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at 2:30 am/pm
Registrar
HIGH COURT
ACCRA

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
(GENERAL JURISDICTION 1)
ACCRA - A.D. 2025

SUIT NO. CR/0538/2025

IN THE MATTER OF KWADWO ADJEI VS KAREN BAABA SAM

AND

IN THE MATTER OF AN APPLICATION BY KWADWO ADJEI FOR
COMMITTAL FOR CONTEMPT OF COURT

THE REPUBLIC

VRS.

KAREN BAABA SAM - RESPONDENT/APPLICANT

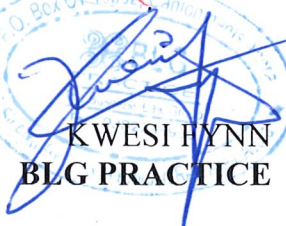
EX-PARTE
KWADWO ADJEI - APPLICANT/RESPONDENT

MOTION TO SET ASIDE SERVICE OF CONTEMPT APPLICATION AND
CONSEQUENTIAL DECLARATION
(Pursuant to order 9 rule 8(a) & (b) of CI 47)

MOTION ON NOTICE by Respondent/Applicant's ("Respondent") lawyer praying this Honourable Court for an order setting aside the purported service and the order pursuant to which the said service was, purportedly, effected, and consequential declaration thereof on the grounds contained in the accompanying affidavit and for any further orders as the Honourable Court may deem fit.

COURT to be moved on the 24th day of July 2025, at 9 O'clock in the forenoon or so soon thereafter as Respondent's lawyer may be heard.

DATED THIS 9TH DAY OF JULY 2025.


KWESI HYNN
BLG PRACTICE

Lawyer for Respondent

SL No. eGAR02499/25 || BP No. 3000002030 || CRC No. ePP00672/24

The Registrar
High Court (General Jurisdiction), Accra.

And to Applicant/Respondent's lawyer **Nii Apatu Plange, Esq.** of Apatu-Plange & Co. PRUC, First Floor No. 84 Onyankle Street, Opp. Accra Community School, Abelenkpe, Accra.



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THE REPUBLIC

VRS.

KAREN BAABA SAM

-

RESPONDENT/APPLICANT

EX-PARTE

KWADWO ADJEI

-

APPLICANT/RESPONDENT

AFFIDAVIT IN SUPPORT

I, Karen Baaba Sam, of Accra, make oath and say as follows:

1. I am the Respondent/Applicant ("Respondent") in this suit, and I depose herein to matters of fact that are in my personal knowledge and matters of law upon the advice of my lawyer, which I believe to be true.
2. That my deposition is in support of my instant motion for orders to set aside the substituted service order made by the Honourable Court on 25 June 2025, together with the purported substituted service effected of the Applicant/Respondent ("Applicant") motion for contempt in this matter, and the consequential declaration thereof.
3. That at the hearing of this motion, counsel for the Respondent shall refer to processes filed in this matter as may be relevant.
4. That on 27 June 2025, an order for substituted service and the contempt application were posted on the walls of my lawyers' offices, purporting to serve me through my lawyers with the Applicant's said contempt application filed on 23 June 2025.

5. That I subsequently caused my lawyers to obtain copies of the Applicant's application for substituted service and the proceedings of 25 June 2025, the day the Court made the order for substituted service.
6. That upon review of the Applicant's application for substituted service, aside his mere allegations (which are false in any case and hereby denied), the Applicant did not show in his said application that the mandatory attempts to serve me have been made and failed, and he also did not provide any such proof before applying for and being granted the order for service by substitution.
7. That in addition to the foregoing, there was also no evidence whatsoever furnished that, any prior attempt had also been duly authorized and made to serve the contempt application on my lawyers to warrant the order of the Court authorizing processes to be posted on my lawyers' office premises in purported service of the contempt application.
8. What is even more egregious is that the record shows that on **23 June 2025 at 11:02 a.m.**, the Applicant filed his application for contempt at the registry of the Court against me.
9. That on the same **23 June 2025 at 11:10 a.m.**, barely 8 minutes from the filing of the contempt application, the Applicant filed an *ex-parte* application to serve me with the contempt application through substituted service.
10. That by the Applicant's own showing in his motion for substituted service, not even a single attempt was made **WITHIN THE 8 MINUTES INTERVAL** to serve me with the contempt application and yet he applied, *ex parte*, for orders to serve me by substituted service, which application the Court also presided over and granted.
11. That the *ex-parte* application for substituted service and the 25 June 2025 order of the Court offends the mandatory rules and the well-laid-out procedure for applying for and obtaining an order for substituted service of processes.
12. That the Court also violated my due-process rights and the mandatory rules going to its jurisdiction when it entertained and granted the illegal and grievously offensive *ex parte* application for substituted service against me.
13. That equally unlawful and unknown to any rule of procedure is the order to post court processes on the walls of the law offices of counsel (rather than deliver it to counsel

as is required by the rules of court), when the law office has not been shut down nor the lawyer has refused to accept the process.

14. That the 25 June 2025 order was obtained unlawfully and illegally, and the Honourable Court equally wrongfully and illegally issued same, and the ensuing substituted service does not amount to service of a process recognised by law.
15. That even before I would be notified of this case to enable me to appear and take any step, the Honourable Court has already demonstrated its prejudice against me and violated my constitutionally-guaranteed due process rights, and the rights of my lawyers, by presiding over and granting an utterly illegal and unwarranted *ex parte* application against me.
16. That in the circumstance, the Respondent is entitled to and hereby prays for an order setting aside the 25 June 2025 order for substituted service, the purported service of the contempt application as unlawful, illegal and obtained in breach of well laid down fundamental and binding procedural rules of court, and a further declaration that I have not been served with the contempt application in this suit.

WHEREFORE, I depose to this affidavit in support of this application.



DEPONENT

Sworn this th 9 day of July 2025.

BEFORE ME



COMMISSIONER OF OATHS