

**IN THE CIRCUIT COURT OF GHANA HELD IN ACCRA ON MONDAY,
20TH DAY OF MARCH, 2023 BEFORE HER HONOUR KIZITA NAA KOOWA
QUARSHIE, CIRCUIT COURT JUDGE**

SUIT NO. C5/247/2022

RUTH KUMAH

VS

KEITH BUACHIE-KESSIE

JUDGMENT

Over one hundred and seventy years ago Lord B. Henry Brougham, a former Lord High Chancellor of Great Britain (1830-1834) in a speech on the importance of marriage said:

“There is no branch of the law more important in any point of view, to the great interests of society and to the personal comforts of its members than that which regulates the formation and dissolution of the nuptial contract.

No institution indeed more nearly concerns the very foundation of society, or more distinctly marks by its existence the transition from a rule to a civilized state than that of marriage”.

William Cornelius Ekow Daniels in his book titled “The Law on Family Relation in Ghana”.

This is a Petitioner’s humble prayer to this Honourable Court for the dissolution of her marriage to the Respondent who is her husband of almost eight (8) years.

By a petition filed on the 7th of April, 2022, the Petitioner herein prayed for the following reliefs:

- a. That the marriage celebrated between the Petitioner and Respondent on the 4th of the June, 2016, be dissolved.

- b. That the custody of the children of the marriage namely Ethan Buachie Kessie and Andrew Buachie Kesse be granted to the Petitioner with reasonable access to the Respondent.
- c. An order against the Respondent to pay the school fees of the children of the marriage.
- d. An order against the Respondent to pay a semi-annual sum of Five Thousand Ghana Cedis (GH¢5,000.00) each towards the healthcare and clothing of the children of the marriage.
- e. An order that the Respondent maintains the two children of the marriage with a monthly amount of Two Thousand Ghana Cedis (GH¢2,000.00) towards their feedings.
- f. An order that the Respondent rents a suitable apartment for the Applicant and their children and to continue to renew the rent until the youngest of the two children turns 18 years.
- g. An order for a 10% annual increment in the value of the sums demanded above to make up for the inflation of goods and services
- h. An order for financial maintenance in the sum of GH¢20,000.00 to be paid to Petitioner.

After filing conditional appearance to the petition, the Respondent filed an answer and also cross-petitioned for the dissolution of the marriage. He sought the following reliefs from the court.

- i. An order for dissolution of the marriage celebrated between the Petitioner and the Respondent on 4th June, 2016 at the International Central Gospel Church (ICGC) Zoe Temple, Community 5, Tema and
- ii. An order for Joint custody of the children of the marriage.

FACTS

The parties in this matter married under the ordinance on the 4th of June, 2016. Petitioner is a Customs Officer and the Respondent is a Biological Engineer/Businessman. Their marriage is blessed with two children, Ethan Buachie Kesse and Andrews Buachie Kesse 4 and 3 years respectively.

Petitioner says Respondent behaved in such a manner that she cannot reasonably be expected to live with him. According to Petitioner,

Respondent's behaviour shows he is indifferent to Petitioner's sentiments and all attempts by members of the families of both parties to reconcile the parties have been unsuccessful and as a result she has come to the conclusion that her marriage to Respondent has broken down beyond reconciliation.

The grounds on which this prayer for dissolution is founded are several Petitioner pleads that.

1. She is currently not living in the matrimonial home and left in October 2018 because the Respondent was consistently subjecting her to emotional abuse.
2. That the Petitioner and Respondent have not had sexual relations as man and wife for over two years now
3. That save for rare occasions where the parties have discussions concerning the Respondent's access to their children the Petitioner and Respondent have had no intimate interactions for three years now.
4. That the Respondent refused to foot antenatal bills on the two occasions that the Petitioner was pregnant.
5. That the Respondent paid the medical bills upon delivery of the 2nd child and splurged on an impressive naming ceremony but had not provided any financial support throughout the pregnancy.
6. That Respondent refuses to provide money for the upkeep of the children and maintains that the children of the marriage are not of school going age and therefore refuses to pay for their school fees.
7. Again Petitioner says the Respondent consistently insulted and verbally abused her and
8. That on a number of occasions, the Respondent refused her ingress into their matrimonial home as he had parked his vehicle in the entrance and on one occasion, the number plate of the Respondent's vehicle scratched the Petitioner's leg and he also belittles the Petitioner in the presence of the Respondent's daughter.
9. That since the Petitioner moved out of their matrimonial home in 2018, the Respondent erratically requests for custody of the children without prior consultation with the Petitioner.

