

**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 8TH DECEMBER 2023**

SUIT NO: A8/55/23

**GEORGINA KARNLEY
ACCRA
VRS**

} PETITIONER

**MICHAEL K. BRUDERER
ACCRA**

} RESPONDENT

JUDGMENT

The petitioner by this petition prays for a dissolution of her marriage to the respondent celebrated on the 16th March 2006 at the Registrar Generals Department. The parties share two issues.

The petitioner's case is that the parties separated about twelve years ago after she moved out of the matrimonial home due the respondent's behavior. She says she is currently the primary care giver of the two issues of the marriage.

The respondent appeared in court on the first return date and afterwards failed to return. The petitioner served him with various hearing notices but he did not appear in court.

The determination of this matter was thus made only on the evidence of the petitioner. the evidence of the petitioner is that the parties separated due to the unreasonable behaviour of the respondent and have never been together since the separation.

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 evidence on record is that the parties have not lived together as husband and wife for the past twelve years. In fact, she states that she has done her best as a responsible wife to resolve their challenges all which have proved futile.

In the absence of any evidence to the contrary, I will rely on the evidence of the petitioner and find that the marriage between the parties has broken down beyond reconciliation.

FINAL ORDERS

1. The marriage celebrated between the parties on the 16th March 2006 at the Registrar General's Department has broken down beyond reconciliation and is hereby declared dissolved.
2. Marriage certificate with number RGM/540/2006 is hereby cancelled.
3. Custody of the two children of the marriage is hereby awarded to the petitioner with reasonable access to the respondent.
4. There is no order as to cost.

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