

**IN THE CIRCUIT COURT '5' HELD IN ACCRA ON FRIDAY THE 3RD DAY
OF MARCH, 2023 BEFORE HER HONOUR CHRISTINA EYIAH-DONKOR
CANN (MRS.), CIRCUIT COURT JUDGE**

SUIT NO: C5/6/2023

**ATO ABEBRESEH MENSAH
H/NO. C85/21
NORTH KANESHIE
ACCRA GHANA**

PETITIONER

V.

**SERLYNE SENA AKU SIKA LADZEKPO
H/NO. C85/21
NORTH KANESHIE
ACCRA GHANA**

RESPONDENT

JUDGMENT

The parties were married under the Marriage Ordinance on the 5th January, 2019 at the Accra Ridge Church, Accra. Whilst the Petitioner is self-employed, the Respondent works as a Reconciliation and Recovery Officer at Multimedia Group Ltd, Accra. On the 15th August 2022, the Petitioner filed a petition for divorce and averred that his marriage has broken down beyond reconciliation and prayed the court for the following reliefs:

“16. Wherefore the Petitioner prays this Honourable Court for the following reliefs:

- a) That the said marriage be dissolved.*
- b) Any other relief the court may deem fit.”*

Since this is a matrimonial cause, it is the direct provisions of the Matrimonial Causes Act, 1971 (Act 367) which should apply.

Section 2 (2) of the Matrimonial Causes Act, 1971 (Act 367) provides that:

“On a petition for divorce it shall be the duty of the court to inquire, so far as is reasonable, into facts alleged by the petitioner and the respondent.”

The facts relied on by the Petitioner to support his allegation that the marriage has broken down beyond reconciliation must therefore be pleaded and placed before the court; otherwise, the court cannot perform its statutory duties under the above section of this Act. The particulars set out in detail the facts relied on by the Petitioner to establish the allegation that the marriage has broken down beyond reconciliation.

The relevant particulars of the Petitioner’s Petition are as follows:

“11. That the Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with her as man and wife.

PARTICULARS OF UNREASONABLE BEHAVIOUR

- a. The Respondent has been very disrespectful to Petitioner and his family.*
- b. The Respondent is highly temperamental and uncontrollable in her state of anger.*
- c. The Respondent engages the Petitioner in arguments and emotional abuse any time he wants to draw her attention to issues worrying him.*
- d. The Petitioner keeps witnessing inappropriate and sometimes sexual jokes between the Respondent and her male acquaintances.*
- e. The Respondent has been insulting and badmouthing him to her family.*

- f. *the Petitioner says that during a recent conversation between the Respondent, her brother and her maid of honour, he overheard Respondent's brother making certain derogatory and unprintable words against him (Petitioner). As a result, the relationship between Petitioner and his brothers-in-law have strained."*

The Respondent filed her answer to the Petitioner's Petition on the 24th January, 2023. I wish to quote the relevant paragraphs:

" 4. Paragraph 10 is admitted but Respondent states that the marriage has broken down beyond reconciliation as a result of the unreasonable behaviour of the Petitioner.

Particulars of unreasonable behaviour

- a. *Petitioner is manipulative, domineering, controlling and hardly takes responsibility for his actions. Respondent states that without recourse to her, Petitioner booked an appointment at a fertility clinic and compelled Respondent to undergo conception through artificial insemination even though all test done indicated that parties were medically fit to conceive naturally.*
- b. *Petitioner is self-centred, impossible to please and condescending of Respondent's feelings and emotions. Respondent states that nearly everything Respondent wanted to do was put to hold by Petitioner and any act contrary to that was seen as disrespectful by Petitioner.*
- c. *Petitioner deceived and concealed the fact that he had three children. Prior to the marriage, Petitioner had informed Respondent that he had only a daughter.*

