

IN THE DISTRICT COURT ONE, TEMA ON 30TH NOVEMBER 2022 BEFORE
H/W BIANCA ADWOA OSEI-SARFO (MRS.), SITTING AS MAGISTRATE.

	SUIT NO.
	A4/68/2022
AARON OKYERE	PETITIONER
VRS.	
SARAH ASANTE	RESPONDENT

Parties

PET.: Present

RES.: Present

Time: 10:00

JUDGMENT

1.0 This is a divorce matter come to judgment. The brief facts are as follows.

The parties were married on the 24th day of January, 2018 at the Auditorium World Prayer Center. Their Marriage Certificate has licence number KKMA/RM/059/2018.

2.0 The parties have no children together.

3.0 It is the case of the Petitioner that he has committed adultery and had a two year old child with another woman, The Petitioner avers that their Pastor, church elders and family members have attempted several times to resolve the issue but it rather ended in the traditional dissolution of the marriage, hence this Petition.

4.0 The Respondent although served with Hearing notices in her Reply to the Petition informed the Court that seeing the Petitioner one on one affected

her psychological well-being as she had already been through a lot of trauma. She prayed the Court to conduct the rest of the matter in her absence and that the divorce petition be granted with no order as to costs or compensation.

5.0 The sole ground for granting a petition for divorce shall be that the marriage has broken down beyond reconciliation as provided for in section 2 (1) of Act 367 and of particular importance to the instant (f) reproduced 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.

6.0 Subjecting the evidence led in this matter to the test under section 2(1) of the Matrimonial Causes Act 1971, Act 367 and the 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 consent to the grant of the divorce petition.

7.0 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 Court orders as follows.

1. The marriage celebrated between the Petitioner herein, Aaron Okyere, the Petitioner herein, and Celestina A. Bartels, the Respondent herein, on 24/01/2018, has broken down beyond reconciliation, the Divorce Petition is granted, and the marriage is dissolved.
2. The Marriage Certificate with License number KKMA/059/2018 is cancelled. Let a Divorce Certificate issue in lieu from the Court Registry.
3. There shall be no further orders.

(SGD).

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**H/W MRS. BIANCA A. OSEI-SARFO (ESQ.)
DISTRICT COURT MAGISTRATE**