

**IN THE CIRCUIT COURT HELD AT KWABENYA ON FRIDAY THE
3RD DAY OF NOVEMBER, 2023 BEFORE HER HONOUR MAWUSI
BEDJRAH, CIRCUIT JUDGE**

SUIT NO. A4/O4/2023

ERIC SUNU DOE

PETITIONER

VRS

RITA NAA KHWEYE

RESPONDENT

PETITIONER

ABSENT

RESPONDENT

ABSENT

COUNSEL FOR PETITIONER, JANICE TIWAH OWARE

HOLDING LOM NUKU AHLIJAH'S BRIEF

PRESENT

JUDGMENT

Petitioner is a Lecturer at the University of Ghana but Respondent's current employment is unknown. Petitioner is domiciled in Ghana whilst Respondent is resident in the United States of America (USA). The parties got married on 4th June, 2015 at the Office of the Registrar of Marriages, Accra. After the marriage, the parties resided at Plot No. 189, John Nii Owoo Street, Kisseman-Airways, Accra.

In the petition filed on 26th September 2022, Petitioner prays for a dissolution of the marriage contracted between him and Respondent on the basis that the marriage has broken down beyond reconciliation and that the parties after diligent efforts have been unable to reconcile their differences. His reasons are that;

- i. The parties separated after two weeks of cohabitation after the said marriage in June 2015.
- ii. That the Respondent requested for the separation two weeks after the marriage to the Petitioner
- iii. The Respondent's reason at the time was that she felt the Petitioner did not love her.
- iv. That the parties remain separated till date and have not lived together again since their separation.

- v. That all attempts at reconciliation have proved futile. The Petitioner and his family tried several times to have the issues resolved.

Leave was granted Petitioner to issue the writ and serve same out of the jurisdiction on the Respondent at her known address in the United States of America. However, Respondent neither entered appearance nor took any steps in the matter. The Court therefore, had no choice than to hear the case without Respondent. As matters stand, the evidence of Petitioner is unchallenged.

THE EVIDENCE

Petitioner testified by himself, per his witness statement filed on 23rd August, 2023. He tendered the following documents in evidence;

- i. A copy of the marriage certificate-Exhibit ‘A’.
 - ii. Proof of service of the Court’s documents on the Respondent-Exhibit ‘B’
- Petitioner’s evidence was a rehash of his petition, in which he emphasized that the parties cohabited for only two (2) weeks after the marriage in 2015 and that there had not been any physical engagement with the Respondent since she left for the United States of America.

EVALUATION OF EVIDENCE AND APPLICATION OF THE LAW

Under the Matrimonial Causes Act, 1971 (Act 367), specifically section 1, the sole ground for the grant of divorce is whether the marriage has broken down beyond reconciliation. Sections 2 (a) to (f) further provide any of the factors that must be established to prove the breakdown of the marriage beyond reconciliation.

Per section 2 (1) (e) of Act 367, where the parties to the marriage have not lived as husband and wife for a continuous period of at least five years immediately preceding the presentation of the petition, it becomes a ground for the Court to grant a divorce. Further, under section 2 (1) (f) of Act 367, if the parties to the marriage after diligent efforts have been unable to reconcile their differences, it is also a ground for the Court to grant divorce.

From the evidence, the parties have not lived together as husband and wife since 2015, thus for over eight (8) years. Further, the interventions of their pastors, families and friends have failed to reconcile their differences. Applying sections 2 (1) (e) and 2 (1) (f) of Act 367 to the evidence given in this matter, I find and hold that the marriage has broken down beyond reconciliation.

Accordingly, it is hereby decreed that the marriage celebrated between Petitioner and Respondent on 4th June 2015 and evidenced by Marriage Certificate RGM 1340/2015 and Licence Number SL 1430577, be and is hereby dissolved forthwith on the ground that same has broken down beyond reconciliation. The Marriage Certificate is cancelled.

I make no order as to costs.

Her Honour Mawusi Bedjrah
Circuit Judge