- d. *Petitioner has a predilection of revising old issues that has already been resolved and will dwell on same until Respondent apologizes for it repeatedly.*
- e. *Petitioner is inconsiderate and insensitive to the needs of Respondent both emotionally, physically and sexually.*
- f. *Petitioner is quick tempered, self-centred and not open to Respondent's views. Petitioner is always opposed to suggestions that are contrary to his decision and sees it as insulting and disrespectful. Petitioner without any provocation by Respondent at the final moment of the invitro fertilization threatened to back out from the procedure after Respondent had undergone months of medical treatments and test.*
- g. *Petitioner initially would come to Ghana unplanned thereby necessitating Respondent to take abrupt leave days from work to attend to the Petitioner.*
- h. *Petitioner is so critical of Respondent's action and inactions. Petitioner always criticizes Respondent and humiliates her even where Respondent tries to share a joke with Petitioner. Respondent is always nervous and apprehensive in dealing with Petitioner.*

16. *Respondent is not opposed to the dissolution of the marriage.*

The Petitioner did not testify but called a witness. The Respondent testified under oath but did not call any witness.

In several decided cases, the superior courts have held that there are situations where the testimony of a single witness will suffice to prove a case.

In the case of **Kru vrs Saoud Bros & Sons (1975) 1 GLR 46**, the Court of Appeal held:

“Judicial decisions depend on the intelligence and credit and not the multiplicity of witnesses produced at the trial.”

Also, in the case of **Takoradi Flour Mills vrs Samir Faris (2005-2006)**

SCGLR, the Supreme Court held affirming the position of the law that:

“(a) A tribunal of facts can decide an issue on the evidence of one party. A bare assertion on oath by a single witness might in the proper circumstance of a case be enough to form the basis of a judicial interpretation. The essential thing is that the witness is credible by the standard set in section 80 (2) of the Evidence Act, 1975.”

Again, in the case of **Ghana Ports and Harbours Authority vrs Captain Zavi & Nova Complex Ltd (2007-2008) SCGLR 806** the Supreme Court held that:

“It is true that witnesses are weighed but not counted and that a whole host of witnesses are not needed to prove a particular point.”

PW1 tendered in evidence the Power of Attorney given to her by the Petitioner as Exhibit “A” and the Respondent also tendered in evidence as Exhibit “1” their marriage certificate.

THE PETITIONER'S CASE

It is the evidence of PW1, Theresa Mensah, the lawful attorney of the Petitioner that the Petitioner got married to the Respondent under customary law and subsequently converted same into marriage under the ordinance on the 5th January, 2019 in Accra. It is further the evidence of PW1 that the Petitioner has not lived with the Respondent continuously together after the marriage because he lives in the United States of America whilst the Respondent lives in Accra Ghana however, the Petitioner lives with the Respondent anytime he visits Ghana. According to PW1, the parties have no issue in the marriage. PW1 testified that, the marriage between the Petitioner and the Respondent has broken down beyond reconciliation because the Respondent has behaved in such a manner that the Petitioner cannot reasonably be expected to live with her. PW1 testified further that the Respondent has been and continues to be very disrespectful to Petitioner. That the Respondent is highly temperamental and uncontrollable in her state of anger. PW1 continued that the Respondent engages the Petitioner in arguments and emotional abuse any time he wants to draw her attention to issues worrying him and also discusses their marital and sexual issues with her co-workers. It is also the evidence of PW1 that, the Petitioner had the unpleasant and embarrassing opportunity of listening in to a conversation between the Respondent, her elder brother and her maid of honour and the Respondent had unknowingly called the Petitioner's phone, during which the Petitioner heard all three of them making certain derogatory and unprintable words against him. However, the Respondent

did not show any sign of remorse when the Petitioner confronted her with the above issue but rather tried to justify her actions. PW1 stated that the Petitioner had offered on numerous occasions that they both seek counselling to assist them to reconcile their differences but the Respondent refused. That due to the unreasonably behaviour of the Respondent towards the Petitioner, the Petitioner cannot reasonably be expected to live with the Respondent as the Respondent has caused the Petitioner much anxiety, distress and embarrassment. As far as PW1 is concerned, the marriage celebrated between the Petitioner and the Respondent has broken down and the Petitioner would never be reconciled with the Respondent. The Petitioner would not go back to the Respondent and no more diligent efforts at reconciliation would succeed. PW1 ended her evidence by praying the court to dissolve the marriage celebrated between the Petitioner and the Respondent at the Accra Ridge Church, Accra on the 5th January, 2019.

