely hold himself out to the public and other sister federations and bankers of the Plaintiff, that he is the President, board chairman and CEO of the Plaintiff, despite being aware of his removal from office.

PARTICULARS


- i. The 1st Defendant continues to exchange correspondences with stakeholders of Rugby including Africa Rugby, the National Sports Authority (NSA) and the Ghana Olympic Committee, in his capacity as Chairman and President of Ghana Rugby;
 - ii. The 1st Defendant continues to attend conferences at Africa Rugby and make presentations in his capacity as the President or Chairman of Ghana Rugby;
 - iii. The 1st Defendant continues to solicit for sponsorship in the name of Ghana Rugby as President and Chairman;
 - iv. The 1st Defendant continues to write to bankers of the Plaintiff in his capacity as Chairman and President to allow him to make withdrawals; and
 - v. The 1st Defendant continues to make publications and speaks to the press in his capacity as Chairman or President of the Plaintiff.
9. The 1st Defendant has also gone ahead to use the Plaintiff's name to open secret bank accounts into which he is receiving funds meant for the activities of the Plaintiff without the authority or approval of the Plaintiff, and dissipating such funds for his personal interest.
10. The 2nd Defendant, acting under the instructions of the 1st Defendant or by herself, has in recent times been organising Rugby activities which require board or members approval without the authority of the board or members.
11. Despite the 2nd Defendant having been warned to desist from such conduct, she continues to do same with impunity.

Wherefore and in the circumstances, the Plaintiff claims against the Defendants as follows:

- i. A declaration that the conduct of the 1st Defendant holding himself out as Chairman and President of the Plaintiff when he knows he has been removed from office is fraudulent;
- ii. An order perpetually restraining the 1st Defendant from holding himself out as a director, president and Chief Executive Officer of the Plaintiff;
- iii. An order directed to the 1st Defendant to handover all assets and properties of the Plaintiff that are in his custody, and render account from June, 2014 to date of handover;
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- v. An order restraining the 2nd Defendant from exercising any power pertaining to organising Rugby activities without the approval and authority of the board or members;
- vi. Legal costs;
- vii. General damages;
- viii. An order directed to the 1st Defendant to indemnify Plaintiff for losses, damages, injuries and liabilities that the Plaintiff has suffered as a result of the 1st Defendant's conduct; and
- ix. An order directed to the 1st Defendant to refund any personal gains, profits, rewards and whatsoever benefits he has received from June, 2014 to the date of handover.

DATED AT PAINSTIL, PAINTSIL & CO., GOSHEN CHAMBERS, HOUSE NO. 26, FARRAR AVENUE, BETWEEN HOTEL PRESIDENT AND TATTERS BOUTIQUE, ADABRAKA, ACCRA. THIS 29TH DAY OF OCTOBER, 2021.


KWEKU Y. PAINTSIL, ESQ.
SOLICITOR FOR THE PLAINTIFF
LICENCE NO. eGAR 01930/21

THE REGISTRAR
HIGH COURT
HUMAN RIGHT DIVISION
ACCRA.

AND FOR SERVICE ON THE ABOVE-NAMED DEFENDANTS.