

REPUBLIC OF GHANA

WRIT OF SUMMONS

WRIT ISSUED FROM *Tema 27-3-* 2020

SUIT NO. *E7/21/2020*

IN THE SUPERIOR COURT OF JUDICATURE  
IN THE HIGH COURT OF JUSTICE  
AT TEMA –AD 2020.

BETWEEN

1. KINGDOM EXIM GHANA LIMITED
2. JAMES GNANARAJ RAJAMANI
3. IMMANUEL PAULRAJ RAJAMANI  
ALL OF IND 14/4A, HEAVY INDUSTRIAL AREA, TEMA
4. HON. TITUS GLOVER  
H/NO.21 MOONLIGHT AVENUE,  
LASHIBI COMMUNITY 20, TEMA

Plaintiffs

AND

1. FRANCIS SELVARAJ
2. MANESH BALAN  
BOTH OF JEMS AGRO TRADING LTD, COMMUNITY 7, TEMA.
3. APEX AdMEDIA (GHANA WEB)  
THE PELICAN BUILDING, 8 BLOHUM STREET, DZORWULU, ACCRA.
4. M'IDEAS LIMITED (NEWS GHANA –NewsGhana.com.gh  
No. 1 OSTWE CLOSE, KLANNA ST, ACCRA.
5. ROGER AGAMBIRE AGANA  
F225/7, LABONE, AFTER LABONE COFFEE SHOP
6. THE NEW CRUSADING GUIDE, ACCRA.

Defendants

To

of

An ACTION having been commenced against you by the issue of this Writ by the above-named Plaintiffs **KINGDOM EXIM GHANA LIMITED, JAMES GNANARAJ RAJAMANI, IMMANUEL PAULRAJ RAJAMANI and HON. TITUS GLOVER**

**YOU ARE HEREBY COMMANDED** that within EIGHT DAYS after the service of this Writ on you inclusive of the day of service you do cause an appearance to be entered for you. **FRANCIS SELVARAJ, MANESH BALAN, APEX AdMEDIA (GHANA WEB), M'IDEAS LIMITED (NEWS GHANA –NewsGhana.com.gh, ROGER AGAMBIRE AGANA and THE NEW CRUSADING GUIDE, ACCRA.**

**AND TAKE NOTICE** that in default of your so doing this Judgment may be given in your absence without further notice to you. **FRANCIS SELVARAJ, MANESH BALAN, APEX AdMEDIA (GHANA WEB), M'IDEAS LIMITED (NEWS GHANA -NewsGhana.com.gh, ROGER AGAMBIRE AGANA and THE NEW CRUSADING GUIDE, ACCRA.**

Dated this **27<sup>th</sup>** day of **MAR** 2020

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 last renewal. The defendant may appear hereto-entering appearance either personally or by solicitor, at the Registry of the Court of issue of the Writ at Accra. A defendant appearing personally may, if he desires enter his appearance by post.





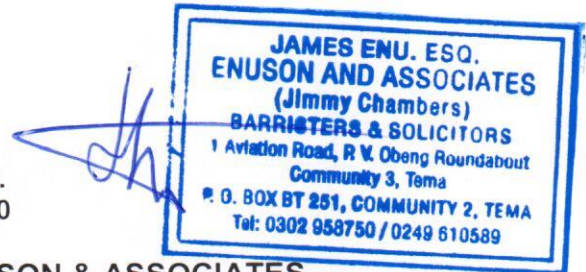
### STATEMENT OF CLAIM

#### THE PLAINTIFFS CLAIM AGAINST DEFENDANTS AS FOLLOWS:

- a) Damages of Ten Million Ghana Cedis (GHC10,000,000.00) against the defendants jointly and severally in respect of defamatory statements defendants made against the plaintiffs which was published by or on the defendants' media platforms between the 22nd and 24th of March 2020, the subject matter of this suit.
- b) Aggravated and exemplary damages for reckless and malicious publication of the said matter.
- c) Compensatory damages for damages done to the plaintiffs' reputation.
- d) A perpetual injunction restraining the defendants from publishing any further defamatory material about the plaintiffs.
- e) Cost inclusive of legal fees.