THE RESPONDENT'S CASE

It is the evidence of the Respondent that she got married to the Petitioner on the 5th January, 2019 under the ordinance at the Accra Ridge Church. After their marriage, they were issued with a marriage certificate. According to the Respondent, after their marriage, they cohabited at her residence at House No. C85/21, North Kaneshie and thereafter the Petitioner left for the United States of America where he is ordinary resident. They have no issue in the marriage and they have not lived as husband and wife since two weeks after their marriage. The Respondent testified that their marriage has broken down beyond reconciliation as

a result of the unreasonable behaviour of the Petitioner. It is the evidence of the Respondent that the Petitioner is manipulative, domineering, controlling and hardly takes responsibility for his actions. Respondent stated further that without recourse to her, the Petitioner booked an appointment at a fertility clinic and compelled her to undergo conception through artificial insemination even though all test done indicated that they were medically fit to conceive naturally. She informed the Petitioner that the reason for her failure to get pregnant was solely because he lived in the United States of America and his unplanned visits to Ghana. The Respondent continued that the Petitioner is self-centred, impossible to please and condescending of her feelings and emotions. Respondent stated that nearly everything she wanted to do was put to hold by Petitioner and any act contrary to that was seen as disrespectful by him. She wanted to pursue a Masters Programme in finance in Ghana but it was met with disdain and disapproval from the Petitioner calling it a waste of time. The Petitioner abuses her emotionally, verbally and would at the least instance, refuse to talk to her until she apologizes whether she is at fault or not. The Petitioner deceived and concealed the fact that he had three children. Prior to the marriage, Petitioner had informed her that he had only a daughter. The Petitioner has a predilection of revising old issues that has already been resolved and will dwell on same until she apologizes for it repeatedly. The Petitioner is inconsiderate and insensitive to her needs both emotionally, psychologically and sexually. The Petitioner is quick tempered, self-centred and not open to her views. Petitioner is always opposed to suggestions that

are contrary to his decision and sees it as insulting and disrespectful. The Petitioner initially would come to Ghana unplanned thereby necessitating her to take abrupt leave days from work to attend to him. The Petitioner is so critical of her action and inactions. Petitioner always criticizes her and humiliates her even where she tries to share jokes with him. She is therefore always very nervous and apprehensive in dealing with the Petitioner. She has been an accommodating and enduring wife to the Petitioner. She is always the one to apologize for any misunderstanding in their relationship whether it is her fault or not. She has had to put her dreams on hold because the Petitioner would misconstrue every suggestion and contrary view from her and interpret same as disrespectful. Her desire to go for swimming lessons to alleviate a pain at her back, knees and shoulders was met with disapproval by the Petitioner. The Petitioner related her concerns for sexual satisfaction to the background with the reason that she will be sexually satisfied when she joins him in the United States of America. She had to undergo invitro fertilization because that was what the Petitioner wanted even though she made him understand that his absence is the only reason that had delayed her having to conceive. She commenced the procedure, and the Petitioner in or around August 2021, threatened to file for a divorce because according to him he was fed up with the relationship. It took her brother and maid of honour to talk to the Petitioner to convince him not to go ahead with the said threat. They tried another procedure and thankfully, she got pregnant. Almost 6 months into the pregnancy, she was scheduled to go for anomaly scan to determine whether the baby was well or not.

