

**IN THE CIRCUIT COURT '2' ADENTAN SITTING BEFORE HER HONOUR
SEDINAM AWO BALOKAH (MS) THE PRESIDING JUDGE ON THE 23RD
DAY OF MAY, 2023**

SUIT NO. C5/068/2023

TIME: 9:00 AM

**MAABIH NAUREEN BILJO
PETITIONER
OYARIFA
ACCRA**

VRS.

SAMUEL SHAWCROSS ATTAH

RESPONDENT

**ASHALLEY BOTWEY
ACCRA**

Petitioner: Present

Respondent: Absent

No legal Representation for Parties

By Court - Judgment:

I have already in today's record of proceeding enumerated the factual grounds on which I deem that the Respondent herein has due notice of the pendency of the instant Petition for Divorce and especially of today's sitting. I shall therefore deem that the Respondent's absence from proceedings today and lack of reaction to the Petition for Divorce issued by the Petitioner herein on the 14th day of April, 2023 is a deliberate indication that the Respondent has waived his right to be heard and to participate in the proceedings herein.

I shall therefore proceed to consider the evidence per Petitioner's testimony. From all the evidence on record as presented by the Petitioner in her testimony, the following facts are deemed as established;

- 1) The fact that the Parties have not lived together as husband and wife for a continuous period of three (3) years immediately preceding the presentation of the instant Petition for Divorce,
- 2) The fact that the Respondent has behaved in a manner as to render it unreasonable for the Petitioner to continue to be his wife, and
- 3) The fact that the Parties have irreconcilable differences.

Upon the above facts and in light of the effect of **Section 2 (1), (b), (d) and (f) of the Matrimonial Causes Act, 1971 (Act 367)**, I find and hold that the Ordinance Marriage celebrated between the Parties at the Bethesda Methodist Church at Agbogba in Accra on the 2nd day of December, 2017 has broken down beyond reconciliation. I accordingly dissolve the said Ordinance Marriage this 23rd day of May, 2023.

The Registrar of this court shall issue to the Parties a Divorce Certificate after canceling out their Marriage Certificate (Exhibit A).

Now, in light of **Sections 43, 44 and 45 of the Children's Act, 1998 (Act 560)** as amended the court grants to the Petitioner herein custody of the two issues of the marriage which has been dissolved namely; Zaiden Ace Shawcross-Attah (5 years old) and Nayon Zion Shawcross-Attah (4 years old). The court further grants to the Respondent herein, reasonable access to the said children and with prior notice of at least 48 hours to the Petitioner herein.

The Parties, in furtherance of **Section 47 of Act 560** as amended are ordered to provide and supply all necessities of health, life, education and shelter for the benefit of their two children forthwith.

I make no award as to cost.

(SGD)

H/H SEDINAM AWO BALOKAH
CIRCUIT COURT JUDGE

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