

IN THE FAMILY AND JUVENILE COURT 'C' AT THE FORMER COMMERCIAL COURT BUILDING, ACCRA, HELD ON MONDAY, THE 28TH DAY OF NOVEMBER 2022 BEFORE HER HONOUR HALIMAH EL-ALAWA ABDUL-BAASIT SITTING AS AN ADDITIONAL MAGISTRATE WITH MADAM PHILOMENA SACKEY AND MADAM LOVEGRACE AHALIJAH AS PANEL MEMBERS

SUIT NO: A6/195/23

MARGARET LUTTERODT
OSU RE, ACCRA

APPLICANT

VS.

WILLIAM LUTTERODT
OSU, ACCRA
RESPONDENT

Parties Present

No Legal Representations for Parties.

CONSENT JUDGMENT

The Applicant on the 31st of October 2022 filed an Application praying for the following reliefs;

1. Monthly maintenance allowance of Ghc400.00 per child.
2. Respondent to pay the school fees, medical bills of the children when the need arises.
3. Pay all the arrears owing i.e. Ghc3, 210.00 and any other order or orders as the Court may deem fit.

The Applicant's Case

The basis of this Application as deposed in her Affidavit in support is that she is married to the Respondent and have Three (3) children. She stated that the Respondent owes arrears for school and maintenance totaling Ghc7, 000.00 and all efforts for the Respondent to be responsible have been futile. She concluded by praying the court to grant her reliefs.

The Respondent's Case

The Respondent filed his Affidavit in opposition on the 9th of November 2022 and admitted to being married to the Applicant but stated that they are now separated. He deposed further that he has been responsible for the children's upkeep and even though he is indebted to the children in respect of their textbooks, it is no up to the amount quoted by the Applicant. He indicated that he receives a monthly salary of Ghc1, 460.00 and can therefore not afford the maintenance amount being sought by the Applicant. He therefore prays the Honorable Court strike out the Applicant's claim as it is incompetent and without merit.

DETERMINATION

The matter came up for hearing on the 14th November 2022 and the court observed that the parties were amenable to settlement. The court therefore referred them to the court connected Alternative Dispute Resolution (ADR) Centre to attempt an amicable resolution of their dispute and same was partially successful as evidenced by the Terms of the agreement placed on the Docket.

Terms of Settlement

Before the court is an ADR Terms of Agreement dated 16th November 2022, where the parties agreed on the following:

1. **Custody:** That the Applicant shall have custody of the children.
2. **Access:** That the Respondent shall have access to the children on his off days.
3. **Education:** That the Respondent shall pay the children's school fees and buy books for the children as well as pay for extra classes that the children shall attend.
4. **Health:** That the Respondent shall renew the children's Health Insurance under the National Health Insurance Scheme (NHIS) for the children's health care in addition to the children using the Health Facility of the Respondent's employers. The Respondent shall also pay for medical bills that NHIS and the employer's Health Facility do not cover.

The Terms of Agreement however indicated that the parties were unable to agree on the Maintenance sum as well as Arrears of school fees and books of which the Mediator referred the parties back to court for a determination on those issues.

DECISION

Upon consideration of the Application, the evidence on record, the testimony of the parties, and pursuant to the provisions of children's Act's, 1998 (Act 560), the court orders

a) The Respondent is to pay an amount of Ghc600.00 as monthly maintenance within the 2nd week of every month and same is to be paid in court with effect from December 2022.

b) The Respondent is to pay off the arrears of Ghc800.00 into court by installments and must complete payments by the end of February 2023.

BY COURT:

The Terms of Agreement dated 16th November 2022, signed by both parties before the Mediator; MADAM ANASTASIA ASAMOAH-GYIMAH and confirmed by both parties is hereby adopted and entered as Consent Judgment. The parties shall do well to abide by the Terms so agreed and the Orders made in the best interest of the children.

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

I AGREE

I AGREE

.....

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MADAM PHILOMENA SACKEY
PANEL MEMBER

MADAM LOVEGRACE AHLIJAH
PANEL MEMBER