Unfortunately, the doctor detected an anomaly with the baby and a decision had to be made to undergo a procedure. She tried reaching out to the Petitioner to speak to him but he failed, neglected and refused to pick her calls because of his usual mood swings and cold attitude towards her. All medium of communication was used to reach out to the Petitioner but he never responded. The next day, the Petitioner had still not called back so she was compelled to send a message to his friend to enquire from him whether he was ok. Hours after the message was sent, he started calling and contemporaneously, his friend sent her a text that the Petitioner was trying to call her. After series of tests, she was induced into labour on the 22nd May, 2022 and she delivered the baby which unfortunately died. The Petitioner called after the procedure but she could not speak because she was traumatized and wept uncontrollably. An autopsy was done and the baby was given to her for burial. All these went on without any enquiry or sympathy whatsoever from the Petitioner. The only attempt at reconciliation by the family was the intervention by her brother and her maid of honour when the Petitioner initially threatened to file for a divorce. After the celebration of their marriage, the Petitioner suggested that they go for counselling after their first misunderstanding and she suggested to him that the counselling will be beneficial when both of them are living together. The Petitioner has since the 27th March, 2022 cut all communication with her and refuses to respond to her messages. On the 16th June, 2022, she received an email from the US Embassy inviting her for an interview on the 29th August 2022 for an immigrant visa spousal application which she applied

for a year after the celebration of their marriage. Subsequent to that invitation by the US Embassy, the Petitioner filed a Petition for the dissolution of the marriage which said action necessitated her to instruct her solicitors to write to the US Embassy withdrawing her application for the immigrant spousal visa. She is not opposed to the dissolution of the marriage. From the evidence on the record, the following facts are not in dispute:

1. That the parties were married under the ordinance on the 5th January, 2019 at the Accra Ridge Church, Accra.
2. That the parties have no issue(s) in the marriage.
3. That both parties agree to the dissolution of the marriage.

ISSUE (S)

The **main issue** for determination is:

Whether or not the marriage contracted between the Petitioner, Ato Abebreseh Mensah and the Respondent, Serlyne Sena Aku Sika Ladzekpo on the 5th January, 2019 at the Accra Ridge Church, Accra has broken down beyond reconciliation?

In a petition for divorce, the burden that is cast on a Petitioner is to lead sufficient evidence to enable a finding of those facts in issue to be made in his favour as required by sections 10 and 14 of the Evidence Act, 1975 (ACT 323).

See: Dzaisu v Ghana Breweries Limited [2009] 6 GMJ 111 S.C

Ackah v Pergah Transport Limited [2011] 31 GMJ 174 S.C

Sections 11(4) and 12 (1) of the Evidence Act 1975, (Act 323) provides that the standard burden of proof in all civil matters is proof by the preponderance of probabilities and there is no exception to it except where the issue to be resolved in the civil suit borders on criminality such as fraud and forgery. The Supreme Court also in the case of **Adwubeng v Domfeh [1996-97] SCGLR 660** unambiguously resolved the question of standard burden of proof.

In the case of **African Mining Services v Larbi [2010-2012] GLR 579**, the Court held that the burden of persuasion in civil matters requires the person who has the evidential burden to discharge, to produce sufficient evidence such that a reasonable mind, such as this Court, will come to the conclusion that the existence of the fact is more probable. It is therefore the Petitioner's duty as required by law to produce the evidence of the facts in issue such that a reasonable mind, such as this Court, will come to the conclusion that from the existence of the facts, it is more probable that the marriage has broken down beyond reconciliation and that duty must be satisfactorily discharged.

It therefore means that the Petitioner is expected to prove his case not on the weakness in the Respondent's case but on the strength of his claims.

Before I deal with the only issue, I now wish to set out the relevant sections of the Matrimonial Causes Act, 1971 (Act 367) namely sections 1 (2) and 2 (1).

