

IN THE CIRCUIT COURT 3 HELD AT ACCRA ON FRIDAY THE 13TH DAY OF JUNE, 2023 A. D. BEFORE HER HONOUR SUSANA EDUFUL (MRS.), CIRCUIT COURT JUDGE

SUIT NO. C5/145/2023

WENDY KUKUA LARBI-ANSAH

PETITIONER

VRS

KOFI LARBI-ANSAH

RESPONDENT

PARTIES PRESENT AND REPRESENTED

JUDGMENT

The Parties to this suit got married under the Marriage Ordinance (CAP 127) on July 4, 2019 at the Accra Metropolitan Assembly. The parties have no children of the said marriage. The Petitioner is seeking the dissolution of the marriage on the grounds of Unreasonable behaviour. The Respondent did not contest the grant of divorce. When the case was called both parties indicated that they have filed terms of settlement on May 5 2023. The Court directed that evidence would be taken to establish whether or not the marriage has broken down beyond reconciliation.

The sole ground for granting a petition for divorce shall be that the marriage has broken down beyond reconciliation. Under section

2(1)(b) of the Matrimonial Causes Act, 1971 (Act 367) “For the purpose of showing that the marriage has broken down beyond reconciliation the petitioner shall satisfy the court that the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent. The Petitioner would have to prove that the Respondent’s behaviour is such that a reasonable spouse in the circumstances and environment of these spouses could not be expected to continue to endure.

Under **section 4 of Act 367**, in determining whether the Petitioner cannot reasonably not be expected to live with the Respondent, the court shall disregard any period or periods not exceeding six months in the aggregate during which the parties to the marriage lived with each other as man and wife after the date of the occurrence of the final incident relied on by the petitioner and proved to the court in support of his allegation."

ISSUES

The **main issues** for determination are as follow:

Whether or not the marriage celebrated between the Petitioner Wendy Kukua Larbi-Ansah, and the Respondent Kofi Larbi-Ansah celebrated on July 4 2019 at the Accra Metropolitan Assembly has broken down beyond reconciliation.

The Respondent herein filed his answer and cross-petitioned against the Petitioner. Respondent did not contest the dissolution of their marriage by the Court. At trial Respondent elected that he

would not testify but called one witness. The Respondent witness testified orally in court.

In support of his petition, the Petitioner stated in her evidence she got married to the Respondent on July 4, 2019 and tendered the marriage certificate, a Registrar's Certificated and a photograph of the parties which were labelled as exhibit A, B and C respectively. The Petitioner stated that the Respondent abuses her both physically and sexually at the least opportunity. The Respondent calls her a prostitute. The Respondent also disrespects her to the extent that she has no love left to continue in the marriage.

DW1's evidence is that the Respondent is his nephew. He knows that before the parties got married, the Respondent lived in the United State of America. According to DW1 after the marriage the Respondent was to file the necessary documents to enable the Petitioner join him. DW1 kept on inquiring from the Respondent when Petitioner's departure to the USA was delaying. The Respondent returned to Ghana for his uncle's funeral in Koforidua. Before the Respondent would return to the United States of America the family member of the Petitioner met with the Respondent's family where the Petitioner indicated to both families she will no longer continue in the marriage. Eventually both families agreed to the dissolution of the marriage. DW1 therefore prayed that the Petitioner's prayer for the dissolution of the marriage be granted by the court.

Having considered the whole evidence before the court the Court finds that the Respondent has not opposed the Petitioner evidence and he also does not contest the grant of the divorce. The court finds from the evidence on record that marriage between the parties have broken down beyond reconciliation on grounds that the parties have been unable to reconcile their differences as provided under **section 2(1)(f) of the Matrimonial Causes Act, 1971 (Act 367)** that the parties to the marriage have, after diligent effort, been unable to reconcile their differences.

In the circumstances, I hold that the marriage between the parties have broken down beyond reconciliation. A decree of divorce is granted.

DECISION

1. The Court hereby orders that the marriage celebrated between the Petitioner, Wendy Kukua Larbi-Ansah and the Respondent herein Kofi Larbi- Ansah celebrated on July 4, 2019 at the Accra Metropolitan Assembly, has broken down beyond reconciliation. The marriage certificate No. 1179/2019 is accordingly cancelled. A decree of divorce is hereby granted.
2. On the issue of the ancillary reliefs claimed, the parties filed Terms of Settlement on May 5, 2023. The Court hereby adopts the terms of settlement filed as consent judgement.
3. I will make no order as to cost.

LEGAL REPRESENTATION

EUGENE ASSIAMAH BOADI FOR THE PETITIONER

ADJEI DARKO AMPEM FOR THE RESPONDENT

**H/H SUSANA EDUFUL (MRS)
(CIRCUIT COURT JUDGE)**