

IN THE DISTRICT COURT ONE, TEMA ON THURSDAY 3rd NOVEMBER
2022 BEFORE H/W BIANCA ADWOA OSEI-SARFO (MRS.), SITTING AS
MAGISTRATE.

A4/94/2021

JENNIFER TAKYI

PETITIONER

VRS

SEFA KISSI JACKSON

RESPONDENT

PET.: Present

RES.: Present

Time: 12:05 P.M

COUNSEL: Parties Self Represented.

JUDGMENT

This is a divorce petition come to judgment.

The parties in this suit were married under the Ordinance on the 30/03/2019 at the Church of Christ Vertical Centre. Their Marriage Certificate has licence number VCCT/MC/006/2019. They have no child together.

It is the case of the petitioner that after their marriage, the couple lived together at Kpone. There are no children in the marriage but the Petitioner has two children from a prior relationship whilst the Respondent had three children from a previous marriage.

She told the Court that the Respondent refused to cater for her whenever she fell sick and she complained to him to provide money for her to attend hospital.

The Petitioner told the Court that the Respondent went to her family persistently to demand his rings and drinks and the elders attempted to promote a reconciliation between the parties, including their church elders in accordance with their doctrine and teachings.

She said that the conduct and behaviour of the Respondent is such that there has been no peace in the house, and that he failed to give regular housekeeping money for the maintenance of the house.

The Petitioner averred that she could not be reasonably expected to live with the Respondent under such unfavourable conditions where the Respondent put down GHC20.00 on the table as and when he pleases for a household of five people. She said that the Respondent had taken advantage of her absence in the main house to remove or take away their Marriage Certificate, wedding pictures and some of her clothing and Kente cloth which could not be found among her belongings.

The Petitioner averred that they had been separated for months without consummation. She prayed for a dissolution of their marriage simpliciter.

The Respondent in his averred that they were living in peace together when the Petitioner came to take her things out. He said at the time, the Petitioner had moved out of their matrimonial home four months ago. The Respondent said he went and reported the matter to her mother and her father whom he married her from, and they told him that she was not their biological daughter so if he could not take care of her and maintain her adequately, he should return her to her family. He said he went personally to her family house and reported that she had moved out of their matrimonial home and he was told to be patient, and that they would speak to the Petitioner, so he returned and went to live in

the container in which the Petitioner was living but she sacked him four days later. He averred that he sent ten people to go and plead on his behalf, including the Petitioner's Presby Catechist but the Petitioner insisted that she would not 'marry me again.'

He told the Court that one day the Petitioner came to move out her things from their matrimonial home and when he refused, she reported him to DOVVSU. He said at DOVVSU, the Petitioner insisted that she 'would not marry me again,' and she was given two CIDS to accompany her to take her things from their home, receiving the Divorce petition a month later.

The sole issue for consideration in this matter is whether or not the marriage has broken down beyond reconciliation.

Section 1 (1) of the Matrimonial Causes Act, 1971, declares that the sole ground for granting a divorce petition shall be that the marriage has broken down beyond reconciliation.

Section 2 (1) of Act 367, The Matrimonial Causes Act 1971 provides as follows:-

(1) That 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;

(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.

(2) On a petition for divorce it shall be the duty of the court to inquire, so far as is reasonable, into the facts alleged by the petitioner and the respondent.

(3) Notwithstanding that the court finds the existence of one or more of the facts specified in subsection (1), the court shall not grant a petition for divorce unless it is satisfied, on all the evidence that the marriage has broken down beyond reconciliation.

Subjecting the evidence led in this matter to the test under section 2(1) of the Matrimonial Causes Act 1971, Act 367 and the foregoing facts gleaned from the petition and the trial, it has been incontrovertibly established as follows.

1. That the parties are currently estranged.
2. That the parties to the marriage have been unable to reconcile their differences.
3. That both parties aver that they have lived apart for a while now.

Finally, it is clear that the parties are unwilling or unable to reconcile as all attempts by family to reconcile them have failed.

From the foregoing, it is the considered opinion of this court that the marriage has broken down beyond reconciliation, the divorce petition is granted and the marriage is hereby dissolved, and the Court orders as follows.

1. The marriage celebrated between Jennifer Takyi, the Petitioner herein, and Sefa Kissi Jackson, the Respondent herein, at the Church of Christ Vertical

Centre, on the 30th March, 2019, has broken down beyond reconciliation, the divorce Petition is granted, and the marriage is dissolved.

2. The Marriage Certificate with License number VCCCT/MC/006/2019 is cancelled. Let a Divorce Certificate issue in lieu from the Court Registry.
3. No further orders.

(SGD.)

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**H/W MRS.BIANCA ADWOA OSEI-SARFO
(ESQ.)**