This Writ was issued by

**JAMES ENU ESQ.**  
eGAR 00104/20



Whose address for service is

**ENUSON & ASSOCIATES  
BARRISTERS & SOLICITORS  
1 AVIATION ROAD  
P.V OBENG ROUNDABOUT  
COMMUNITY 3, TEMA**

Agent for

**PLAINTIFFS**

Solicitor for the Plaintiff

**JAMES ENU ESQ.**

Who resides at

**TEMA**

Endorsement to be made within 3 days after service

This Writ was served by me at

On the defendant

On the                      day of

2020

Indorsed the              day of

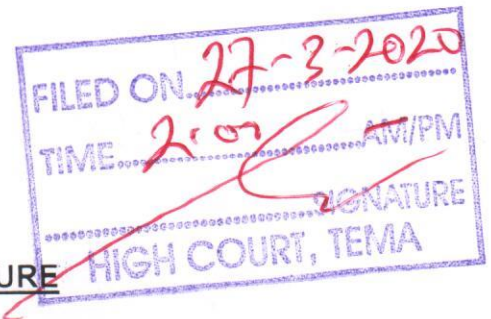
2020

Signed.....

Address.....

Note: Any defence or other pleadings should be filed in the court in which you have entered an appearance. Any other communication should be sent to..... If in doubt as to where you should send any document in relation to the case the Registrar at the court where you entered an appearance will tell you where you should send it.

(Ordinary Writ of Summons Civil Form 1, App. A part 1)



IN THE SUPERIOR COURT OF JUDICATURE

IN THE HIGH COURT OF JUSTICE

TEMA A.D. 2020

1. KINGDOM EXIM GHANA LTD ----- PLAINTIFFS  
2. JAMES GNANARAJ RAJAMANI  
3. IMMANUEL PAULRAJ RAJAMANI  
ALL OF IND 14/4A, HEAVY INDUSTRIAL AREA, TEMA  
4. HON. TITUS GLOVER  
H/NO.21 MOONLIGHT AVENUE,  
LASHIBI COMMUNITY 20, TEMA

VRS

1. FRANCIS SELVARAJ ----- DEFENDANTS  
2. MANESH BALAN  
BOTH OF JEMS AGRO TRADING LTD, COMMUNITY 7, TEMA.  
3. APEX AdMEDIA (GHANA WEB)  
THE PELICAN BUILDING, 8 BLOHUM STREET, DZORWULU, ACCRA.  
4. M'IDEAS LIMITED (NEWS GHANA -NewsGhana.com.gh  
No. 1 OSTWE CLOSE, KLANNA ST, ACCRA.  
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F225/7, LABONE, AFTER LABONE COFFEE SHOP  
6. THE NEW CRUSADING GUIDE, ACCRA.

PLAINTIFF TO DIRECT SERVICE

STATEMENT OF CLAIM

1. 1<sup>st</sup> Plaintiff is a limited liability company incorporated in Ghana with branches in Nigeria, India, Singapore, Cote d'Ivoire, Tanzania and is engaged in the businesses of export of Agro Commodities, Shipping and Logistics, travel and Tours, Restaurants, Manufacturers of poultry feed, among others.
2. 2<sup>nd</sup> and 3<sup>rd</sup> plaintiffs are the Chief Executive Officer and the Managing Director, respectively of the 1<sup>st</sup> plaintiff company.
3. 4<sup>th</sup> plaintiff is the Member of Parliament for the Tema East Constituency and the Deputy Minister for Transport.



4. 1<sup>st</sup> and 2<sup>nd</sup> defendants are Indian Nationals resident in Tema-Ghana.
5. 3<sup>rd</sup> defendant is a media institution that carries out business of journalism.
6. 4<sup>th</sup> defendant is a limited liability company registered under the laws of Ghana and carries out its media work through news portal or platform on News Ghana-NewsGhana.com.gh
7. 5<sup>th</sup> defendant is a media practitioner and makes publications on various media portals and platforms.
8. 6<sup>th</sup> defendant is a Ghanaian news paper that carries on the business of journalism.
9. The 1<sup>st</sup> plaintiff company together with the 2<sup>nd</sup> and 3<sup>rd</sup> plaintiffs have built a reputation in Ghana and around the world, especially in the Agro industry as the number one in the export of Cashew in Ghana and have won several awards in Ghana, USA, and Europe.
10. Some of these awards include GEPA President's National Award for the years, 2015, 2016, 2017, and 2018.
11. The 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> plaintiffs by dint of hard work also won the Ghana Shipper's Award, Ghana Business Standard Award, NIBS GHANA Enovation Award 2019, the BIZZ 2018 USA Award.
12. Awards by the 1<sup>st</sup> 2<sup>nd</sup> and 3<sup>rd</sup> plaintiffs also include African Governance and Corporate Leadership Award 2016, Century International Quality Era Award, Switzerland, Geneva 2017.
13. That the 1<sup>st</sup> to 3<sup>rd</sup> plaintiffs have built a reputation for themselves and have never had any brush with the law nor have they been associated with any crime.
14. 4<sup>th</sup> plaintiff has also built a huge reputation for himself as the Member of Parliament for Tema East Constituency and the Deputy Minister of Transport and in addition has built a reputation in many spheres of life.
15. 1<sup>st</sup> to 3<sup>rd</sup> Plaintiffs avers that on the 7<sup>th</sup> of January 2020, they received a news publication on "Whatsup" from an unknown person through this number-

+233507086150, with news of a contract killing of the 1<sup>st</sup> and 2<sup>nd</sup> defendants, who happen to be ex-employees of the 1<sup>st</sup> plaintiff.