10. That the Respondent persistently disrespected the Petitioner's mother when she came to their matrimonial home to help take care of their young children.
11. That in November 2020, a family meeting was convened during which the Petitioner family recounted instances of the Respondent's behaviour which has resulted in disinterest in the marriage.
12. That attempts by members of both families of the parties to reconcile them has been unsuccessful.

The Respondent cross-petitioned and agreed with the Petitioner that their marriage is broken down beyond reconciliation and that he cannot reasonably be expected to live with the Petitioner who has deserted the matrimonial home for four years continuous.

The Respondent admitted the first eight paragraphs of the Petitioner's petition. In answer to paragraphs 9(a)(b)(c) and (d) and all the particulars Respondent said that he has never emotionally abused the Petitioner. That since the inception of their marriage, they have been living happily in their matrimonial home. He said some unexplained domestic issues arose and same were complicated when the Petitioner's mother extended her stay in the matrimonial home. Respondent says his mum-in-law was to stay for only a brief period to care their new born baby. He said when he suggested that Petitioner's mother's services were no longer useful to them, Petitioner who was unhappy told her mother who likely influenced her to desert their matrimonial home on or about the 17th of October, 2018 with their first son, Ethen Buachie leaving behind just a note. He further stated that Petitioner refused to show him her current residence and where she has taken their children to and that Petitioner has been unavailable and blocked all avenues for the Respondent to know where she lives.

Respondent says he was a responsible father who performed his duties at all times including financial support and all that a responsible father would give to his children.

Respondent stated that Petitioner's late father tried to settle their difference successfully before his demise and he therefore welcomed and accepted the Petitioner back into their matrimonial home after her father had passed and performed his rightful responsibilities as well as all the necessary rites in cash

and kind as a husband whose wife had lost her father in the midst of the parties marital challenges and has always supported the Petitioner throughout her first pregnancy and attended every antenatal with her. He says it is only during the 2nd pregnancy that the Petitioner denied him of performing his duties because the Petitioner had deserted her matrimonial home to an unknown location. He says Petitioner did not consult him when she chose schools for their children as this all important decision is to be reached by both parents on grounds including financial strengths.

Respondent says Petitioner pretended to care for and love his daughter he had prior to the marriage but Petitioner and her mother maltreated his daughter when Respondent refused to send his daughter to the girl's mother. Respondent says that prior to instituting this divorce petition, the Petitioner did not have issues with the Respondent having access to the children of the marriage. Respondent says their marital problems started when the Respondent informed the Petitioner to ask her mother to rather go and care for her sick father.

Again Respondent said that at a meeting convened by their family members to try to resolve their differences, after a careful consideration the family found that the Petitioner's mother's interference with their marriage has resulted in such marital challenges. Respondent finally said after several attempts at an amicable settlement by the elders of the family, Petitioner insisted that she is no longer interested in the marriage and her decision to quit the marriage has been firmed up.

The parties filed their witness statement as ordered by the Honourable Court and led evidence variously. The testimony of the parties as led is more or less the same as their pleading so this Honourable Court will desist from narrating same in toto but only refer to relevant portions as and when it is required.

In support of her claim, the Petitioner relied on the following documents.

Exhibit A series – receipts from Sinel Specialist Hospital and Danpong Healthcare for various ante-natal services paid for by the Petitioner during pregnancy.

Exhibit B – Official receipts from Bell's International School evidencing payment of fees and items that Petitioner paid in respect of their son's school.

Exhibit RK1 - an Account Statement of the Petitioner from Fidelity Bank.

Respondent also relied on a letter tendered on the 1st of December, 2022 that the Petitioner wrote to the Respondent. Labelled by court as exhibit 1.

