

IN THE DISTRICT COURT ONE, TEMA ON 11TH JANUARY, 2024 BEFORE H/W
NAOMI AKYIANO ESQ. (MS.), SITTING AS DISTRICT MAGISTRATE.

A4/104/2023

JOY KABU NYAMEDOR

PETITIONER

VRS.

SHIRLEY DORPH KWOFIE

RESPONDENT

PETITIONER: *PRESENT*

RESPONDENT: *ABSENT*

JUDGMENT

This is an uncontested divorce petition between Joy Kabu Nyamedor (the Petitioner) and Sherley Dorph Kwofie (the Respondent).

Both parties are Ghanaians and were married under Part Three of the Marriages Act, 1884-1985 (CAP 127) at the Church of Pentecost Tema Sakumono Estate Chapel on 27th March, 2010. There are two issues of the marriage namely Nania Nyamedor 12 years and Jayden Nyamedor 7 years.

On 12th June, 2023 the Petitioner filed a petition for divorce seeking the following reliefs.

1. That the said marriage celebrated between the parties at the church of Pentecost Tema Sakumono Estate branch on 27th March, 2013 be dissolved.
2. That Petitioner prays, that custody of the children be granted to the Respondent as they are already living with Respondent and Petitioner will take care of their educational and other expenses.

There is an affidavit of service dated 15th day of June 2023 that the Respondent had been served with the divorce petition however she did not file any answer or avail herself to participate in the proceedings. The Court justified by the holding in *In re West Coast Dyeing Industry Ltd; Adams v Tandoh (1984-86) 2 GLR 561, CA* proceeded to judgment.

The only issue for determination is whether or not the marriage contracted between the parties has broken down beyond reconciliation.

Section 1(2) of the Matrimonial Causes Act, 1971 (Act 367) provides:

2. The sole ground for granting a petition for divorce shall be that the marriage has broken down beyond reconciliation.

Section 2 (1) (a) of Act 367 also provides facts for which the proof of the breakdown of marriages can be ascertained. These are in no particular order summarised as follows adultery, unreasonable behaviour, separation for two years and the Respondent grants his/her consent, separation for five years, desertion and the inability of the parties to reconcile their differences.

A summary of the divorce petition and the witness statement filed by the Petitioner indicate his grounds for the divorce. These are as follows:

That the Respondent is not truthful nags and insults him and even extends this to his parents and is always quarrelling and causes a lot of embarrassment to the Petitioner, and the Respondent has packed out of the matrimonial home with the children to an unknown place. Also attempts at reconciliation by both parties at WAJU (CIC) and social welfare all proved futile.

Thus for fact that the Respondent has deserted the matrimonial home and the parties have been separated for well over two years are all grounds for which a decree of divorce can be granted. Equally for the fact that the parties could not reconcile their

differences after attempts to resolve them at WAJU (CIC) and the social welfare all indicate that the marriage between the parties have broken down beyond reconciliation and it is therefore dissolved. Certificate of marriage number COP/SD/SEC/01/10 is cancelled.

The Court further orders that the children of the marriage Nania Nyamedor and Jayden Nyamedor remain in the custody of the Respondent as prayed for by the Petitioner.

It is further ordered that the Petitioner be responsible for the educational and medical expenses of the children as and when they fall due.

No orders as to costs.

..... (SGD).....

H/W NAOMI AKYIANO ESQ. (MS.)

DISTRICT COURT MAGISTRATE