

**IN THE SUPERIOR COURT OF JUDICATURE, THE SUPREME COURT
(CIVIL DIVISION) SITTING IN ACCRA ON TUESDAY THE 19TH DAY OF
JANUARY, 2021**

**CORAM: YEBOAH (CJ) (PRESIDING), APPAU, MARFUL-SAU,
AMEGATCHER, PROF. KOTEY, OWUSU, TORKORNOO JJ.S.C)**

**WRIT
NO. J1/5/2021**

**ARTICLE 64 OF THE CONSTITUTION AND SUPREME COURT RULES, 1996
(C. I. 16) AS AMENDED BY C. I. 74 AND C. I. 99)**

**PRESIDENTIAL ELECTION PETITION
PRESIDENTIAL ELECTION HELD ON 7TH DECEMBER, 2020**

JOHN DRAMANI MAHAMA - PETITIONER

VRS

1. ELECTORAL COMMISSION - 1ST RESPONDENT

2. NANA ADDO DANKWA AKUFO-ADDO - 2ND RESPONDENT

PARTIES: PETITIONER PRESENT

1ST RESPONDENT REPRESENTED BY JEAN MENSA, CHAIRPERSON

2ND RESPONDENT REPRESENTED BY PETER MAC-MANU

COUNSEL: TSATSU TSIKATA WITH HIM TONY LITHUR FOR THE PETITIONER

**JUSTIN AMENUVOR FOR 1ST RESPONDENT WITH HIM A. A.
SOMUAH ASAMOAH**

**AKOTO AMPAW FOR 2ND RESPONDENT WITH HIM FRANK DAVIES,
KWAKU ASIRIFI AND YAW OPPONG**

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Counsel for Petitioner moves the application for interrogatories in terms of the motion paper and the supporting affidavit.

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RULING:

The Petitioner/Applicant has prayed this Court to grant the application to serve interrogatories. The basis for the application as argued by learned Counsel for the Petitioner/Applicant is to assist the Court to narrow issues for the trial of this Petition.

Interrogatories under Common Law is discretionary, it should be granted or refused when all the circumstances are taken into consideration. It should be noted that the questions seek to elicit answers to the issues raised by and the reliefs sought in the Petition. Interrogatories must be relevant to the issues and relate to the matters in controversy between the parties, in this case the Petitioner and the 1st Respondent.

The Court is of the opinion that the crucial issue of relevancy has not been established in this application. Reference was made to the 2013 Election Petition titled: **NANA ADDO DANKWA AKUFO-ADDO & 2 ORS VRS JOHN DRAMANI MAHAMA & 2 ORS [2013] SCGLR 50**, in which an application to serve interrogates was granted by this Court. However, subsequent to 2013, several statutory amendments have been made by C.I. 99 of 2016 which has restricted the practice and procedure of this Court as regards Election Petition.

Indeed, Rule 69 (c) (4) of the Supreme Court amendment Rules C.I. 99 directs the expeditious disposal of the Petition and sets timelines for this Court to dispose

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of the Petition. It implies that, even amendments ought not to be sought and granted as well as joinder of parties. Subsequent statutory amendments pointed out after 2013 have provided us with new procedural regime and strict timelines. We are strictly bound to comply with C.I.99 and therefore we will not apply Order 22 of C.I.47 of 2004 in this circumstance. We accordingly refuse to grant the application and same is accordingly dismissed.

BY COURT

Let the issues for determination be filed by tomorrow before 9:30 am. Hearing of the petition is adjourned to 9:30am on 20th January, 2021.

**ANIN YEBOAH
CHIEF JUSTICE**

**Y. APPAU
JUSTICE OF THE SUPREME COURT**

**S. K. MARFUL-SAU
JUSTICE OF THE SUPREME COURT**

**N. A. AMEGATCHER
JUSTICE OF THE SUPREME COURT**

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PROF. N. A. KOTÉY
JUSTICE OF THE SUPREME COURT

M. OWUSU (MS)
JUSTICE OF THE SUPREME COURT

G. TORKORNOO (MRS)
JUSTICE OF THE SUPREME COURT

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