

IN THE CIRCUIT COURT '10' OF GHANA, ACCRA, HELD THIS FRIDAY
10TH DAY OF FEBRUARY, 2023 BEFORE HER HONOUR EVELYN E.
ASAMOAH (MRS).

SUIT NO.C5/119/22

DUNYO MAWUNYO ANASTASIA

V.

PASTOR FELIX KOFI DZORDZIE

JUDGMENT

- The wife, the petitioner herein prays for dissolution of the marriage and lump sum payment of GH¢50,000.00. She stated that the conduct of the respondent has caused her so much pain, embarrassment and distress and cannot remain married to him. She stated:

“As a young woman of thirty-three (33) years and a marriage of less than three (3) years being fraught with bitter experience and shattered expectations of happiness, I wish to heal and move on with my life”

- She alleged that the respondent was involved in an adulterous relationship with a lady living on the compound with the parties. That the respondent assaulted her which led to the lost of her pregnancy. That the respondent alleged that she is spiritually married to another man and other spiritual

allegations and that the respondent hides behind the spiritual realms to push his agenda for divorce. So he could go on with his amorous involvement with other women. She added that the respondent unceremoniously stopped having sex with her and made derogatory remarks about her womanhood. That the respondent girlfriend had access to their matrimonial home and her belongings there.

- The respondent in his answer denied the allegations, he however admitted that he had an ex-lover by name Lizzy. He alledge that the petitioner, one night, sat up and started talking in her sleep. That he had witnessed the petitioner squabble and exchange words with Lizzie twice. That the petitioner was the aggression and he had to restrain the petitioner from taking things further. He pointed out that the petitioner has rather caused him much embarrassment, pain and also dented his reputation as a man of God with her constant debacle always done in the spectacle of public. The respondent in his witness statement admitted his close relationship with his former girlfriend who lived in the same compound with them. He stated that he gave Lizzie lift to church most Sundays. "That he to my closeness to the family, I was appointed by her family to stand in as her father"
- Section (2) of the Matrimonial Causes Act 367 states:

(1) For the purpose of showing that the marriage has broken down beyond reconciliation the petitioner shall satisfy the Court of one or more of the following facts:

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

(Adultery)

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

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

(Desertion)

(d) That the parties to the marriage have not lived as husband and wife for a continuous 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, and where the Court is satisfied that it has been so 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.

Ms. Kuenyehia in her article titled "Distribution of matrimonial property on dissolution of marriage – A Re-appraisal (1990-92) XVIII UGL stated:

“No one enters marriage with divorce in view, indeed marriage is supposed to be a union for life. The Bible says “so shall a man leave his father and mother and cleave unto his wife and the twain shall be one ...”

In this case, both parties agree to the dissolution of the marriage. The respondent in paragraph 23 of his answer stated “Respondent is also ready and willing for the dissolution of the marriage...”

The evidence establishes that their family members, pastors have been unable to reconcile their difference. They have not lived as husband and wife for about two (2) years. The court finds that the parties after diligent efforts have been unable to reconcile their differences. In the circumstance, the marriage is hereby dissolved.

Alimony

Section 20 (1) of the matrimonial causes Act, 1971 (Act 367) stated:

That the sole ground for granting a petition for divorce shall be that the marriage has broken down beyond reconciliation. For he purpose of showing that the marriage has broken down beyond reconciliation

“On any decree for dissolution of marriage, the court may, if it thinks fit...”

- (a) Order a spouse ... to secure the other spouse ... to the satisfaction of the court.
 - (i) Such gross sum of money; or
 - (ii) Such annual sum of money for any term not exceeding the life of the dependent spouse, as having regard to the means of the dependent spouse, the ability of the contributing spouse and to all the circumstances of the case, the court thinks reasonable.

In the case of **Peter Adjei vrs. Margaret Adjei Civil Appeal No. J4/06/2021** dated **21st April, 2021** Justice Pwamang JSC stated that:

“... The highest policy of the law is to be fair to all parties who come before the court ...”

In this case, there is no doubt that the attitude of the respondent and his close relationship of the respondent and his former girlfriend who lived on the same compound contributed greatly to the breakdown of the marriage. The evidence shows that the lady had access to their matrimonial home and her belongings were there as well.

Excerpt of Cross-Examination of respondent

Q: Where was Lizzy living at the time you married the petitioner?

A: She was living in the same house with her other sisters and mother in another apartment in the same house.

Q: The said Lizzy had access to your apartment and she has some of her belongings in your apartment where you lived with the petitioner?

A: Yes. The reason is because I leave my spare key outside my room and the spare key was not actually for Lizzy but for the entire family of Lizzy. And on the issue of her belongings in my room. Four (4) plastic chairs simply because the room was a single room and that chair had been there many years before the petitioner came in. PW1 corroborated the evidence of the petitioner – stating that at a family meeting “it came to light that the respondent was in very close ‘amorous-like’ relationship with a lady called Lizzy who lived on the same compound of the parties’ matrimonial home of which the respondent later stated that the said Lizzy was his ex-girlfriend whom he had wanted to marry but things did not go on as planned. Also it came to light that the respondent kept the belongings of the said Lizzy and his ex-wife in the parties’ matrimonial home as a result of which the said Lizzy even had a spare key to the matrimonial home.

... The conduct of the respondent has caused the petitioner so much stress and trauma that but for the support of her good family and friends, she could have been mentally affected.

... Unfortunately the “happily ever after envisaged by the petitioner appeared to be nothing than a reverie ...”

The respondent in Exhibit B directed the petitioner to take her belongings out of the house. He has not been able to establish any misconduct on the part of his wife. His actions, as stated, contributed greatly to the breakdown of the marriage.

In the case of **Erskine vrs Erskine (1984 – 86) IGR 249**, the court held:

“In a matrimonial proceeding ... where one spouse succeeded in the action of dissolution of the marriage on some ground of misconduct by the other spouse, the successful spouse should be entitled to cost against the unsuccessful spouse”

The respondent shall pay alimony of GH¢20,000.00 to the petitioner. This amount is to be paid in four (4) installments effective 1st March, 2023.

(SGD)
H/H EVELYN E. ASAMOAH (MRS.)
CIRCUIT COURT JUDGE