The only ground upon which a marriage may be dissolved is where the Petitioner proves that the marriage has broken down beyond reconciliation.

Section 1 (2) of the Matrimonial Causes Act, 1971 (Act 367) provides thus:

“The sole ground for granting a petition for divorce shall be that the marriage has broken down beyond reconciliation.”

The grounds upon which a marriage would be said to have broken down beyond reconciliation are six (6) and the proof of one or more of them to the satisfaction of the Court may be a valid ground to the dissolution of the marriage. The six grounds are provided in sections 2 of the Matrimonial Causes Act, 1971 (Act 367). They are as follows:

“2 (1) For the purpose of showing that the marriage has broken down beyond reconciliation the petitioner shall satisfy the court of one of the following facts:

(a) That the respondent has committed adultery and by reason of the adultery the petitioner finds it intolerable to live with the respondent;

(b) That the respondent has behaved in a way that the petitioner cannot reasonably be expected to live with the respondent;

(c) That the respondent has deserted the petitioner for a continuous period of at least two years immediately preceding the presentation of the petition.

(d) That the parties to the marriage have not lived as husband and wife for a period of at least two years immediately preceding the presentation of the petition and the respondent consents to the grant of a decree of divorce,

provided that the consent shall not be unreasonably withheld, the Court may grant a petition for divorce under this paragraph despite the refusal;

(e) That the parties to the marriage have not lived as husband and wife for a continuous period of at least five years immediately preceding the presentation of the petition; or

(f) That the parties to the marriage have, after diligent effort, been unable to reconcile their differences.

ISSUE

Whether or not the marriage contracted between the Petitioner, Ato Abebreseh Mensah and the Respondent, Serlyne Sena Aku Sika Ladzekpo on the 5th January, 2019 at the Accra Ridge Church, Accra has broken down beyond reconciliation?

PW1 testified that the marriage celebrated between the Petitioner and the Respondent has broken down beyond reconciliation because the Respondent has behaved in such a manner that the Petitioner cannot reasonably be expected to live with her. PW1 testified further that the Respondent is highly temperamental and uncontrollable in her state of anger and she has also been and continues to be very disrespectful to Petitioner. PW1 continued that the Respondent engages the Petitioner in arguments and emotional abuse any time he wants to draw her attention to issues worrying him and also discusses their marital sexual issues with her co-workers. It is further the evidence of PW1 that the Petitioner had the unpleasant and embarrassing opportunity of listening in to a conversation between the Respondent, her elder brother and her maid of honour and the Respondent has

unknowingly called the Petitioner's phone, during which the Petitioner heard all three of them making certain derogatory and unprintable words against him. However, the Respondent did not show any sign of remorse when the Petitioner confronted her with the above issue but rather tried to justify her actions. PW1 also stated that the Petitioner had offered on numerous occasions that they both seek counselling to assist them to reconcile their differences but the Respondent refused. That due to the unreasonably behaviour of the Respondent towards the Petitioner, the Petitioner cannot reasonably be expected to live with the Respondent as she has caused him much anxiety, distress and embarrassment.

The Respondent also testified that the Petitioner is manipulative, domineering, controlling and hardly takes responsibility for his actions. The Respondent stated that without recourse to her, the Petitioner booked an appointment at a fertility clinic and compelled her to undergo conception through artificial insemination even though all test done indicated that they were medically fit to conceive naturally. The Petitioner is self-centred, impossible to please and condescending of her feelings and emotions. Respondent states that nearly everything she wanted to do was put to hold by Petitioner and any act contrary to that was seen as disrespectful by Petitioner. The Petitioner deceived and concealed the fact that he had three children. Prior to the marriage, Petitioner had informed her that he had only a daughter. The Petitioner has a predilection of revising old issues that has already been resolved and will dwell on same until she apologizes for it repeatedly. The Petitioner is inconsiderate and insensitive to her needs both

emotionally, physically and sexually. The Petitioner is quick tempered, self-centred and not open to her views. Petitioner is always opposed to suggestions that are contrary to his decision and sees it as insulting and disrespectful. Petitioner without any provocation by her at the final moment of the invitro fertilization threatened to back out from the procedure after Respondent had undergone months of medical treatments and test. Petitioner is so critical of Respondent's action and inactions. Petitioner always criticizes her and humiliates her even where she tries to share a joke with him. According to the Respondent, she is always nervous and apprehensive in dealing with Petitioner.

