International Journal of Scientific Research and Engineering Development-– Volume 8 Issue 4, July Year 2025
Available at www.ijsred.com

RESEARCH ARTICLE OPEN ACCESS

High Court Declares Denkyira Ayanfuri Gyamanhene the Owner of Gyaman Dadaa Land

Dr. Isaac k. Damoah

In the Superior Court of Judicature, In the High Court of Justice, Central Region held at Cape Coast on Thursday the 28th day of October, 2004

Coram: E. M. Boateng, J.

MO.5/03

Nana Kwame Nisiah

Vrs

Kwadwo Sika and anor

Parties - present

Mr. Asiam, defendants - present

Judgement

This appeal should have been met with positive result and never ought to have ended totally in failure in this court. From the reports the court discovered that Ayanfuri Stool and Gyaman Stool had personal interest in the land in dispute. Gyaman Stool held the pocessory title and Ayanfuri Stool held the allodial title. If that was the case, it would be wrong for the court below to proclaim the plaintiffs the owners of the land. This fact must have been raised as the bedrock of this appeal but it was not. However, the High Court Judge considered the two million cost awarded against appellants as expensive. This amount was awarded two years ago by small court, Dunkwa District Magistrate Court. With respect to these advantages, the appellants lose their appeal when their counsel committed catastrophic error by rejecting all the justification for appeal in favor of only one which ended in a failure. Because the only justification for the appeal did not hold water, it was end of the appeal. Due to this, it was essential for this court to give detail account of the justification for the appeal. The only basis required in this appeal was that connecting the Co-defendant the Tribunal was not authorized to try the matter between the Ayanfuri Stool and Gyaman Stool. The appellants contended that until NRCD 172 was cancelled it was the Stool Lands Boundary Settlement Commission ordered to settle boundary disputes between two stools. So the High Court ought to have stop the proceedings and refer the issue to the Stool Lands Boundary Settlement Commission. According to Acts 587 this authority had

been invested in the High Court. Because this authority had been confered on the High Court, the trial court should have it's proceedings about this matter and refer the case to the High Court. Failure to do this made the proceedings before the court was a trash. Counsel for the Appellant inquired this court to put the whole judgement aside and instructed for a new trial. Counsel for respondent said the issue was not about Stool Land Boundary and it was not necessary to refer the matter to the High Court. The Co-defendant's case was that the plaintiff had no land in the disputed area. Also the Defendant's said that he did not share boundary with the plaintiff and the plaintiff's land was out-of-the way. Due to these reasons the counsel for the Respondent said that based on the evidence from the Co-defendant and the Defendant they could not talk about Stool boundary dispute which the trial Court must stop it's proceedings and refer the issue to the High Court for jurisdiction. He (Judge) concurred with the respondent's counsel that the Co-defendant and Defendant did not mention Stool Land Boundary dispute so it was not vital to refer the matter to High Court. If that was the case the only point of appeal flops. For this reason he (Judge) rejected the appeal.

He (Judge) granted one million cedis against the appellants.

REFERENCE

Boateng, E.M.(2004, October 28),"Judgement",high Court of Justice, central region, cape Coast, p.1-3