16. 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> plaintiffs aver that the publication sought to implicate them in contract killing that took place on the night of December 27, 2019, about 8:45 pm at the Valco Park, Community 7, Tema, in which 1<sup>st</sup> and 2<sup>nd</sup> defendants were shot by unidentified gunmen using a motorbike.
17. 1<sup>st</sup> to 3<sup>rd</sup> Plaintiffs avers that upon receipt of the news item, they voluntarily went to the Tema Community 1 police without any invitation, to inform the police about the news item in the social media and to make enquiries about the matter.
18. 1<sup>st</sup> to 3<sup>rd</sup> Plaintiffs aver that they were referred to the Tema Regional Police where they were interrogated and their statements were taken and granted police enquiry bail by the Tema Regional Police.
19. 1<sup>st</sup> to 3<sup>rd</sup> plaintiffs aver that later they were called to the National Security in respect of the same matter, which also interrogated them.
20. 1<sup>st</sup> to 3<sup>rd</sup> plaintiffs aver that the matter finally came before the Criminal Investigations Department at the Police Headquarters, Accra at the Anti Armed Robbery Unit, which also interrogated the 1<sup>st</sup> to 3<sup>rd</sup> plaintiffs, took further statements from them and investigations are still ongoing.
21. 1<sup>st</sup> to 3<sup>rd</sup> plaintiffs aver that the police have also conducted an identification parade on them, searches in the houses of the 2<sup>nd</sup> and 3<sup>rd</sup> plaintiffs and on the premises of the 1<sup>st</sup> plaintiff company.
22. 1<sup>st</sup> to 3<sup>rd</sup> plaintiffs aver that they have fully cooperated with the police throughout the investigations and have subjected themselves to all the necessary police procedures processes without any complains as law abiding people resident in Ghana.
23. 1<sup>st</sup> to 3<sup>rd</sup> plaintiffs aver that since the police and other security agencies commenced investigations into this matter, they have not found or adduced any evidence against them connecting them to the shooting incident or any offence.
24. 1<sup>st</sup> to 3<sup>rd</sup> plaintiff further aver that as a result, they have not been charged with any offence as police do not have any basis to do so.



25. 1<sup>st</sup> to 3<sup>rd</sup> defendants aver that despite the fact that no incriminating evidence has been made against them, the 1<sup>st</sup> and 2<sup>nd</sup> defendants have teamed up with other competitors in the Cashew Industry and have engaged the services of the 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> defendants in a "trade war" with a malicious intent and published false and defamatory materials to tarnish the hard won business image, reputation and prestige the 1<sup>st</sup> to 3<sup>rd</sup> plaintiffs have built over 20 years as businessmen in Ghana in the Cashew industry and other businesses and to throw them out of business.
26. Plaintiffs aver that on the 23<sup>rd</sup> of March 2020, 1<sup>st</sup> and 2<sup>nd</sup> defendants caused the 3<sup>rd</sup> defendant to make a publication on Ghana Web in which the 3<sup>rd</sup> defendant made defamatory statements concerning the plaintiffs.
27. Plaintiffs avers that in the said publication of 23<sup>rd</sup> March 2020 the 3<sup>rd</sup> defendant made statements against the plaintiffs to wit;

*'it is of interest to note that there appeared on the scene, a top government official who reportedly prevented the police from picking up the suspects to the police station.'*

**"It therefore became of great concern to the victims how and why a minister of state who is supposed to ensure that justice prevails, should rather obstruct the administration of justice in such broad day light.**

**"Again when the suspects were invited to the police headquarters, they came in an entourage of about twenty persons, most of them heavily armed and "machomen", surprisingly, once again, the said minister and Member of Parliament was with the group.  
Our checks revealed that it is the said top politician who stood surety for the suspects"**

**"Francis use to work for the suspects' company Kingdom Exim Ghana Limited, and his appointment was terminated after he confronted the suspects about the illicit sexual affair by James with Francis' wife.**

**This was the beginning of Francis' problems and cause of the attempted murder that took place on 27<sup>th</sup> December 2019"**

"Prior to the shooting incident Francis was threatened at gunpoint by the suspects. Francis was imprisoned in the premises of the suspects and the next day the Francis was deported from Ghana."