ISSUES FOR DETERMINATION

Per section 1(2) of the Matrimonial Causes Act, Act 367, 1971 the sole ground for the granting of a petition for dissolution shall be that the marriage has broken down beyond reconciliation,

Based on this finding, the court goes ahead to deal with the reliefs sought by the parties:

1. Whether or not the marriage celebrated by the parties has broken down beyond reconciliation.
2. Whether or not Petitioner is entitled to custody of the issues of the marriage
3. Whether or not Respondent should be ordered to pay the school fees of the children of the marriage
4. Whether or not the Respondent should be ordered to pay (GH¢5,000.00) each towards the health care and clothing of the two children of the marriage
5. Whether or not the court must make an order for Respondent to maintain the two children of the marriage with a monthly amount of (GH¢2,000.00) towards their feeding.
6. Whether or not the court must make an order for Respondent to rent a suitable apartment for the applicant and their children till the youngest of the two children turns eighteen (18) years
7. Whether or not an order for a 10% annual increment in the value of the sums demanded above to make up for the inflation of goods and services should be made directed at the Respondent.
8. Whether or not the Petitioner is entitled to financial maintenance in the sum of GH¢20,000.00

9. Whether or not the Respondent is entitled to joint custody of the children of the marriage.

The general rule is that he who asserts must prove. He must prove the essential issues central to his case on the preponderance of probabilities which is the standard of proof in a civil matter.

Section 12(2) of the Evidence Act NRCD 323 defines proof on the preponderance of probabilities to be.

“The degree of certainty of belief in the mind of the tribunal of fact or the court by which it is convinced that the existence of a fact is more probable/likely than its non-existence.

In this case in which there is a petition and a cross-petition for dissolution, I must say that the parties both bear the same burden to produce sufficient evidence to avoid a ruling on the issues against them on their individual claims.

In the case of Seidu Mohamed v Saan Baye Kangbere (2012) 2SCGLR 1182. Dotse JSC at page 1203 stated as follows:

The first issue to consider is whether the marriage celebrated by the parties is broken down beyond reconciliation. Section 2 of Act 367 provides the grounds which when proven would lead the court to this conclusion. It is as follows:

1. 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 Respondent 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 continuous period of at least two years immediately preceding the presentation of the petition and the Respondent consents to the grant of a decree; provided that such consent shall not be unreasonably

withheld and where the court is satisfied that it has been so withheld, the court may grant a petition for divorce under this paragraph notwithstanding the refusal or;

- (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 efforts, been unable to reconcile their difference.

From the evidence led by the Petitioner I surmise that this petition is brought primarily under section 2(1) b,d,e and f of Act 367.

In his book, *The Law on Family Relations in Ghana*, the learned author William Cornelius Ekow Daniels made the following statement on the test of unreasonably behaviour, he writes at page 308.

"All that a Petitioner is required to do in this context is to give particulars or the extent of the behaviour of the Respondent which has necessitated the presentation of the petition. Thereafter he is required to establish that as a result of that particular behaviour he cannot reasonably be expected to live with the Respondent".

In the case of Hughes v Hughes (1973) 2 GLR 342 Sarkodee J., in his judgement said;

"To succeed, the Petitioner must show that the Respondent's conduct reached a certain degree of severity that no reasonable person would tolerate"

Again in Knusden vs Knusden (1976) 1GLR 204 CA on the test of unreasonable behaviour it was held:

"The behaviour of a party which will lead to this conclusion would range over a wide variety of acts".

It may consist of one act if it is sufficient ground of a persistent course of conduct or series of acts of differing kinds none of which by itself may justify a conclusion that the person seeking the divorce cannot reasonably be expected to live with the spouse, but the cumulative effect of all taken together would do so".

At this juncture, the court will consider whether the evidence of the Petitioner has reached this threshold?

In the case of Majolagbe v Larbi & Ors. (1959) GLR 190 it was held

“Proof in law is the establishment of facts by proper legal means. Where a party makes an averment capable of proof in some positive way eg by production of documents, description of things, reference to other facts, instances or circumstances and his averment is denied, he does not prove it by merely going into the witness box and repeating that averment on oath, or having it repeated on oath by his witness. He proves it by producing other evidence of facts and circumstances from which the court can be satisfied that what he avers is true”.

This Court will highlight some of the reasons to determine if the Respondent has unreasonably behaved.

Cross-examination of Petitioner at page 143 of the record dated 1st December, 2022

Q. So why did you leave in 2018

A. I left because of the marital issues we were having at the time

Q. What were the marital issues?

A. After we got married. I was working in Osei Kojokrom at the time the Respondent was not taking care of me. I was being subjected to emotional abuse and verbal abuse. He could bring his daughter's dirty clothes all the way from Accra to Osei Kojokrom and expect me to leave work and get it washed for him because he had come to visit me. When I came to Accra he refused to let me enter the house and took me to a small room filled with stuff and that is where I was supposed to stay because according to him I could not take care of the main three bedroom house he had. There were several instance of him belittling me in front of his daughter. There were times I go to town and return and he has gone out with the key and tells me to look for somewhere to hang out until he returns. He left the house very early and returns very late sometimes. All this while I took care of myself. He wanted to control everything I did so much that I lost my self-confidence so after speaking with my counsellor I felt separation for a while will help. This was also because at the time he had my salary ATM card so he withdrew money whenever he wanted. I had just gone for one month job trip and returned to an empty account. That is why I left

