

IN THE SUPERIOR COURT OF JUDICATURE, IN THE HIGH COURT OF JUSTICE,
INDUSTRIAL AND LABOUR DIVISION II, HELD IN ACCRA ON TUESDAY THE 28TH
DAY OF FEBRUARY, 2023 BEFORE HER LADYSHIP JUSTICE ANANDA J. AIKINS
(MRS).

SUIT NO. IL/0056/2022

1. KWASI OWUSU)
2. BENNETT ASANTE NKRUMAH) **PLAINTIFFS**

VRS

1. THE MUSICIANS UNION OF GHANA)
2. MR. BESSA SIMONS) **DEFENDANTS**
3. REV. THOMAS HARRY YAWSON)

Time 9.30am

1st plaintiff present and representing the 2nd plaintiff


3rd defendant is present

Charles Bawaduah counsel for the plaintiff's present

Nanabanyin Ackon with Nana Baafi Yeboah, counsel for the defendant present

Counsel for the defendant: This matter came for hearing on an application brought by the defendant and my lady directed that the parties appear before the arbitration committee of the 1st defendant. The parties did and the arbitration committee determined plaintiff's petition which is the basis of the action before this court. We filed the notice of the arbitration committees' decision in this court and same is on record. The decision of the arbitration in summary was that the 2nd and 3rd defendants as interim officers of the 1st defendant must continue to perform their functions and make sure that elections are held to elect substantive officers on the date not later than 6th October 2022. It was a reasonable expectation of the parties that the decision of the committee would first be adopted by the court so they could proceed accordingly even though we on the side of the defendant thought that once the arbitration committee has decided the defendant could proceed and get the election done. Because there was no consensus we had to abide the insistence of the plaintiff for this court to first adopt the decision of the arbitration committee. The decision has not yet been adopted by this court and so the defendants have not been able to proceed to conduct the said election, especially so when the plaintiffs' wrote to the 1st defendant insisting that the

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continuous performance of their functions as interim executives would amount to contempt of court in the face of pending application for interlocutory injunction. This is where the union is as we speak, my lady, this is the information I wish to bring to the attention of this court.

Counsel for the plaintiff: My lady respectfully, on the 7th day of June 2022, this court in dealing with an application to dismiss the action ruled among other things that the committee be given enough time to address the petition of the plaintiffs. In the event that the committee is unable to do so then the plaintiffs' are free to pursue this action in court. My lady, the court further directed the committee to attempt to resolve the plaintiffs' petition. My lady, I am instructed that the committee instead of attempting to have the matter resolved amicably between the parties turned its self into a court, did not even give a fair hearing to the plaintiffs' and wrote what they said is their decision. My lady, the plaintiffs' believe that they were not fairly treated in the manner with so called decision came about. The decision was not an amicable resolution as was contemplated by the parties and the court. It is the prayer of the plaintiffs' therefore that the court proceed to hear to resolve the matter as the committee has failed to resolve the matter in the manner contemplated by the parties. This is our humble prayer.

Counsel for the defendant: It is our humble prayer that in view of the fact that the union is at a standstill as we speak, if my lady could consider the submission that we have just made and accordingly give direction to parties, this is because we believe that this court shall consider the submission herein made, it could bring the whole matter to a resolution. My humble prayer.

By Court: The court has heard the submissions made by both counsel and the court has also looked at the ruling of the Arbitration Committee of the 1st defendant. The court is of the opinion that the decision of the arbitration committee should be complied with by both parties. The court therefore adopts the ruling of the Arbitration Committee as its judgment in this matter.

(SGD.)
JUSTICE ANANDA J. AIKINS (MRS.)
JUSTICE OF THE HIGH COURT

day

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