

REGISTRAR
HIGH COURT
ACCRA



REPUBLIC OF GHANA

WRIT OF SUMMONS
(Order 2 rule 3(1))

WRIT ISSUED FROM Accra 18/02/23 20 23 SUIT NO. 1/USC/2023

IN THE HIGH COURT OF JUSTICE

.....ACCRA, AD 2023.....

BETWEEN

- 1. APOSTLE DANIEL MENSAH ATTAKPAH
- 2. REV. PHILIP ATTAKPAH
- 3. JOHANNIES OLLENNU
- 4. REV. JONATHAN NYABU
- 5. PASTOR SOLOMON AMENYO
- 6. PASTOR EBENEZER NARTEY

(ALL OF THE DIVINE HEALER'S CHURCH
NO. 47 ANSAH ROAD
KORLE GONNO, ACCRA)

PLAINTIFFS

Plaintiff*

AND

- 1. THE REGISTERED TRUSTEES
THE DIVINE HEALER'S CHURCH
NO. 47 ANSAH ROAD
KORLE GONNO, ACCRA
- 2. APOSTLE ISSAC KWABENA ADADE
- 3. APOSTLE MAXWELL ARYEETAY FOSTER
- 4. APOSTLE KENNETH ASHALEY ADDO
- 5. APOSTLE EMMANUEL ACQUAYE
- 6. APOSTLE DORA EDITH OSEKRE

(ALL OF THE DIVINE HEALER'S CHURCH
NO. 47 ANSAH ROAD
KORLE GONNO, ACCRA)

DEFENDANTS

Defendant*

To THE REGISTERED TRUSTEES, THE DIVINE HEALER'S CHURCH; APOSTLE ISSAC KWABENA ADADE; APOSTLE MAXWELL ARYEETAY FOSTER; APOSTLE KENNETH ASHALEY ADDO; APOSTLE EMMANUEL ACQUAYE & APOSTLE DORA EDITH OSEKRE

AN ACTION having been commenced against you by the issue of this Writ by the above-named Plaintiff,



YOU ARE HEREBY COMMANDED that within EIGHT DAYS after service of this Writ on you inclusive of the day of service you do cause an appearance to be entered for you.

[Handwritten signature and stamp]

AND TAKE NOTICE that in default of your so doing, judgment may be given in your absence without further notice to you.

Dated this

15th day of Feb 2023

2023

Chief Justice of Ghana

NB: This writ is to be served within twelve calendar months from the date of issue unless, it is renewed within six calendar months from the date of that renewal.

The defendant may appear hereto by filing a notice of appearance either personally or by a lawyer at Form 5 at the Registry of the Court of issue of the writ at A defendant appearing personally may, if he desires give notice of appearance by post.

*State name, place of residence or business address of plaintiff if known (not P. O. Box number)

**State name, place of residence or business address of defendant (not P. O. Box number)

STATEMENT OF CLAIM

The Plaintiff claims against the Defendant as follows:

- (i). A Declaration that the 2nd, 3rd, 4th, 5th, and 6th Defendants' continuous stay in office as General Overseer, Deputy General Overseer, General Secretary, Chairman of the National Youth Ministry and National Women's Fellowship Leader respectively of the Divine Healer's Church is unconstitutional.
- (ii). An Order of the Court directing the 1st Defendant to organize elections for the appointment of qualified members of the Church to replace the 2nd, 3rd, 4th, 5th, and 6th Defendants in their respective current positions.
- (iii). An Order of the Court directing the 2nd, 3rd, 4th, 5th, and 6th Defendants to render audited accounts to the newly elected and or appointed members taking over the respective positions currently held by the said Defendants.
- (iv). General Damages against the 2nd, 3rd, 4th, 5th, and 6th Defendants jointly and severally for abusing their positions and having remained and or overstayed unconstitutionally in their offices or positions despite their ineligibility.
- (v). Costs

DATED IN ACCRA THIS

15th DAY OF February 2023

SOLICITORS FOR PLAINTIFF
SENYALAH LAW BUREAU
No. 33 Kwame Nkrumah Avenue
Adabraka, Accra, Ghana
GPS: GA-102-3655
P. O. Box DT 2956 Adenta, Accra
Tel: 0244665119 / 0208810398

This writ was issued by BOB SENYALAH, ESQ.

whose address for service is SENYALAH LAW BUREAU, No. 33 Kwame Nkrumah Avenue Adabraka, Accra (Opposite Adabraka Presby Basic School) (Momotse Street); GPS: GA-102-3655

Agent for
Tax Identification Number: GHA-002528497-9, GHA002300216

Lawyer for the Plaintiff: BOB SENYALAH, ESQ. who resides at ACCRA
Solicitor's Licence No. SOL. LIC NO. eGAR/00639/23
Chambers Licence No. CHAMBERS LIC. NO. ePP00330/22

Indorsement to be made within 3 days after service

This writ was served by me at

On the day of

Endorsed the day of

Signed.....