Indeed, the evidence of PW1 that the Respondent is highly temperamental and uncontrollable in her state of anger, has been very disrespectful to Petitioner and his family, engages the Petitioner in arguments and emotional abuse any time he wants to draw her attention to issues worrying him, has been insulting and badmouthing him to her family, making certain derogatory and unprintable words against him in the presence of his brother and maid of honour and that the Respondent keeps witnessing inappropriate and sometimes sexual jokes between the Respondent and her male acquaintances were neither challenged nor controverted by the Respondent's counsel. The Respondent's counsel also failed to cross-examine PW1 on her testimony. Meaning that the testimony or the assertions of PW1 were true or have been admitted.

The law is that when a party has given evidence of a material fact and he was not cross-examined upon that, he need not call further evidence of that fact.

In the case of **Quagraine vrs Adams [1981] GLR 599**, the court held that where a party makes an averment and his opponent fails to cross-examine on it, the opponent will be deemed to have acknowledged, *sub silentio*, that averment by the failure to cross examine.

The same principle was enunciated in the case of **Akyere-Djamson vrs Duagbor [1989-90] 1 GLR 223, SC**.

Further in the case **Fori vrs Ayirebi (1966) GLR 627 SC**, it was held that if the party fails to cross-examine his opponent or his witness, while the opponent or the witness is in the box and he has the opportunity to react to his opponent's case, the court should not attach much weight to the evidence that the party later gives on that particular issue after the opponent or his witness has left the witness box.

See: Danielli Constructions Limited vrs Mabey & Johnson (2008) 18 MLRG 54 SC at 57 Holding 3 per Ansah JSC.

Bonsu vrs Kusi (2010) 76 GMJ 20 SC.

Hammond vrs Amuah (1991) GLR 89.

Western Hardwood Ent. Ltd vrs W/A Ent. Ltd. (1998-1999) SCGLR 105.

Furthermore, the Respondents' evidence that the Petition is manipulative, domineering, controlling and hardly takes responsibility for his actions, is inconsiderate and insensitive to her needs both emotionally, physically and sexually, is quick tempered, self-centred and not open to her views, is always opposed to suggestions that are contrary to his decision and sees it as

insulting and disrespectful, is so critical of her action and inactions, always criticizes her and humiliates her even where she tries to share a joke with him, is always nervous and apprehensive in dealing with him, booked an appointment at a fertility clinic without recourse to her and compelled her to undergo conception through artificial insemination even though all test done indicated that parties were medically fit to conceive naturally, that without any provocation the Petitioner at the final moment of the invitro fertilization threatened to back out from the procedure after she had undergone months of medical treatments and test, that the Petitioner is impossible to please and condescending of her feelings and emotions, that nearly everything she wanted to do was put to hold by Petitioner and any act contrary to that was seen as disrespectful by Petitioner, that the Petitioner deceived and concealed the fact that he had three children prior to the marriage, has a predilection of revising old issues that has already been resolved and will dwell on same until she apologizes for it repeatedly, that the Petitioner initially would come to Ghana unplanned thereby necessitating her to take abrupt leave days from work to attend to the Petitioner were neither challenged nor controverted by the Petitioner's counsel. The Petitioner's counsel also failed to cross-examine the Respondent on her testimony. Meaning that the testimony or the assertions of the Respondent were true or have been admitted.