- Q. You see a lot of the answer that you have given specifically that the Respondent having your ATM card, Respondent bringing the daughter's dirty clothes for you to wash and Respondent leaving you outside are all afterthought which you just fabricated now because they are not borne in your pleadings neither are they in your witness statement before this Honourable Court
- A. They are the truth. They are all summarized by the words unreasonable behaviour.

The comprehensive answer given by the Respondent sums up all the elements of unreasonable behaviour which she enumerated in her pleadings.

I go back to section 2 of Act 367 which lays grounds that the court will consider to determine whether the marriage celebrated by the parties has broken down beyond reconciliation.

After a careful evaluation of the facts and evidence in this present case the court finds that Petitioner has been able to establish unreasonable behaviour by the Respondent which is a necessary ground for the grant of a divorce.

The next issue is whether or not Petitioner is entitled to custody of the issues of the marriage? (Before I consider this issue it is of note to mention that the court had on the 22-6-2022 made interim orders for Respondent to pay GH¢1,000.00 a month to Petitioner for the upkeep of the children. The court also granted access to Respondent from 9am Saturday to 6pm on Sunday. Twice a month and half of the vacation period.

Section 22 of the Matrimonial Causes Act 1971 (Act 367) gives this court power to make orders concerning the custody of children of a marriage.

- (1) In all proceedings under this Act, it shall be the duty of the court to enquire whether there are any children of the household.
- (2) The court may either on its own initiative or on application by a party to any proceedings under this Act make any order concerning a child of the household which it thinks reasonable and for the benefit of the child (as previously done).

Subsection 3 of 22 lists the heads under which such orders can be made and they are in relation to.

- ❖ The award of custody of the child to any person

- ❖ The regulation of the right of access of any person to the child and
- ❖ The provision for the education and maintenance of the child

The guiding principle of this court in such matters is provided in Section 2 of the Children's Act 1998 (Act 560) it provides that the best interest of the child shall be the primary consideration of any court, person, institution or other body in any matter concerning a child.

SARKODIE J. in the case of OPOKU-OWUSU V OPOKU-OWUSU (1973) 2GLR page 350 held

"In an application for custody, the parties' consideration is the welfare of the children. The court's duty was to protect the children irrespective of the wishes of the parents".

The evidence of the Petitioner is that the financial responsibilities of the children of the marriage from conception till date has been hers solely. Petitioner said she paid for the ante-natal bills of the children and also their school fees to go school.

At page 273 of the record dated 16th February 2023, the Respondent upon cross exams said the following:

Q. You agree with me that a child's right to education exists whether or not a parent disagrees to the kind of school she should attend will you not?

A. Yes

Q. It is the case is it not that since the Petitioner did not consult you on the schools the children should attend she had to foot the school fees all by herself

A. Yes

Q. It is your case then as a supportive and responsible father that you have not paid your children's school fees since they started going to school?

A. Yes

Counsel for Petitioner prayed the court to allow Petitioner to tender receipts that shows Petitioner has been paying school fees.

BY COURT: In the absence of any objection from counsel for the Respondent it is allowed by court.

- Q. You will agree with me that parents are primarily responsible for the welfare of their kids not the court?
- A. Yes
- Q. It is the case is it not that on the 22-6-2022 this Honourable Court made orders for interim reliefs and maintenance is it not?
- A. Yes
- Q. It is the case is not that one of the interim orders the court made in June granted you access to the children twice a month from 9am on Saturday to 6pm on Sunday.
- A. Yes. There have been issues afterwards
- Q. It is also the case is it not that one of the interim orders was for you to pay a monthly reasonable amount of GH¢1,000.00 for the maintenance of your two young children?
- A. Yes
- Q. Is it your case that you have been compliant with this order of this Honourable Court (the order to pay GH¢1,000.00)?
- A. Yes. Until sometime in November when the last payment was made and she denied me access and said we will meet in court.
- Q. I am putting it to you that you have flouted the orders of this Honorable Court. You have refused to make payments even for the month of June when the order was given and also for the months of November, December, January till date.
- A. It is not so. The order was made at the latter part of June. I paid in July, August, September till November it was at that time the settlement was not agreed on and we returned to court. She did not allow me to pick up the kids

In Asem v Asem (1969) CC 40

The Supreme Court held that as it is well known, the court is obliged by statute in deciding the question of custody to have regard to the welfare of the infant as its first and paramount consideration (the emphasis is mine). That being the statutory criterion, it would seem that the success or failure

of the appeal is of little importance. The crucial question for decision is which of the parents is better suited to be entrusted with the upbringing of six year old?