"Before the deportation, the suspects had the following words to tell Francis.' If you inform anybody about this encounter and the issue about your wife, we will kill you and dump you in the thrash and nobody dare question us; not even any government body in Ghana will dare question us. We have money and can buy anybody at all in Ghana.'

28. Plaintiffs aver that on the 22<sup>nd</sup> of March 2020, 1<sup>st</sup> and 2<sup>nd</sup> defendants through one Nana Beeko made publication on the 4<sup>th</sup> defendant platform on [www.newsghana.com.gh](http://www.newsghana.com.gh) titled "Kingdom Exim Boss Under Police Probe over Indian Nationals Shooting incident" in which the 4<sup>th</sup> defendant made similar defamatory statements concerning the plaintiffs.

29. Plaintiffs avers that in the said publication of 22<sup>nd</sup> March 2020 the 4<sup>th</sup> defendant made statements against the plaintiffs to wit;

"Seriously speaking, on the first day that the police officers from the Criminal Investigations Department (CID), Tema went to the premises of the suspects to invite them to the police station for questioning, it is of interest to note that there appeared on the scene, the Deputy Minister of Transport, Daniel Nii Kwartei Titus Glover amidst blowing of sirens whereupon prevented the police from picking up the suspects to the police station"

"It therefore became a great concern to the victims how and why a minister of state who is supposed to ensure that justice prevails should obstruct the administration of justice in such broad day light. Indeed, he prevented the suspects from going to the police station."

"..... Again when the suspects were invited to the police headquarters they came in an entourage of about twenty (20) persons, most of them heavily armed and "machomen", surprisingly once again, the Deputy Minister of Transport was with the group."

"Our checks have revealed that it is the Deputy Minister of Transport, who stood surety for the suspects"



"To recap the story, here, on the 27<sup>th</sup> of December 2019, two Indian nationals Francis Selvaraj and Mahesh Kumah Balun were shot at close range by two men on a motorbike at a pub in Tema community 7."

"Francis use to work for the suspects company Kingdom Exim Ghana Limited, and his appointment was terminated after he confronted the suspects about the illicit sexual affair by James with Francis' wife. This was the beginning of Francis' problems and the cause of the attempted murder that took place on 27<sup>th</sup> December 2019."

"Prior to the shooting incident Francis was threatened at gunpoint by the suspects. Francis was imprisoned in the premises of the suspects and the next day Francis was deported from Ghana. Before the deportation, the suspects had the following words to tell Francis. 'If you inform anybody about the encounter and the issue about your wife, we will kill you and dump you in the thrash and nobody dare question us; not even any governmental body in Ghana will dare question us. We have money and can buy anybody at all in Ghana.'"

"Francis thereafter returned to Ghana and the suspects started following and monitoring him until the 27<sup>th</sup> day of December 2019 when the shooting incident took place"

30. Plaintiffs aver that on the 23<sup>rd</sup> of March 2020, 1<sup>st</sup> and 2<sup>nd</sup> defendants caused the 5<sup>th</sup> defendant to make a publication titled "Tema Shooting: Kingdom Exim Boss Under Police investigations" in which the 5<sup>th</sup> defendant made similar defamatory statements concerning the plaintiffs
31. Plaintiffs' avers that in the said publication of 23<sup>rd</sup> March 2020, 5<sup>th</sup> defendant made statements against the plaintiffs same or similar to the particulars stated supra.
32. Plaintiff further says that the 6<sup>th</sup> defendant on the Tuesday the 24<sup>th</sup> of March 2020, made a similar publication also titled "Kingdom Exim Boss under police investigations" at page 10 of the 6<sup>th</sup> defendant newspaper, in which the 6<sup>th</sup> defendant made same or similar defamatory statements concerning the plaintiffs as in the particulars captured supra.

