

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
(COMMERCIAL DIVISION)
ACCRA-GHANA

CONSOLIDATED SUITS:

SUIT NO. GJ/1600/2019

SEINYE LULU-BRIGGS - PLAINTIFF

VERSUS

CHIEF DUMO LULU-BRIGGS - DEFENDANT

AND

SUIT NO. GJ/1601/2019

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

2. SOLATE OVUNDAH-AKAROLO - PLAINTIFFS

3. RACHAEL LULU-BRIGGS

4. DATEIM LULU-BRIGGS

VERSUS

1. DUMO LULU-BRIGGS

2. SENIBO LULU-BRIGGS

3. SOFIRI LULU-BRIGGS - DEFENDANTS

4. ENTERPRISE FUNERAL SERVICES
GHANA LIMITED

5. THE INSPECTOR-GENERAL OF POLICE



SGD.

ERIC KYEI BAFFOUR (JA)
JUSTICE OF THE COURT OF APPEAL
(SITTING AS ADDITIONAL HIGH COURT JUDGE)

ORDER FOR THE RELEASE OF THE CORPUS OF
HIGH CHIEF (DR.) OLU BENSON LULU-BRIGGS

UPON READING the Affidavit of THOMAS ARTHUR, a Chief Paralegal at Kimathi & Partners, Corporate Attorneys, of House No. 6 Airport Road, Airport Residential Area, Accra, together with the Statement of Case, sworn to and filed on the 12th day of July, 2019 in Support of Motion on Notice for an Order of Interlocutory Injunction.

CERTIFIED TRUE COPY


REGISTRAR
HIGH COURT
COMMERCIAL DIVISION LLC-ACCRA

S.M.

AND UPON READING the Affidavit of CHIEF DUMO LULU-BRIGGS, SENIBO LULU-BRIGGS and SOFIRI LULU-BRIGGS, of Nigeria, together with the Statement of Case, sworn to and filed on the 13th day of August, 2019 in opposition to Plaintiff's Motion on Notice for an Order of Interlocutory Injunction.

AND UPON READING the Affidavit of DUMO LULU-BRIGGS, SENIBO LULU-BRIGGS, SOFIRI LULU-BRIGGS, of Nigeria, together with the Statement of Case, sworn to and filed on the 13th day of August, 2019 in support of Application for Interlocutory Injunction.

AND UPON READING the Affidavit of THOMAS ARTHUR, a Chief Paralegal at Kimathi & Partners, Corporate Attorneys, of House No. 6 Airport Road, Airport Residential Area, Accra, together with the Statement of Case, sworn to and filed on the 23rd day of December, 2019 in opposition to Defendant's Motion on Notice for an Order of Interlocutory Injunction.

AND UPON HEARING KIMATHI KUENYEHIA, ESQ. with REGINALD ODOI, ESQ., PAA LARBI ASARE, ESQ., MAWUNYO ADJAHO, ESQ. and JAMES NKRUMAH ESQ., Counsel for and on behalf of the Plaintiff/Applicant/Respondent herein.

AND UPON HEARING NANA AGYEI BAFFOUR AWUAH, ESQ. with with MAAME TUTUA DADSON (MRS.) and BERNICE AMA MORTEY (MS.), Counsel for and on behalf of the Defendant/Respondent/Applicant herein.

AND THE COURT, having considered the two Applications filed by both parties, guided by Order 25 rule 1 of C.I.47, and having exercised its discretion according to law and the Affidavit evidence,

hereby declines the Application of the Plaintiff/Applicant/Widow, Seinye Lulu-Briggs, and **further orders as follows:**

1. That the mortal remains of the deceased, **High Chief (Dr.) Olu Benson Lulu-Briggs** be released by the 4th Defendant, Enterprise Funeral Services Ghana Limited and the Ghana Police Service, to the family by custom, led by Chief Dumo Lulu-Briggs, to convey same to Nigeria, for the burial and funeral rites.
2. That the delegation led by Chief Dumo Lulu-Briggs that will convey the body of the deceased to Nigeria, should include two representatives of the Plaintiff/Widow, who should be part of the delegation that will convey the body to Nigeria.
3. That the family of the deceased, led by Chief Dumo Lulu-Briggs, will give a binding unconditional undertaking that, under no circumstance will the family allow or suffer the Plaintiff/Widow to undergo any cruel, inhumane or barbaric customary practices in Nigeria, when the body is conveyed.
4. That the family, led by Chief Dumo Lulu-Briggs, will further undertake that the Plaintiff/Widow will be ably represented in the burial and funeral preparations, and will be allowed to play her role as a widow mourning her deceased husband.

IT IS HEREBY FURTHER ORDERED, that the 37 Military Hospital which conducted an autopsy on the body of the deceased, **High Chief (Dr.) Olu Benson Lulu-Briggs**, is to file the autopsy report at the Registry of the Court within **three (3) days** upon service of this Order on the Hospital.

IT IS HEREBY FURTHER ORDERED, that the parties are at liberty to procure copies of the autopsy report at the Registry of the Court.

Ordered accordingly.

GIVEN UNDER MY HAND AND SEAL OF THE HIGH COURT OF JUSTICE (COMMERCIAL DIVISION), ACCRA THIS 23RD DAY OF DECEMBER, 2019

SGD.
STEPHEN AFOTEY
(REGISTRAR)

CERTIFIED TRUE COPY


.....REGISTRAR
HIGH COURT
COMMERCIAL DIVISION LLC-ACCRA