

IN THE FAMILY AND JUVENILE COURT 'C' AT THE FORMER COMMERCIAL COURT BUILDING, ACCRA HELD ON TUESDAY THE 14TH DAY OF MARCH 2023 BEFORE HER HONOUR HALIMAH EL-ALAWA ABDUL-BAASIT SITTING AS AN ADDITIONAL MAGISTRATE WITH MADAM PHILOMENA SACKY AND MR. WISDOM ATIASE AS PANEL MEMBERS.

SUIT NO. A6/349/23

HAMIDAH MOHAMMED
MAMOBI-ACCRA

APPLICANT

VS.

FAISAL MOHAMMED
MAMOBI-ACCRA

RESPONDENT

Parties Present

No Legal Representation for both parties

CONSENT JUDGMENT

The Applicant on the 10th day of February 2023 filed an Application praying for the following reliefs;

- a) An order awarding custody of the last child - Abdul Majid Elorm Brown herein to Applicant with reasonable access to the Respondent
- b) An order for the Respondent to maintain the last child - Abdul Majid Elorm Brown with the amount of Four Hundred Cedis (Ghc400.00) every month, subject to a 10% upwards review, every year from the date of Judgment.
- c) An order for the Respondent to pay last child - Abdul Majid Elorm Brown's educational expenses of until his completion of any tertiary institution of his choice.

- d) An order for the Respondent to provide for the medical expenses of the last child when it falls due.
- e) An order for the Respondent to grant the Applicant Reasonable access to the first child, Mohammed Elikem Brown.
- f) Any other orders this court deem fit.

The basis of the Application is that the parties have Two (2) but are now divorced according to custom. The Applicant stated that she moved out of the matrimonial home because she was physically abusive and maltreated but she left the first child with the Respondent. She deposed further that the Respondent did not maintain her adequately during the pregnancy of the second child and had to rely on family. She stated that the Respondent has refused her access to the first child since last year. She concluded that the Respondent is not in a good position to properly cater for their child and she believes she will be in a better position to take care of him considering his young age.

The Respondent's Case

The Respondent in his Affidavit in Opposition filed on 13th of February 2023 confirmed that the parties are now divorced but denied ever maltreating and physically abusing the Applicant. He deposed further that, he adequately maintained the Applicant during pregnancy till delivery of the second child and settled all medical expenses at the hospital. He deposed that he has never prevented the Applicant from getting access to their first child but rather, the Applicant does not have time for the second child due to the Nursing School she is attending. He therefore prays for custody of the second child so that he can properly care and pay attention to him and also grant the Applicant reasonable access to the Two (2) children.

DETERMINATION

The matter came up for hearing on the 28th of February 2023 and the Court referred the parties to the Court connected Alternative Dispute Resolution (ADR) Centre to attempt an amicable resolution of the issues. Following a successful resolution of the dispute, the parties appended their signatures to the Terms of Agreement.

Terms of Agreement

Before the court is an ADR Terms of Agreement dated 14th March 2023, where the parties agreed on the following;

1. **CUSTODY:** That Applicant shall have custody of the second child.
2. **ACCESS:** That Respondent shall have access to the Second child on weekends, from Fridays at 5pm to Sundays by 2pm.
3. **MAINTENANCE:** That respondent shall pay monthly maintenance of Two Hundred Ghana Cedis (Ghc200.00) for the second child, in addition to diapers and other baby items. Maintenance shall be paid into Applicant's mobile money account number 0248163231 on or before the 5th of each month effective April 2023.
4. **EDUCATION:** That Respondent shall enroll the last child in school at the beginning of next term, pay his school fees and anything that concerns his education.

5. HEALTH: That the Applicant shall renew the children's National Health Insurance Scheme (NHIS) card and the Respondent shall pay medical bills not covered by NHIS.

6. BY COURT

The terms of Agreement dated 14th of March 2023, signed by both parties before the Mediator; MADAM DORIS KOTEY and confirmed by both parties is hereby adopted as Consent Judgment. The parties shall do well to abide by the terms so agreed in the best interest of the children.

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

I AGREE

I AGREE

.....
MR. WISDOM ATIASE
PANEL MEMBER

.....
MADAM PHILOMENA SACKY
PANEL MEMBER