I must state that it was very cruel and inhumane on the part of the Petitioner to have unilaterally booked an appointment at a fertility center without recourse to the Respondent and compel the Respondent to undergo conception through artificial insemination even though all test done

indicated that parties were medically fit to conceive naturally, to have without any provocation at the final moment of the invitro fertilization threatened to back out from the procedure after the Respondent had undergone months of medical treatments and tests, not to have shown no sympathy whatsoever towards the Respondent when she lost their six (6) months old baby, and deceived and concealed the fact that he had three children from the Respondent. The conduct of the Petitioner in my view falls very far short of that of a reasonable man.

From the totality of the evidence led, I find as a fact that both parties have behaved in a way that they cannot reasonably be expected to live with each other as provided under section 2 (1) (b) of the Matrimonial Causes Act, 1971 (Act 367) and this court holds same.

From the totality of the evidence on the record, there is no indication that the parties are prepared or willing to cooperate to find a solution to their differences and the parties since two weeks after the celebration of their marriage, have not lived together as husband and wife. The court finds that the marriage has broken down and there is no hope or reconciliation at this stage as the parties themselves have told this court and it is better for this court to dissolve this marriage so that the parties can go their separate ways and be put out of their miseries.

To insist that the Petitioner and the Respondent continue to live together as man and wife would be turning a contract of marriage into one of slavery regardless of psychological trauma on the parties or one of them and allowing this marriage to strive on hopelessly and helplessly. This is because

unlike other causes of action like land cases, contract, constitutional, chieftaincy amongst other which do not involve intimacy between two people, matrimonial causes are unique because they involve two persons who are physically, emotionally and spiritually involved with each other. No doubt the Good Book declares the unique relationship as the two becoming one flesh.

I cannot but agree with *Osei-Hwere J (as he then was)* in the case of **Donkor v. Donkor (1982-83) GLR 1156 at page 1158** as follows:

“The Matrimonial Causes Act (1971) Act 367 does not permit spouses married under the Ordinance to come to pray for dissolution of a marriage just for the asking. Where the court is satisfied from the conduct of the parties that the marriage has in truth and in fact broken down beyond reconciliation it cannot pretend and insist that they continue as man and wife. To do so would be turning a contract of marriage into one of slavery regardless of the psychological effect on the parties or one of them.”

I find and hold from the totality of the evidence on the record that, the marriage contracted between the Petitioner, Ato Abebrese Mensah and the Respondent, Serlyne Sena Aku Sika Ladzekpo on the 5th of January, 2019 at the Accra Ridge Church, Accra has broken down beyond reconciliation and the justification is that, from the evidence, both parties have behaved in such a way that they cannot reasonably be expected to live with each other.

Thus, a *prima facie* case has been made by the Petitioner that warrants the dissolution of the marriage. The requirements of section 1 (2) of the Matrimonial Causes Act, 1971 (Act 367) has thus been met by the Petitioner.

I am satisfied that regarding the burden of persuasion, the Petitioner produced sufficient evidence to persuade me to come to the conclusion per the existence of the facts that the marriage had broken down beyond reconciliation.

I therefore declare the marriage contracted between the Petitioner, Ato Abebreseh Mensah and the Respondent, Serlyne Sena Aku Sika Ladzekpo on the 5th January, 2019 at the Accra Ridge Church, Accra dissolved.

I make no order as to cost.

DECISION

- i. The marriage contracted between the Petitioner, Ato Abebreseh Mensah and the Respondent, Serlyne Sena Aku Sika Ladzekpo on the 5th January, 2019 at the Accra Ridge Church, Accra is dissolved.
- ii. No order as to cost.

COUNSELS:

EMMANUEL KWASHIE ACOLATSE FOR THE PETITIONER PRESENT

EFUA BOATENG FOR THE RESPONDENT PRESENT

(SGD)
H/H CHRISTINA EYIAH-DONKOR CANN (MRS.)
(CIRCUIT COURT JUDGE)