

Filed on... 24-12-19  
at... 8:30 am/pm  
... Registrar  
COMMERCIAL DIVISION OF THE  
HIGH COURT, ACCRA

IN THE SUPERIOR COURT OF JUDICATURE  
IN THE COURT OF APPEAL  
ACCRA - A.D. 2019

SUIT NO: GJ/1600/2019

SEINYE LULU-BRIGGS  
H/No. Plot 147  
Trassaco Valley Estate  
Accra

PLAINTIFF/APPLICANT/APPELLANT

VERSUS

CHIEF DUMO LULU-BRIGGS  
(Plaintiff will direct service)

DEFENDANT/RESPONDENT/RESPONDENT

AND

SUIT NO: GJ/1601/0310/2019

1. SEINYE LULU-BRIGGS  
(suing for herself and on behalf of  
Iyowuona Lulu-Briggs, a minor)

1<sup>ST</sup> PLAINTIFF/RESPONDENT/APPELLANT

2. SOLATE OVUNDAH-AKAROLO  
3. RACHAEL LULU-BRIGGS  
4. DATEM LULU-BRIGGS

2<sup>ND</sup> PLAINTIFF/RESPONDENT/APPELLANT  
3<sup>RD</sup> PLAINTIFF/RESPONDENT/APPELLANT  
4<sup>TH</sup> PLAINTIFF/RESPONDENT/APPELLANT

All of  
H/No. Plot 147  
Trassaco Valley Estate  
Accra

VERSUS

1. DUMO LULU-BRIGGS  
2. SENIBO LULU-BRIGGS  
3. SOFIRI LULU-BRIGGS  
(Plaintiff will direct service)

1<sup>ST</sup> DEFENDANT/APPLICANT/RESPONDENT  
2<sup>ND</sup> DEFENDANT/APPLICANT/RESPONDENT  
3<sup>RD</sup> DEFENDANT/APPLICANT/RESPONDENT

**4. ENTERPRISE FUNERAL SERVICES GHANA LIMITED**  
Transitions Place, No, C1/17,  
Asore Junction  
Atomic - Kwabenya Main Road  
Haatso

**4<sup>TH</sup> DEFENDANT/RESPONDENT/RESPONDENT**

**5. THE INSPECTOR-GENERAL OF POLICE**  
Ghana Police Service  
Ring Road East, Cantonments  
Accra

**5<sup>TH</sup> DEFENDANT**

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**NOTICE OF APPEAL**

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**PLEASE TAKE NOTICE** that the Plaintiff/Applicant/Appellants in Suit No. GJ/1600/2019 and the Plaintiffs/Respondents/Appellants in Suit No. GJ/1601/0310/ 2019 (the “Appellants”), being dissatisfied with the ruling of the High Court (General Jurisdiction Division), Accra presided over by His Lordship Eric Kyei-Baffour JA, sitting as an additional High Court judge, ordering that the mortal remains of the Deceased, High Chief (Dr.) Olu Benson Lulu-Briggs be released by the 4<sup>th</sup> Defendant/Respondent and the 5<sup>th</sup> Defendant to family, led by Chief Dumo Lulu-Briggs, to covey same to Nigeria, for the burial and funeral rites on 23<sup>rd</sup> December 2019 hereby appeal to the Court of Appeal against the said ruling more particularly stated in paragraph 2, upon the grounds in paragraph 3 and will at the hearing of the appeal seek the reliefs set out in paragraph 4.

And the Appellant further states that the names and addresses of the persons directly affected by the appeal are set out in paragraph 5.

**2. PART OF THE DECISION OF THE LOWER COURT COMPLAINED OF**

The order that the mortal remains of the Deceased, High Chief (Dr.) Olu Benson Lulu-Briggs be released by the 4<sup>th</sup> Defendant/Respondent and the 5<sup>th</sup> Defendant to

family, led by Chief Dumo Lulu-Briggs, to convey same to Nigeria, for the burial and funeral rites

### **3. GROUNDS OF APPEAL**

- a) That the learned trial judge erred in determining the Appellants' substantive suits without affording the Appellants the opportunity to prove their case through a trial.
- b) That the trial judge erred in determining the Appellants' suit solely based on the affidavits in support and in opposition to the injunction applications before him.
- c) That the trial judge erred in holding that Dumo Lulu-Briggs is the head of the Deceased's family.
- d) That the trial judge failed to recognize Madam Seinye Lulu-Briggs' unchallenged permits and approvals to repatriate the Deceased's body as conferring a right and duty on her to do same.
- e) That having adjourned proceedings in order to hear pending interlocutory applications, the learned trial judge acted arbitrarily in delivering a final ruling on the suit.
- f) That the order of the trial judge is against the weight of evidence on record.
- g) The Appellants will file additional grounds of appeal upon receipt of a certified copy of the proceedings of the Court.

### **4. RELIEFS SOUGHT FROM THE COURT OF APPEAL**

- a) An order setting aside the order of the trial High Court set out in paragraph 2.
- b) An order remitting the case to the trial High Court, differently constituted, to be reheard.
- c) An order directing the trial High Court to hold an inquiry as to whether under the customary law of the Kalabari people, Dumo Lulu-Briggs, Senibo Lulu-Briggs, and Sofiri Lulu-Briggs or their successors, servants, agents, assigns, employees and workmen, howsoever described, are entitled to custody of the Deceased's body.

- d) An interlocutory injunction restraining Dumo Lulu-Briggs, Senibo Lulu-Briggs, and Sofiri Lulu-Briggs their successors, servants, agents, assigns, employees and workmen, howsoever described, from interfering with the Deceased's body and conveying same to Nigeria until the trial High Court determines the Appellants' substantive suit.
- e) An interlocutory injunction restraining the 4<sup>th</sup> Defendant/Respondent/ Respondent from releasing the Deceased's body to Dumo Lulu-Briggs, Senibo Lulu-Briggs, and Sofiri Lulu-Briggs their successors, servants, agents, assigns, employees and workmen, howsoever described, pending the determination of the instant appeal.

**5. NAME AND ADDRESS OF THE PERSON DIRECTLY AFFECTED BY THIS APPEAL**

- (a) DUMO LULU-BRIGGS
- (b) SENIBO LULU-BRIGGS
- (c) SOFIRI LULU-BRIGGS

(Appellants will direct service)

DATED AT KIMATHI & PARTNERS, Corporate Attorneys, ACCRA, THIS 23<sup>RD</sup> DAY OF DECEMBER 2019.



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**KIMATHI KUENYEHIA**  
Lead Counsel for the Appellants  
Solicitor's Licence No.: GAR 20711/19

The Registrar  
Court of Appeal  
Accra