

**CORAM: HER WORSHIP NANA ABENA ASOH OWUSU-OMENYO (MS.),
MAGISTRATE, DISTRICT COURT '1', KANESHIE, SITTING AT THE FORMER
STOOL LANDS BOUNDARIES SETTLEMENT COMMISSION OFFICES NEAR
WORKERS' COLLEGE, ACCRA ON 8TH DECEMBER 2023**

SUIT NO: A8/170/23

**EMMANUEL ABOAGYE DONKOR } PETITIONER
ACCRA**

VRS

**JOYCE ANSONG } RESPONDENT
ACCRA**

JUDGMENT

The parties to the instant action were joined in holy matrimony on the 10th August 2010 at the Church of Christ Nsawam. They share two children.

The petitioner by this petition prays for a dissolution of his marriage to the respondent on the basis that for the past five (5) years, the parties have not lived together as husband and wife after the respondent decided she was no longer interested in being married to him and left to live elsewhere.

The respondent in her response also stated that the parties have indeed been separated for the past five years after the parties were unable to resolve their various challenges. She further avers that their families have tried severally to resolve their issues but have failed. She thus consents to a dissolution and prays this court to dissolve the marriage.

Section 1(2) of the Matrimonial Causes Act, 1971 (ACT 367) states that “*The sole ground for granting a petition for divorce shall be that the marriage has broken down beyond reconciliation.*” To establish that their marriage has broken down beyond

reconciliation, the petitioner must show any one or more of the grounds set out in Section 2(1) of (ACT 367) which states: *For the purpose of showing that the marriage has broken down beyond reconciliation the petitioner shall satisfy the court of one or more of the following facts: —*

- a) that the respondent has committed adultery and that by reason of such adultery the petitioner finds it intolerable to live with the respondent; or*
- b) that the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent; or*
- c) that the respondent has deserted the petitioner for a continuous period of at least two years immediately preceding the presentation of the petition; or*
- d) that the parties to the marriage have not lived as man and wife for a continuous period of at least two years immediately preceding the presentation of the petition and the respondent consents to the grant of a decree of divorce; provided that such consent shall not be unreasonably withheld, and where the Court is satisfied that it has been so withheld, the Court may grant a petition for divorce under this paragraph notwithstanding the refusal; or*
- e) that the parties to the marriage have not lived as man and wife for a continuous period of at least five years immediately preceding the presentation of the petition; or*
- f) that the parties to the marriage have, after diligent effort, been unable to reconcile their differences.*

the parties by their evidence have stated that for the past five years they have been separated and have not lived together as husband and wife and they are both agreeable to the grant of this dissolution.

I am thus of the firm resolution that the marriage between the parties has broken down beyond reconciliation.

Final Orders:

1. The marriage celebrated between the parties on the 10th August 2010 at the Church of Christ Nsawam Road has broken down beyond reconciliation and is hereby declared dissolved.
2. Marriage certificate with number CC/15-2010 is hereby cancelled.
3. Custody of the issues of the marriage is hereby given to the respondent with access to the petitioner.
4. Petitioner is to be responsible for all expenses consequential to the education of the children.
5. Petitioner is to be responsible for the medical expenses of the children.
6. Petitioner is to continue renting accommodation for the children until they are of age.
7. He is to maintain the children with an amount of Six Hundred Ghana Cedis a month (GH¢600) to be reviewed at a rate of 10% a year.
8. Each party is to bear their own cost.

**NANA A.A. OWUSU-OMENYO (MS.),
(MAGISTRATE)**