

IN THE DISTRICT COURT ONE, TEMA ON TUESDAY 29TH NOVEMBER 2022 BEFORE H/W BIANCA ADWOA OSEI-SARFO (MRS.), SITTING AS MAGISTRATE.

A4/99/2022

DANIEL NARH BEDU

PETITIONER

VRS

VERONICA ADOMAH

RESPONDENT

PET.: Present

RES.: Present

Time: 11:38 A.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 19/12/1992 at the Full Gospel Evangelistic Ministry, IPC, Comm. 12, Tema. Their Marriage Certificate has licence number TMA/RM/0512/92. They have two adult children together.

It is the case of the Petitioner that the parties were living together happily until ten years after the marriage when the Respondent started 'behaving awkwardly towards him, eventually leading to their separation.

He averred that both families met several times to resolve the issues but did not succeed. The Petitioner averred further that they are incompatible as man and wife, thus cannot reasonably live with each other anymore, that they had not had

any sexual intimacy for the past ten years, that the Respondent always disagreed with his decisions, and that they had been separated for the past eight years.

The Petitioner prayed for a grant of his divorce petition.

The Respondent in her answer to the divorce petition said she admitted all the Petitioner's averments, and that she had tried her best to resolve the misunderstanding between them together with family, friends and the church community and elders but all had proved futile because the Petitioner said he did not want to continue with the marriage. She averred that she was agreeable to the grant of the divorce petition.

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 consent to the grant of the divorce petition.

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, Daniel Narh Bedu and the Respondent herein, Veronica Adomah Ekuban on 19/12/1992, has broken down beyond reconciliation, the Divorce Petition is granted, and the marriage is dissolved.
2. The Marriage Certificate with License number TMA/RM/0512/92 is cancelled. Let a Divorce Certificate issue in lieu from the Court Registry.

The parties filed a Terms of Settlement which the Court hereby adopts as a consent judgment and sets out as follows.

- i. The two shops at Ashaiman, shall be held in trust for the children Michael and Esther Bedu by the Respondent.
- ii. The uncompleted four(4) bedroom building at Golf City, Tema, shall be held in trust for the two children Michael and Esther Bedu by the Petitioner.

There shall be no further orders.

(SGD.)

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