

IN THE CIRCUIT COURT HELD IN ACCRA ON 9<sup>TH</sup> DAY OF JUNE, 2023 BEFORE  
HIS HONOUR SAMUEL BRIGHT ACQUAH, CIRCUIT COURT JUDGE

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SUIT NO. C5/47/2023

BETWEEN

CHRISTIANA SPEARS  
606 E CANARY ST.  
DUNN. NC 28334  
(SUING THROUGH HER  
LAWFUL ATTORNEY)  
CECILIA SEDJOAH  
TG – A10-8598  
KASOA - NYANYANO

PETITIONER

VRS

MACLEAN ATSU  
C/O WHITE CROSS JUNCTION  
YAWING STREET H/NO  
213 EW WEIJA, ACCRA

RESPONDENT

SOLICITOR FOR PETITIONER – NANA KWAME OFORI AMANFO ESQ.

RESPONDENT – SELF REPRESENTED.

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**FINAL JUDGMENT**

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- i. The dissolution of the marriage contracted by the parties on 1<sup>st</sup> November, 2015.
- ii. Such further order(s) as the Honourable Court may deem fit.

This petition when served on the Respondent also replied to same and stated emphatically that he consent to the dissolution of the marriage.

The court ordered both parties to file their respective witness statement and same was compiled by both parties.

According to the petitioner the ordinance marriage was celebrated on 14<sup>th</sup> November 2015 at Accra Metropolitan Assembly, Accra and after the marriage parties co-habited at Asylum Down, Accra where the petitioner relocated to the United States of America where she was before the marriage. That there is no issue of the marriage. Petitioner, a Medical Aid and the Respondent a Technician and currently resides in Accra.

It is the case of the petitioner that the marriage between the parties has broken down beyond reconciliation, just because respondent has behaved in such a way that she the petitioner cannot reasonably be expected to live with respondent as man and wife – that respondent through his conduct has caused much emotional pain, stress, anxiety and embarrassment.

Petitioner went ahead to particularizes the unreasonable behavior of the respondent as;

No signs of respect, affection, care and love for the petitioner and treats petitioner with much disdain, uncontrolled and ungovernable character towards the petitioner, insults, no sexual communication between the parties, all attempts to settle our differences have all fallen on rocks, that parties have separated for a long while now that parties by their conducts agreed to dissolve the marriage and have filed Terms of Settlement before the court, hence the petition.

The respondent in his witness statement also stated that the marriage between them has been characterized by tension and frequent quarrels, that petitioner's attitude towards the marriage changed after she relocated to the United States of America. No sexual activity the tension is so high that parties have by conducts agreed to part ways for peace to prevail.

Section 1 (2) of the Matrimonial Causes Act, 1971 (Act 367) – The sole ground for granting a divorce petition is that the marriage has broken down beyond reconciliation.

Act 367 goes ahead to state in section 2 the grounds in which when shown in the marriage the court can conclude that the marriage has broken down beyond reconciliation, which the burden is on the petitioner to prove to the court one or more of the grounds which partly states:

Section 2 of Act 367

- (b) that the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with respondent.
- (f) that the parties to the marriage have, after diligent effort, been unable to reconcile their differences.

These two conditions were satisfactorily proved by the petitioner to satisfy the court that the marriage has indeed broken down beyond reconciliation.

**CHARLES AKPENE AMEKU V SAPHIRA KYEREMA AGBENU (2013) 99 GMJ 202 –**

The combined effect of sections 1 and 2 of Act 367 is that for a court to dissolve a marriage, the court shall satisfy itself, it has been proven on preponderance of probabilities that the marriage has broken down beyond reconciliation. That could be achieved after one or more of the grounds in section 2 of the Act has been proved.

**ASH V ASH (1972) 1 ALLER 582 & 586**

“In the instant case, the petitioner is required to adduce sufficient evidence in proof of section 2 of Act 367 to satisfy the court to rule that the marriage has broken down beyond.

**KOTEI V KOTEI (1974) 2GLR 172**

“In order to succeed in a petition for a divorce, a petitioner has the burden in proving facts of the breakdown of the marriage. There must be in existence of at least one of the

above mentioned conditions justifying the exercise of court's discretion to dissolve the marriage.

The court after satisfying itself that the marriage between the parties has broken down beyond reconciliation has dissolved the marriage, marriage certificate issued to the parties on the day of the marriage has been cancelled, and in its place, a Divorce Certificate is issued to the parties to signify the end of their marriage.

The parties have no issues of the marriage, no jointly acquired property, hence they went ahead to file Terms of Settlement which was adopted by the court.

DECISION

MARRIAGE DISSOLVED

H/H. SAMUEL BRIGHT ACQUAH

CIRCUIT COURT JUDGE