

IN THE FAMILY AND JUVENILE COURT 'C' AT THE FORMER COMMERCIAL COURT BUILDING, ACCRA, HELD ON TUESDAY, THE 22<sup>ND</sup> DAY OF NOVEMBER 2022 BEFORE HER HONOUR HALIMAH EL-ALAWA ABDUL-BAASIT SITTING AS AN ADDITIONAL MAGISTRATE WITH MADAM PHILOMENA SACKEY AND MR. RICHARD TEGBEY AS PANEL MEMBERS

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SUIT NO. A6/151/23

JENNIFER NAA DEDEI  
ADENUNU ROAD, GUGGISBERG AVENUE  
ACCRA

APPLICANT

VS.

AZU CRABBE  
GUGGISBERG AVENUE  
ACCRA

RESPONDENT

**Applicant Present Respondent Absent  
No Legal Representations for Parties.**

### RULING

This is a Ruling filed on an Application filed by the Applicant herein on the 29<sup>th</sup> of September 2022.

#### *The Applicant's Case*

The basis of this Application as deposed to by the Applicant in her Affidavit in Support is that she was in an amorous relationship with the Respondent for Twelve (12) years which resulted in the birth of a child who is Ten (10) years old. She deposed further that the Respondent has refused to pay for the child's health

care and other needs to the extent that the child was sacked from her previous school about Two (2) years ago as a result of the Respondent's aggressive behavior towards the staff and the teachers of the school. She stated that currently, the child has been moved to a new school fully funded by Applicant without any support of the Respondent as she is the sole contributor to all the needs of the child. She stated that the actions of the Respondent show that he is not willing to maintain the child unless compelled by the Honorable court to do so, hence prayer for the following reliefs;

1. Custody of the issue to be granted to the Applicant with reasonable access to the Respondent.
2. An Order for the Respondent to maintain the issue with an amount of Six Hundred Ghana Cedis (Ghc600.00) every month, subject to an upwards review, every year from date of judgment.
3. An order for the Respondent to pay for all educational and medical expenses of the issue herein, as and when it falls due.
4. Any other Order(s) as the Honorable Court may deem fit.

### **The Respondent's Case**

The Respondent never filed an Affidavit in Opposition and due to his speech impairment spoke through his cousin, Mr. Ernest Nii Akuetey, who informed the court that the Respondent works as a car washer at a Washing Bay and earns some money, but he (Ernest) has been the one supporting the Applicant and the child financially.

### **DETERMINATION:**

The matter came up for hearing on the 11<sup>th</sup> October 2022 but the Respondent was absent and the court ordered for the Respondent to be served a Hearing Notice

of which same was served on him as he appeared in court on the next adjourned date, which was on the 25<sup>th</sup> of October 2022. On the said date, the court observed that the parties were amenable to settlement and were therefore referred to the Court Connected Alternative Dispute Resolution (ADR) Center to attempt an amicable settlement. However, a Report from the ADR Centre showed that, parties were unsuccessful in the mediation process. On the 8<sup>th</sup> of November 2022, the Respondent was absent and the court ordered the Applicant to issue another Hearing Notice for same to be served on the Respondent for him to appear in court on the 22<sup>nd</sup> of November 2022. An Affidavit of Service filed by the Bailiff on the 14<sup>th</sup> of November 2022 shows that the Respondent was served personally at Korle-Gonno around St Mary's Senior High School, Accra.

### Analysis

The court observes that the Respondent has absented himself from the court despite being aware of the court proceedings as evidenced by the Affidavit of Service. It is therefore evident that the Respondent has elected to ignore all processes so far served on him and it seems to suggest that he does not intend participating in the proceedings. The court will therefore proceed to determine the matter and is guided by the case of **Julius Sylvester Bortey Alabi vs Paresh and 2 Ors** (2018) GMJL where the learned **Judge Bright Mensah J**, stated as follows; *'...ordinarily, where a court has taken a decision without due regard to a party who was absent at a trial because he was unaware of the hearing date that decision is a nullity for lack of jurisdiction on the part of the court. However, where the party affected was sufficiently aware of the hearing date or was sufficiently offered the opportunity to appear but he refused or failed to avail himself the court was entitled to proceed and to determine the case on the basis of the evidence adduced at the trial.*

**DECISION:**

Upon consideration of the Application and the testimony of the Applicant as well as pursuant to the provisions of **The Children’s Act, 1998 (Act 560)**, the court grants the Application and orders as follows;

1. The Applicant shall have custody of the child and the Respondent shall have reasonable access to the child upon due communication with the Applicant.
2. The Respondent is to maintain the child with an amount of Six Hundred Cedis (Ghc600.00) monthly and same is to be paid into court within the first week of every month.
3. The Applicant is to register the child on the National Health Insurance Scheme (NHIS) and renew same when it expires. The Respondent shall pay for all medical bills not covered by the NHIS.
4. The Respondent shall pay for all the educational needs of the child but Applicant shall pay for school uniforms, bags and sandals.
5. The Respondent is to pay off arrears of Three Thousand Eight Hundred Ghana Cedis (Ghc3, 800.00) being arrears of medical bills and school fees. The arrears are to be paid into court by instalments within the next six (6) months.

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**H/H HALIMAH EL-ALAWA ABDUL-BAASIT.**  
**PRESIDING JUDGE**

**I AGREE**

.....

**MADAM PHILOMENA SACKEY  
PANEL MEMBER**

**I AGREE**

.....

**MR. RICHARD TEGBEY  
PANEL MEMBER**