

IN THE FAMILY AND JUVENILE COURT 'C' AT THE FORMER
COMMERCIAL COURT BUILDING, ACCRA HELD ON MONDAY THE 20TH
DAY OF FEBRUARY 2023 BEFORE HER HONOUR HALIMAH EL-ALAWA
ABDUL-BAASIT SITTING AS AN ADDITIONAL MAGISTRATE WITH
~~MADAM PHILOMINA SACEY AND MADAM LOVEGRACE AHLIJAH AS~~
PANEL MEMBERS.

SUIT NO. A6/189/23

PRINCE ELISHA OSEI KOFI
KOTOBABI
ACCRA

APPLICANT

VS.

PATRICIA AKOSUA LARBI
ADENTA-ACCRA
RESPONDENT

Parties Present

No Legal Representations for Parties.

CONSENT JUDGEMENT

The Applicant on the 20th day of October 2022 filed an Application praying for the following reliefs;

- a) An order to maintain the issue, with an amount of Ghc500.00 a month
- b) An order for Defendant to avail herself and the issue for paternity test to ascertain the true paternity of the issue
- c) An order to retrain Respondent from coming to Applicant's house and office.

- d) An order to pay the school fees of the issue when due, medical bills and other necessities of life as at when it fall due.
- e) Any other order(s) as the necessary court may deem fit.

The basis of the Application as deposed to in his Affidavit in support is that he had a child with the Respondent and during the pregnancy of the child, he rented an apartment for the Respondent and also maintained her with Ghc1, 200.00. He further deposed the Respondent abuses him verbally and intrudes his house threatening to include his wife..

The Respondent's Case

The Respondent in her Affidavit in Opposition stated that the Respondent's maintenance has been inconsistent. She deposed that she only goes to the Applicant's house when he fails to maintain her and would also not pick up her calls. She deposed further that the Applicant has been avoiding them and has failed to father and take care of the child.

DETERMINATION:

The matter came up for hearing on the 21st of November, 2022 and Applicant, doubting his paternity prayed for a DNA Test to be conducted on the child in issue and same was granted. Consequently, the statement of the DNA Test Results signed by Dr. Kenneth Frimpong, a Principal Analyst at Scientellect indicated that the Applicant was not excluded as the biological father of the child and the probability of the Applicant being the biological father of the child is 99.9%. The Court then 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 23rd of January 2023, where the parties agreed on the following:

1. **Education:** That Applicant shall enroll the child in a school close to where Respondent resides and pay school fees and anything that concerns the child's education.
2. **Accommodation:** That Respondent shall provide accommodation for herself and the child.

The Terms of Agreement however did not address other issues concerning the necessities of life of the child of which the court shall proceed to make orders to that effect.

ORDERS

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

1. The Respondent shall have custody of the child and the Applicant shall have access to the child on the last weekend every month with effect from March 2023. The Applicant shall inform the Respondent before picking up the child and the parties must agree on the time for pick up and return of the child.

2. The Respondent shall subsequently be responsible for the child's school bags and sandals of the child.
3. The Respondent shall enroll the child on National Health Insurance Scheme (NHIS) and renew same when it expires. The Applicant shall pay for all medical bills not covered by NHIS.
4. The Applicant shall pay the sum of Ghc500.00 as monthly maintenance towards the upkeep of the child and same is to be paid in to court within the 1st week of every month with effect from March 2023.

BY COURT:

The Terms of Agreement dated 23rd January 2023, signed by both parties before the Mediator; MADAM DORIS KOTEY 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 Court Orders made in the best interest of the child.

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

I AGREE

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I AGREE

.....

**MADAM LOVEGRACE AHLIJAH
SACKEY
PANEL MEMBER**

**MADAM PHILOMENA
PANEL MEMBER**