33. Plaintiffs aver that in all the publications, the 2<sup>nd</sup> and 3<sup>rd</sup> plaintiffs' photographs were displayed in the publication as the defendants were making the said statements against the plaintiffs.
34. Plaintiffs aver that in terms of the statements made in the said publications, defendant meant and were understood to mean that 1<sup>st</sup> to 3<sup>rd</sup> plaintiffs are criminals who have engaged in contract killing, attempted murder, threat of death, false imprisonment among others, even though 1<sup>st</sup> to 3<sup>rd</sup> plaintiffs have not been charged with any such offence by the police or put before any court for prosecution and conviction.
35. Plaintiff avers that defendants also meant or are understood to mean that the 4<sup>th</sup> plaintiff is supporting and protecting criminals.
36. Plaintiffs also aver that by the said publications, the defendants meant or are understood to mean that plaintiffs are offenders of the law or lawbreakers, engaged in unpatriotic, illegal and unlawful conduct.
37. Plaintiffs also aver that the said publications by the defendants meant or are understood to mean that plaintiffs are perverted in character, immoral, promiscuous, and engaged in criminal and illegal activities.
38. Plaintiffs also aver that the said publications by the defendants meant or are understood to mean that plaintiffs are corrupt, dishonorable, liars, thugs, dimwit and without credibility and of perverted behavior.
39. Plaintiffs aver that all the said publications by the defendants as stated supra, touching and concerning the plaintiffs' are defamatory, misleading, false, and unsubstantiated, and published with malicious intent.
40. Plaintiffs aver that the defendants made these publications, the subject matter of the present suit with malicious intent the reason being that, defendants made no effort whatsoever at cross-checking the veracity or otherwise of the allegations contained in the publication.
41. Plaintiffs aver that the defendants published the words complained of without any facts justifying the allegations of crime, illegality, corruption, dishonesty, immorality and promiscuity against the plaintiffs and further these allegations imputed to plaintiff in the offending publications are baseless and false.



42. Plaintiffs aver that the defendants made these publications carelessly and recklessly without lawful excuse or justification and were calculated to injure plaintiffs' reputation and expose them to ridicule and hatred.
43. Plaintiffs aver that the publications have lowered plaintiffs' reputation in the eyes of well-meaning and right-thinking people in the society and as a result, they have suffered great distress, embarrassment and damage to their reputation.
44. Plaintiffs aver that the false and malicious publications by the defendants have injured plaintiffs' image and brought their hard won reputation into hatred, ridicule, obloquy, discredit, contempt, vilification, reproach and has caused plaintiff great distress and emotional trauma.
45. Plaintiffs avers that the said publications have tarnished and damaged the reputation and prestige plaintiffs have built over the years as businessmen in Ghana and around the world, and as Member of Parliament and Minister of state.
46. Plaintiffs aver that the said news items as presented by the defendants were so biased and prejudicial as the plaintiffs' sides of the story were not even presented.
47. Plaintiffs aver that the said defamatory statements published about them by the defendants have caused them emotional breakdown, fear and panic, trauma, and sickness.
48. Plaintiffs also avers that the said defamatory statements have also damaged their business reputation and prestige both in Ghana and abroad and they have consequently lost a number of business clients, customers and other business opportunities.
49. Plaintiff avers that they have received a lot of calls, text messages, e-mails, and other forms of communication concerning this matter from clients, customer, and business partners both local and international, friends and family members and no explanations could save the situation regarding their business, family, and social relationship with these people.
50. Plaintiffs aver that they wrote to the defendants to retract the said defamatory statements made in the said publications but they have failed to do so.

51. Plaintiffs aver that the defendants are pursuing this course against the plaintiffs because they believe that damages to be paid in publishing the defamatory matters about plaintiffs would be outweighed by the profit that they stand to make in defaming the plaintiffs.
52. Plaintiffs aver that unless restrained by this Honourable Court, defendants would continue to publish the defamatory words complained of and more.
53. Wherefore the plaintiffs claim jointly and severally against the defendants as follows;
- a. Damages of Ten Million Ghana Cedis (GHC10,000,000.00) against the defendants jointly and severally in respect of defamatory statements defendants made against the plaintiffs which was published by or on the defendants' media platforms between the 22<sup>nd</sup> and 24<sup>th</sup> of March 2020, the subject matter of this suit.
  - b. Aggravated and exemplary damages for reckless and malicious publication of the said matter.
  - c. Compensatory damages for damages done to the plaintiffs' reputation.
  - d. A perpetual injunction restraining the defendants from publishing any further defamatory material about the plaintiffs.
  - e. Cost inclusive of legal fees.

DATED AT ENUSON AND ASSOCIATES, JIMMY CHAMBERS, TEMA THIS 27<sup>TH</sup> DAY OF MARCH 2020.



SOLICITOR FOR THE PLAINTIFF  
JAMES ENU ESQ.  
eGAR 00104/20

THE REGISTRAR  
HIGH COURT  
TEMA

AND TO THE ABOVE-NAMED DEFENDANTS HEREIN