Address.....

NOTE: If the plaintiff's claim is for a liquidated demand only, further proceedings will be stayed if within the time limited for appearance the defendant pays the amount claimed to the plaintiff, his lawyer or his agent or into court as provided for in Order 2 rule 3(2).

IN THE SUPERIOR COURT OF JUDICATURE
IN THE HIGH COURT OF JUSTICE
ACCRA, AD 2023

12-05-2023
M. O. O.
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SUIT NO.

1. APOSTLE DANIEL MENSAH ATTAKPAH
2. REV. PHILIP ATTAKPAH
3. JOHANNIES OLLENNU
4. REV. JONATHAN NYABU
5. PASTOR SOLOMON AMENYO
6. PASTOR EBENEZER NARTEY

PLAINTIFFS

(ALL OF THE DIVINE HEALER'S CHURCH
NO. 47 ANSAH ROAD
KORLE GONNO, ACCRA)

VRS

1. THE REGISTERED TRUSTEES
THE DIVINE HEALER'S CHURCH
NO. 47 ANSAH ROAD
KORLE GONNO, ACCRA
2. APOSTLE ISSAC KWABENA ADADE
3. APOSTLE MAXWELL ARYEETAY FOSTER
4. APOSTLE KENNETH ASHALEY ADDO
5. APOSTLE EMMANUEL ACQUAYE
6. APOSTLE DORA EDITH OSEKRE

DEFENDANTS

(ALL OF THE DIVINE HEALER'S CHURCH
NO. 47 ANSAH ROAD
KORLE GONNO, ACCRA)

PLAINTIFFS' STATEMENT OF CLAIM

1. The 1st Plaintiff is the Chairman of the Pastoral Council of the Divine Healer's Church, member of the Board of Trustees, member of the National Executive Board, Chairman of Monitoring and Regional Head of Tema A2 of the Divine Healer's Church.
2. The 2nd, 3rd, 4th, 5th and 6th Plaintiffs are all pastors of the Divine Healer's Church (hereinafter referred to as "the Church").
3. The 1st Defendant is the administrative body of the Church.

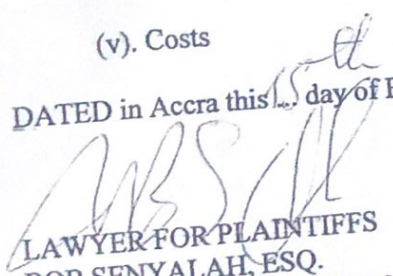
1. The 2nd Defendant is the current General Overseer of the Church and is the Head of Administration of the Church set-up and in-charge of the day to day administrative activities and management of the Church.
5. The 3rd Defendant is the Deputy General Overseer of the Church and assists the 2nd Defendant in the day to day administrative activities of the Church.
6. The 4th Defendant is the General Secretary of the Church.
7. The 5th Defendant is the Chairman of the National Youth Ministry of the Church.
8. The 6th Defendant is the National Women's Fellowship Leader of the Church.
9. The Plaintiffs say that the Divine Healers Church which started originally as a healing, teaching and deliverance ministry developed over the years into an all-purpose church.
10. The Church has an organizational structure made up of Assemblies, spread over the districts and regions in Ghana and abroad.
11. The Church was founded as "The Lord is there Temple" in 1954 by Gilbert Ablorh Lawson and over the years became known now as "the Divine Healer's Church".
12. The Plaintiffs say that after the death of Gilbert Ablorh Lawson in 1989, the leadership and membership of the Church decided to have a constitution to govern the operations and activities of the church.
13. The Plaintiffs say further that the Church finally had a written constitution in 1999.
14. The Constitution of the Church provided term limits for all its office holders and age limit for some office holders.
15. The Constitution of the Church provides that the National Church Congress shall be the highest administrative and policy making body.
16. The 2nd Defendant as General Overseer of the Church is also the member-Chairman of the National Executive Board of the Church.
17. The National Executive Board is responsible to the National Church Congress and executes all policies and decisions of the Congress and acts on behalf of the Congress in case of emergency.
18. The Constitution of the Church provides that "The term of office of members of the N.E.B [National Executive Board] shall be five (5) years. Members shall be eligible for re-appointment for a second term of office."

