

IN THE CIRCUIT COURT HELD IN ACCRA ON 3RD DAY OF MARCH, 2023
BEFORE HIS HONOUR SAMUEL BRIGHT ACQUAH, CIRCUIT COURT JUDGE

SUIT NO. C5/243/2019

AHMED DODOO
C94/6/NII OKAIJAI STREET
TANTRA HILLS DOWN
NEW ACHIMOTA
3000 68101

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APPLICANT

VRS

HUMMU LAHAIR AWUDU
WEST LEGON
ACCRA

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RESPONDENT

MOTION ON NOTICE FOR MODIFICATION OF CUSTODY ORDER PURSUANT TO
SECTION 27 OF THE COURTS ACT, 1993 (ACT 459), SECTION 2 OF THE
CHILDREN'S ACT, 1998 (ACT 560), ORDER 65 RULE 27 OF CI 47; AND
ENFORCEMENT OF CHILD EDUCATION ORDER

Parties to the current motion had their marriage dissolved per Terms of Settlement
which was adopted by this court as current judgment and the issues for the terms of
settlement among others includes

- (1) that the respondent shall have custody of the children of the marriage namely;
RAZAN NAJUWA DODOO and ANSA TASNEEM DODOO.
- (2) That the petitioner shall have access to the children of the marriage on either
Saturdays or Sundays of every week by alternating between two said days
commencing with Sunday 21st day of March, 2021, with the petitioner picking the

children up from the respondent at 8:00am and returning them to respondent by 6:00pm the same day.,

But according to paragraph 31 of affidavit in support of the variation, which reads like;

31 – That in the circumstances I pray for variation of the reasonable access order from one (1) day of the week and each week, being either Saturday or Sunday to a more settled time of three (3) days from Friday after school hours to Mondays morning, dropping them at school, every other week.

Applicant's main reason for the variation is that as a biological father of the children, he wants to have more access to his own children for the children to have his fatherly love, know each other better, have more and continuous access to his children. Even though when the court enquired from him, the respondent said that, he is not married but has a partner, a professional Nanny in the house and the mother also stays nearby who almost always visits his house and will be there to assist in maintaining the child especially bathing etc, which the court was more concern.

This was vehemently opposed by the respondent mainly that even the current condition not well executed and also respondent picks up the children and dumping them on her mother, since applicant has no time to stay at home and take care of the children.

An order for custody could be varied if a change occurred in the circumstances of the parties. Consequently, if it was shown in the future that the circumstances of their father had so altered that it would be prejudicial to the interest of the child that he should remain with him the court would not think itself inhibited from revoking the order – See ASEM V ASEM (1968) GLR 1146 (CA)

Section 27 of Matrimonial Causes Act 1971 (ACT 367)

Section 27(1) – A petitioner or a respondent may at any time apply to the court for an order under section 27 of the Act rescinding or varying a previous order in respect of Maintenance pending suit and financial provision, or the care, custody and support of any child.

The applicant invoking section 27 of Act 367 and other laws is praying to the court to vary their Terms of Settlement filed in court and also adopted by the court.

From the submissions made above by both parties, the court thinks the applicant is not asking too much from the court, his application is granted with some variations.

In order for the respondent to mention the girl's bathing/cleanliness regime, if any errors will be occasioned, and also in order for the applicant to spend more time with the children and also deal with the problems associated with picking up the children at school, the court varies it as follows:

1. Petitioner to have access of the children from Saturday mornings, (not beyond 0800hrs) to Sunday evenings (not beyond 1800hrs), twice a month, the first weekend and the third weekend of every month.
2. Respondent is to send the children to the petitioner on each Saturday and petitioner sends the children to the respondent on each Sundays, the picking up and dropping points to be pre determined by the parties.
- (3) Respondent if she wants to travel can go with them but if she is not going with them and she will spend more than 48hrs, she should send the kids to petitioner.
- (4) If any of the party is in the custody of the kids and any emergency happens, he / she will leave the jurisdiction, he/she should send the kids to the other party.
- (5) In any particular week that petitioner should have his turn, if anything happens by way of busy schedule or illness that he misses his turn, it is lost forever, no

arrears or shifting it ahead is entertained, if the kids are with the petitioner and emergency travel comes on his way, he should call the respondent and send them to her as soon as possible.

H/H. SAMUEL BRIGHT ACQUAH
CIRCUIT COURT JUDGE.