

**IN THE DISTRICT COURT ONE, TEMA ON MONDAY 28TH
NOVEMBER 2022 BEFORE H/W BIANCA ADWOA OSEI-SARFO
(MRS.), SITTING AS MAGISTRATE.**

A4/77/2021

ALBERTA LAWSON NORTEY

PETITIONER

VRS

SOLOMON BADDOO

RESPONDENT

PET.: Present

RES.: Present

Time: 1:38 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 10/02/2018 at the Methodist Church Ghana, Tema. Their Marriage Certificate has licence number TMA/RM/102/2018. They have one child together.

It is the case of the petitioner that she wants a divorce because the Respondent is abusive, and according to her, treats her as if she is 'worthless through his actions and words.' She averred that he accused her of being the worst mistake he ever made, and that marrying her is the worst mistake he has ever made, insulting her even when the matter did not warrant insults. The Petitioner told the Court that the Respondent was violent towards her and would pounce on her, violently jerking her neck. She said that the Respondent did not want her to work, and she resigned from work when she got pregnant though he kept asking her to loan him money and would not return same. She alleged that the Respondent had

taken a loan of GHC1,000.00 from her in the guise of making her a container, the container never materialised, neither did he repay the money. She further told the Court that she wanted to do home tutoring for some children but this met with the Respondent's disapproval, and the matter ended up at DOVVSU. She averred that after this, the Respondent sacked her from their home together with their 17 month old son. She said that there were times where because it was in the Respondent's nature to impose his will on her, and she was bent on working because she wanted economic stability but he did not want her working, he sacked them from home. The Petitioner said there were times before he threw them out, when the Respondent would lock them out of the house and change the locks, leaving herself and the baby stranded with no place to go.

Again, the Petitioner averred that he was erratic and moody, and would cancel their plans for no apparent reason depending on his mood at the time. She told the Court that the Respondent had gone ahead to cancel her medical insurance, and reduced their monthly maintenance by almost half.

The Petitioner prayed for a grant of her Divorce Petition, accommodation, a refund of the 1000ghc owed her by the Respondent, compensation of GHC20,000, and monthly maintenance of a 1000ghc.

The Respondent denied the allegations of the Petitioner and averred that the Petitioner was having an extra marital affair with her ex-boyfriend. He averred that the Petitioner persistently denied him sex without any reason, and that the Petitioner underwent a family planning method (IUD) for more than a year without his knowledge. He said the Petitioner was fond of insulting him, passing comments to the effect that he was not worthy of being counted as a man. He told the Court that the Petitioner's behaviour as outlined was unreasonable for a married woman.

The Respondent prayed that the Petitioner's petition be dismissed, an order for the dissolution of their marriage, custody of their 2yr old son, access to their son and shared maintenance.

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 there has been no sexual intimacy between the parties and they no longer live together as husband and wife.

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 Alberta Lawson Nortey, the Petitioner herein, and Solomon Baddoo, the Respondent herein, at the Methodist Church Ghana, Mount Sinai, Kpone, on the 10/02/2018, has broken down beyond reconciliation, the divorce Petition is granted, and the marriage is dissolved.
2. The Marriage Certificate with License number TMA/RM/102/2018 is cancelled. Let a Divorce Certificate issue in lieu from the Court Registry.
3. Custody of the child is granted to the Petitioner, with access to the Respondent every other weekend from 9:00am in the morning till 5pm the next day ie Sunday. Parties are to share school vacations and public holidays equally between them.
4. The Respondent is to cater for all the medical and educational needs of their son, and to provide a monthly maintenance of GHC400.00. The parties are to share the Petitioner's, accommodation costs in the ratio of 70:30 and the Respondent is to continue to pay his 30% share until their child attains the age of maturity or the Petitioner remarries, whichever occurs first. The Petitioner is to provide for his clothing and feeding needs at home.
5. There shall be no further orders.

(SGD.)

.....

.....

H/W MRS. BIAN CA ADWOA OSEI-

SARFO (ESQ.)