19. The 2nd Defendant was voted into office as General Overseer and member of the National Executive Board in 2006.
20. The Plaintiffs say that the 2nd Defendant assumed his first term of office in 2006 which ended in 2011 and served a second term from 2011 which ended in 2016.
21. The Plaintiffs say that in spite of the fact that the second term of office for the 2nd Defendant expired in 2016, the 2nd Defendant refused and or failed to leave office although there is no constitutional provision for a third term of office.
22. The Plaintiffs say that the continuous stay in office of the 2nd Defendant is unconstitutional, arbitrary and amounts to an attempt by the 2nd Defendant to remain in office as a life General Overseer and member of the National Executive Board.
23. The Plaintiffs say further that there is also a constitutional age limit of sixty five (65) years for the General Overseer to vacate office, which in the case of the 2nd Defendant was due in 2011.
24. As stated in paragraph 23 above, the 2nd Defendant having attained the age of 65 years in 2011, the 2nd Defendant was not even qualified to have stayed or remained in office as General Overseer and member of the National Executive Council beyond 2011.
25. In spite of having attained the age limit of 65 years in 2011, and having remained in office unconstitutionally for a second term as General Overseer and member of the National Executive Council which ended in 2016, the 2nd Defendant continued to stay in office unconstitutionally and indefinitely, without any proper procedure for his replacement.
26. The Plaintiffs say with reference to 3rd, 4th, 5th, and 6th Defendants, that each of them has, just as the 2nd Defendant, remained in office unconstitutionally in their respective positions beyond their terms of office which each ended in 2016.
27. The 2nd, 3rd, 4th, 5th, and 6th Defendants have succeeded remaining in their positions indefinitely by spiritual subterfuge in the name of purported "prophecies" by 2nd Defendant.
28. The 2nd Defendant claims "the Holy Spirit has revealed through prophecies" that he and his team should remain in office.
29. Plaintiffs say that the persons behind the prophecies and the place of prophecies are unknown to members of the Church except the 2nd Defendant and his team of beneficiaries.
30. The Plaintiffs say that any attempt to challenge the purported prophecies considered as lack of religious faith in God and belief in God's word; in short an abominable act.

31. That the 2nd, 3rd, 4th, 5th, and 6th Defendants have been very vindictive and can summarily dismiss a church member from the Church over the least attempt to make references to the Constitution of the Church and daring to insist that the 2nd, 3rd, 4th, 5th, and 6th Defendants adhere to the Constitution of the Church.
32. The 2nd, 3rd, 4th, 5th, and 6th Defendants only make reference to the Constitution of the Church when it suits them in using the constitutional provisions as reference to dismiss a member of the Church.
33. The Plaintiffs say that, meanwhile, the 2nd Defendant's own Cousin, a Reverend Minister of the Church who claimed that the same Holy Spirit revealed to him to open a prayer camp, was sacked by the 2nd Defendant who told the Reverend Minister to go and work with the Holy Spirit outside the Church.
34. The Plaintiffs say that the administration, operations and activities of the Church are to be carried out in accordance with the provisions of the Constitution of the Church and not by prophecy and or revelations from "the Holy Spirit".
35. Having realised that tension is mounting gradually for a strict adherence to the constitutional provisions of the Church the 2nd, 3rd, 4th, 5th and 6th Defendants have, without any consultation with the membership of the Church, engaged an Accra-based lawyer to amend the Constitution of the Church to remove the term limits and age limits and election of Church leaders.
36. The Plaintiffs say that by having quickly hand-picked their own lawyer to amend the Constitution of the Church to abolish term limits and age limits and election of Church leaders, is part of the overall agenda of the 2nd, 3rd, 4th, 5th, and 6th Defendants block any attempt by the membership of the Church to have a choice of who should lead the Church as General Overseer and the other positions.
37. The Plaintiffs say further that members of the Church have been helpless in the circumstances and since the 2nd, 3rd, 4th, 5th, and 6th Defendants will not stop their unconstitutional stay in office and organize elections for appointment of persons to replace them in their respective positions in the Church some of the membership of the Church have left the Church in protestation.
38. The Plaintiffs say that the 2nd, 3rd, 4th, 5th, and 6th Defendants wield so much power that members of the Church are unable to openly request the organization of elections to replace the 2nd, 3rd, 4th, 5th, and 6th Defendants in their positions.
39. The Plaintiffs state further that if the Defendants are not stopped in their tracks by the Honourable Court, they will amend the Constitution of the Church, abolish term limits for office holders and thereby perpetuate their own stay in their respective positions for life.
40. The Plaintiffs repeat paragraph 1 to 39 above and pray for the following.

- (i). A Declaration that the 2nd, 3rd, 4th, 5th, and 6th Defendants' continuous stay in office as General Overseer, Deputy General Overseer, General Secretary, Chairman of the National Youth Ministry and National Women's Fellowship Leader respectively of the Divine Healer's Church is unconstitutional.
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- (v). Costs

DATED in Accra this 15th day of February 2023.


LAWYER FOR PLAINTIFFS
BOB SENYALAH, ESQ.
SOL. LIC NO. eGAR/00639/23
GBA NO. 3652
CHAMBERS LIC. NO. ePP00330/22

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THE REGISTRAR
HIGH COURT
ACCRA

AND to the above-named Defendants.