

**IN THE CIRCUIT COURT HELD IN ACCRA ON 24TH DAY OF MARCH, 2023
BEFORE HIS HONOUR SAMUEL BRIGHT ACQUAH, CIRCUIT COURT JUDGE**

SUIT NO. C5/190/2022

JOHN JACKSON SACKY
UNKNOWN HSE NUMBER
OPPOSITE MANNA MISSION
ACCRA



PETITIONER

VRS

MARIAM ADAMS
CEDAR CANE, HSE 1
MANNOR AVENUE
OLD ASHONGMAN



RESPONDENT

COUNSEL FOR PETITIONER – DIVINE ASIGBETSEY ESQ.

COUNSEL FOR RESPONDENT – CANDY FRIMPONG BAIDOO ESQ.

**MOTION ON NOTICE FOR THE PROVISION OF ACCOMMODATION/RENT
AND MAINTENANCE PENDING SUIT**

RULING

This petition is pending before the court and Respondent/Applicant filed a motion on notice in this court for provision of accommodation/rent and maintenance allowance.

It is the case of the respondent/applicant that petitioner was paying Gh¢800 per month as maintenance allowances, while petitioner has stopped payments, but still inadequate and needs a review.

Respondent/applicant claims she was an accountant but now a petty trader who is surviving on the belevolence of his friends that the devastating effect of flood has compounded her problems and finding it difficult to make ends meet. That the floods at Weija, Accra has caused a serious damage to the matrimonial home which needs serious repairs so there is a need for petitioner to accommodate her for the repairs to go on at a rate of rent of Gh¢2000 per month for 2 years totaling Gh¢48,000 and a monthly maintenance allowance of GH¢4000 with arrears totaling Gh¢40,000.

That the respondent/applicant filed her affidavit of means Gh¢500 per month from her petty trading and also filed her monthly expenses as follows:

- (a) Gh¢800 on food
- (b) Gh¢200 on water
- (c) Gh¢250 on electricity
- (d) Gh¢50 on sanitation
- (e) Gh¢1000 on fuel
- (f) Gh¢300 on maintenance of her car
- (g) Gh¢1000 on maintenance of my house
- (h) Gh¢200 on gas

All totaling Gh¢3,800 per month.

The petitioner/respondent also opposed to the application and said, he stopped the payment of the Gh¢800 because the respondent/applicant cut all communications with him. That respondent/applicant is a serious business woman and not a petty trader that she wanted the court to believe, and that the petitioner/respondent is having three (3)

kids that he is taking care of, and not so resourced to deal with the financial demands for the respondent/applicant who wants to live a luxurious life.

In summary, petitioner/applicant is praying to the court to order petitioner/respondent to pay Gh¢40,000 rent arrears for 2 years for Gh¢2000 a month and Gh¢48,000 maintenance allowance at Gh¢4000 a month totaling Gh¢88,000 in all, and the petitioner/respondent is also claiming in is an outrageous and doesn't have the capacity to pay same, even before the court takes the decision to dissolve the marriage.

The parties are working, and payment of maintenance allowance and the likes are now a shared responsibility, but not on the man alone.

In *GAMBLEE VRS GAMBLE* (1965) I GLR 416-416.

“The court will not look with sympathy upon a wife who makes no effort to seek employment but is content in award of alimony.

In the same way, the court will not look with sympathy upon a frustrated wife who claims her matrimonial home is swallowed with water and needs new apartment with Gh¢2000 a month to live in, her outrageous monthly spending – GH¢200 on gas for a month, Gh¢1000 maintenance of her house, Gh¢300 maintenance of a car just to mention a few. Respondent/applicant can adjust to reduce her monthly spending, which will not be too different for her when she lives a single life.

Such awards are only on ability to pay, but just not to cause hardship or problem on the one paying just for the other party to have his comfort. A marriage without a child, the demand is too outrageous.

The court therefore throws the application away and prays that the matter will be completed within a reasonable time for the court to make a final determination of the case.

Meanwhile the respondent/applicant is advised to open up communication to the petitioner/respondent to continue the payment of GH¢800 a month and all the arrears due.

After sending money one has to call to ensure the money is received, so if communication breaks, it brings a lot of problems.

DECISION:

APPLICATION DISMISSED.

**H/H. SAMUEL BRIGHT ACQUAH
CIRCUIT COURT JUDGE**