

**IN THE CIRCUIT COURT '2' ADENTAN SITTING BEFORE HER HONOUR
SEDINAM AWO BALOKAH (MS) THE PRESIDING JUDGE ON THE 21ST
DAY OF APRIL, 2023**

SUIT NO. C5/013/2022

TIME: 9:00 AM

**LILIAN GYAMFUWA GYINAE
B12 PINK ROAD
GM-1984811
AMRAHIA**

PETITIONER

VRS.

SAMUEL OWUSU YEBOAH

RESPONDENT

Parties

Petitioner: Present

Respondent: Absent

Representation

George Abosi Oppong Present for Petitioner

Samuel Kwasi Toprah Absent for Respondent

By Court - Judgment

The Instant Petition for Divorce was issued by the Petitioner herein on the 18th day of May, 2022.

The Respondent caused an Appearance to be entered for him by Counsel Samuel Toprah, Esq. on the 2nd day of June, 2022. Therefore, the Respondent filed his Answer and Cross-Petition on the 13th day of July 2022.

When the suit was set down for hearing on the 23rd day of August 2022, both parties were present in Court. However, apart from that day, the Respondent, although having due notice of the pendency of the suit on each adjourned date for sitting, did not appear in Court to participate in the hearing.

Respondent's Counsel on record did not appear in Court to conduct the matter on behalf of his client either. The suit however proceeded in accordance with the rules of Court and the Petitioner's evidence was taken on the 3rd day of March, 2023 via her Witness Statement and attached documentary evidence (**Exhibit A, B, C, D, E, F & G**).

The Respondent has been duly notified of today's sitting as well (see all Affidavits of Service of Hearing Notices on the Respondent on the Court's docket)

Having critically considered the evidence before this Court in its entirety, the following are established per the evidence on record;

- a) The fact that the Respondent has behaved in a manner as to render it unreasonable for the Petitioner to continue to be his wife.
- b) The fact that the parties have irreconcilable differences.

Upon the above facts and in light of **Section 2(1) (b) and (f) of the Matrimonial Cause Act, 1971 (Act 367)**, I find and hold that the Ordinance Marriage celebrated between the parties on the 21st day of October 2015 at the End-Time Victory Salvation Church at Nmai-Dzar in Accra evidenced by the Marriage Certificate (**Exhibit G**), has broken down beyond reconciliation. I accordingly dissolve the said Ordinance Marriage this **21st April 2023**.

The Registrar of this Court shall issue to the parties a Divorce Certificate after cancelling their Marriage Certificate (**Exhibit G**).

In light of the relevant provisions of the **Children's Act, 1998 (Act 560) as amended**, custody of the only child of the parties' marriage, 7 years old Henry Owusu Yeboah is granted to the Petitioner herein. The Respondent is granted reasonable access to the said child especially on weekends and holidays as well as half of all school vacations but with prior notice to the Petitioner within a reasonable time.

The Respondent is ordered to maintain the only child of the marriage with **GHC2,000** per month payable to the Petitioner's MOMO Wallet Number: **0243361296**, starting April ending 2023.

The Petitioner shall provide all other needs of maintenance for the child. The Respondent is ordered to pay half of the educational related bills of the child. The Petitioner shall pay the other half. The Respondent shall pay half of all Medical related bills of the child. The Petitioner shall pay the other half. The Petitioner shall provide accommodation for the child. The parties are advised to provide all necessities of life, health and education for their child.

The vehicle **KIA Morning, Registration Number: GG 1742-20** is found by the evidence on record to be a Marital Property and is subject to equitable distribution in accordance with law. In the circumstances, Order is hereby made for the said vehicle to be sold and the proceeds of the said sale shared between the parties equally.

Further, the Respondent is ordered to account for the proceeds of his Commercial use of the said vehicle for the period of February, 2022 to April, 2023.

The proceeds of the said accounts shall be shared between the parties herein equally.

Cost of **GHC2,000** is awarded in favour of Petitioner.

(SGD)
H/H SEDINAM AWO BALOKAH
CIRCUIT COURT JUDGE

Sarafina./*