

IN THE CIRCUIT COURT '2' ADENTAN BEFORE HER HONOUR
SEDINAM AWO BALOKAH (MS) THE PRESIDING JUDGE ON THE 31ST
DAY OF MARCH, 2023

TIME: 10:30 AM

SUIT NO. C5/036/2023

AMANDA AKWOKOR CLINTON
11 FOREST AVENUE
ACHIMOTA – ACCRA

PETITIONER

VRS.

RESPONDENT

JEAN-PAUL SIAFA AMEGASHIE
G14 MANET
PALMS ESTATE
OGBOJO

Petitioner/Applicant Present

Respondent/Respondent Absent

S. N. Egyir-Yaw Present wit Bianca Akweley Clinton for Petitioner/Applicant

Theophilus Codjoe Absent for Respondent/Respondent

Counsel for Respondent/Applicant: We pray per the Motion paper, Supplementary Affidavit, supporting Supplementary Affidavit and all annexures. We rely on all documents filed in this matter. Humbly submitted.

By Court – Ruling

I have read the Affidavit of both Parties filed in support of all the facts deposed to in their Affidavits evidence. I have further perused all the evidence annexed. It is my considered opinion that paragraph 8 of the Respondent's Affidavit in Opposition clearly confirms that all articles and property including furnishing claimed to have been brought into the matrimonial home by the Petitioner/Applicant in fact are Petitioner/Applicant's personal property and items as she claims per her Application. In light of this, there is no longer any

lingering doubt as to the fact that all the said articles and property including furnishing as indicated in Exhibit AA belong to the Petitioner/Applicant herein and cannot be deemed as marital property in the proper legal sense of the terms “marital property” as espoused by various superior courts in the following cases; **Mensah Vrs. Mensah {2012} 1SGLR 391, Arthur Vrs. Arthur No. 1 {2013 – 14} SCGLR 514 and Fynn Vrs. Fynn {2013 – 2014} 1 SCGLR 727.** (Reference is made to paragraph 8 of the Respondent’s Affidavit in opposition filed on 15th March, 2023.

Order is hereby made for the Petitioner to be allowed access to the Matrimonial home without any hindrance whatsoever with the assistance of this court’s bailiffs as well as the assistance of officers of the nearest police station close to the matrimonial home to recover her personal belongings as well as all the items listed in Exhibit AA and nothing more or less. The help of the East Legon Police is hereby requested to assist this Court’s Bailiffs in the execution of this Order for repossession of all items listed on Exhibit AA and Petitioner’s Personal Belongings. All Parties shall be guided by Exhibit AA. Date of recovery is the 13th day of April, 2023.

Respondent shall be served with this order. Substantive Suit shall take its ordinary course.

(SGD)

**H/H SEDINAM AWO BALOKAH
CIRCUIT COURT JUDGE**

Comfy*`