In this instant case the court notes that the children of the parties are infant children under six who have primarily lived with their mother since they were born and again though Respondent says he did not know the whereabouts of Petitioner he could have taken extra steps as far as his financial obligations towards the children were concerned like reaching out to Petitioner's family. Additionally from the facts it is clear that the Petitioner is the main parent the children know since she left with them from the matrimonial home when they were babies. In consideration of the paramount interest of the children, I will award custody of the two children in question to the Petitioner and grant reasonable access to the Respondent. I would leave the particulars of the access to the parties to decide on since it would be difficult for any court to monitor such access.

My only comment is that irrespective of the differences between the parties, Petitioner is reminded that a father's role in the lives of his children is very important considering the fact that the children of the marriage are boys and should not deny him at the agreed times.

The 3rd, 4th, 5th, 6th, 7th and 8th issues are all related to maintenance ie that Respondent be ordered to pay school fees of the children of the marriage, that Respondent should be ordered to pay a semi-annual sum of Five Thousand Ghana Cedis each towards the healthcare and clothing of the two children, that Respondent maintains the two children of the marriage with a monthly amount of GH¢2,000.00 towards feeding that Respondent rents a suitable apartment for the Respondent and her children and to continue to renew the rent until the youngest of the two children turns 18.

An order for a 10% annual increment in the value of the sums demanded above to make up for the inflation of goods and services and an order for financial maintenance in the sum of GH¢20,000.00 to be paid to the Petitioner .

Section 47(1) of the Children's Act 1998 (Act 560) provides that a parent is under a duty to support the necessities of health, life, basic education and reasonable shelter for the child.

To ensure that a court's orders are reasonably obeyed it is enjoined on the court to consider the following when making maintenance orders under Section 54(1) of the Children's Act 1998 (Act 560). The court must consider the following.

- a. The income and health of both parents of the child or the person legally liable to maintain the child
 - b. An impairment in the earning capacity of the person with a duty to maintain the child.
 - c. The financial responsibility of that person with respect to the maintenance of other children.
 - d. The cost of living in the area where the child is resident
 - e. The rights of the child under this Act
 - f. And any other matters that the family tribunal considers relevant.
- Petitioner in her evidence in chief page 205 of the record stated that she is a Customs Officer of Ghana Revenue Authority. At page 206 during cross-exams the question was put to her

Q. Can you tell this Honourable Court how much you are paid as a custom officer of the GRA?

A. About GH¢4,000.00

Q. So apart from salary do they pay medical expenses for you and your family?

A. We have a medical insurance with a cap. It does not cover everything GH¢3,000.00 per annum. That is the whole insurance. It is the whole insurance.

The Petitioner presented an exhibit RK1 from Fidelity Bank that shows her income and expenditure.

Since the current case for determination involves a cross petition, the court will make its final orders after an examination of the merits or otherwise of the cross-petition of the Respondent.

Having cross-petitioned for the dissolution of his marriage to Petitioner, Respondent bears the same burden as Petitioner which is to introduce sufficient evidence to avoid a ruling against him on this issue. As stated earlier, the court will refrain from repetition since Respondent's case has

been already stated but rather highlight a few areas to prove the marriage between the parties has broken down beyond reconciliation.

During the course of the trial the Respondent prayed that the court adopts a letter that I refer to as Exhibit 1. In that letter Petitioner wrote to Respondent apologizing that she had to leave their matrimonial home.

This court applies the same test of unreasonable behaviour laid down in section 2(1) of the Matrimonial Causes Act 1971 Act 367 (Supra).

The court refers again to the case of Hughes vs Hughes {1973} 2 GLR 342 where the Sarkodie J. in his judgment said;

“To succeed the Petitioner must show that the respondent’s conduct reached a certain degree of severity. It must be such that no reasonable person would tolerate”.

The question I ask myself is whether Respondent who has cross-petitioned, has also met this threshold of this the petition.

In his cross-petition by the lawyer for the Petitioner at page 275 the following was recorded:

Q. You agree with me that your daughter Fiona also used to live with you and the Petitioner

A. After we got married

Q. You will agree with me that during that time the Petitioner cooked for her washed her clothes and generally cared for her

A. Yes

Again Respondent accused Petitioner of deserting the matrimonial home. The admitted same herself in her own petition and when she gave evidence before the court following reasons.

At page 119 of the recording during cross-examination of the Petitioner the following was recorded.

Q. And when did you decide to leave the matrimonial home

A. I left in October 2018

Q. You were very much aware that your decision to leave matrimonial home was not fair and will hurt the Respondent not so?

A. No. I did it in my interest

In Frowd v Froud {1904} page 177 Jeune P defined it thus:

“Desertion means the cessation of cohabitation brought about by the fault or conduct of the parties therefore the conduct of the parties must be considered. If there is good cause or reasonable excuse, it seems to me there is no desertion in law”

The letter admitted by the court which was authored by the Petitioner started as follows:

“Hi Cutie, don’t know what to write or what to say. You might be hurt and angry and you have every right to be but I hope soon you will understand it is in our best interest I am no longer here. My heart left long ago and just breeding hurt”.

The court again notes that both Petitioner and Respondent said they had no sexual relations as a couple for almost three years. Obviously with Petitioner gone and Respondent in the dark about where she stays that aspect of their marriage which is crucial in maintaining the emotional bond between them will be non-existent and adversely affect the mental and sexual health of the parties, which is a fundamental example of what constitutes unreasonable behaviour in marriage.

Respondent also stated that his marriage has broken down because of Petitioner’s mother who uninvited was in his opinion a negative influence on his wife. Since Petitioner’s mother or other family members were not called as witnesses this particular accusation will not be dwelt on the court as it has not been proved.

Again both parties made the court aware that attempts at reconciliation by the family members of the Petitioner proved unsuccessful.

The court finds that per sections 2(1) (c)(e) and (f) the Respondent has been able to prove his case that the marriage between himself and the Petitioner has broken down beyond reconciliation.

The issue of joint custody raised by the Respondent has already been extensively looked at by the court per the relevant laws already raised by this court.

“For the Respondent, the court notes that he earlier filed an affidavit of means where he gave a breakdown of his expenditure for a typical month totaling GH¢3,500.55. In the 4th paragraph of the affidavit Respondent states that the Respondent is a businessman and that the Respondent has been facing financial challenges recently”.

Paragraph 7 *“That Respondent does not have a steady source of income. That the Respondent earns an average of GH¢1,500.00 to GH¢3,000.00 per month which put him behind his bills or monthly expenditure”*

Traditionally it is a father’s duty to maintain his family and evidence led showed that Respondent had never paid the school fees of the infant children of the family.

His income is unstable and earns between GH¢1,500.00 to GH¢3,000.00 a month.

Grounded by section 49(1) of Act 560. I am also minded that the Petitioner on the contrary earns steady income and maintains a more stable job as a Customs Officer of the Ghana Revenue Authority.

CONCLUSION

Both the Petitioner and Respondent have come to the conclusion that their marriage has broken down beyond reconciliation and this court finds this as a fact after considering the evidence led. For the Respondent, the court notes that he earlier filed.

It is hereby decreed that the ordinance marriage celebrated by the parties sometime in June 2016 is broken down beyond reconciliation and accordingly dissolved this 20th day of March 2023.

The following orders have been made on the facts of the instant case.

- a. Petitioner is awarded custody of the two children of the marriage Ethan Buachie Kessie and Andrew Buachie Kessie with reasonable access to the Respondent.

- b. Respondent is to pay the school fees of Ethan Buachie Kessie and Petitioner that of Andrew Buachie Kessie
- c. The court orders that Respondent pays GH¢5,000.00 annually towards the health care and clothing of the two children of the marriage.
- d. The court orders that Respondent maintains the two children of the marriage with a monthly amount of GH¢1,000.00 towards their feeding.
- e. The court orders that Respondent pays rent of a suitable apartment for the applicant and their children and to continue to renew same until the youngest of the two children turns 18 years.
- f. An order for financial maintenance in the sum of GH¢15,000.00 to be paid to the Petitioner.
- g. Parties are to bear their own costs.

(SGD)

**H/H KIZITA NAA KOOWA QUARSHIE
CIRCUIT COURT JUDGE**