

IN THE CIRCUIT COURT HELD AT KWABENYA ON FRIDAY THE
13TH DAY OF OCTOBER, 2023 BEFORE HER HONOUR MAWUSI
BEDJRAH, CIRCUIT JUDGE

SUIT NO. A4/31/2023

JOAN AWUAH

PETITIONER

VRS

NANA ADDO DANKWA BEKOE

RESPONDENT

PETITIONER

PRESENT

RESPONDENT

PRESENT

JUDGMENT

In a petition filed on 11th March, 2023, Petitioner prays for dissolution of the marriage celebrated between the parties on 18th August, 2018 at the International Central Gospel Church, West Legon.

Petitioner further prays the Honourable Court that;

- i. Custody of the child be granted to Petitioner with reasonable access to Respondent
- ii. Maintenance of the child, paying of school fees, medical bills as and when it comes be made by Respondent

Petitioner states that the marriage has broken down beyond reconciliation because Respondent has behaved in such a way that Petitioner cannot reasonably be expected to live with him as wife. Her reasons are that;

- i. Respondent is a mendacious person
- ii. The attitude of Respondent has caused her much anxiety, disrespect and embarrassment
- iii. The parties have not lived together as husband and wife since August, 2020
- iv. Petitioner and Respondent have agreed to go their separate ways
- v. Several attempts by family members to resolve the matrimonial problems between the parties have proved futile.

Respondent, per the answer filed on 5th June, 2023, does not deny the assertions of Petitioner. He admits that the marriage has broken down beyond reconciliation based on the reasons given by Petitioner. Thus, the marriage contracted between the parties on 18th August, 2018 at the International Central Gospel Church, West Legon, should be dissolved.

THE EVIDENCE

Petitioner testified by herself and gave oral evidence to substantiate her claim that the marriage has broken down beyond reconciliation. In summary, Petitioner states that before she got married to Respondent in 2018 and even during the marriage, Respondent has never told her the truth about his work, finances, basically everything. For instance, after their marriage, Respondent was in another relationship with a lady he wanted to marry before marrying her. Petitioner had to move to stay with her mother when she was due to be delivered of their baby, since their rent was expiring. This was on the advice of Respondent, who promised to visit but never did. Respondent never took steps to rent a new place but rather moved to stay with his parents. As a result, they have lived apart since January 2019. According to Petitioner, ever since she gave birth, the child has always lived with her. Respondent diligently pays the child's school fees but does not maintain the child. Thus, her request for custody of the child and a monthly maintenance of ₵600.00.

Respondent also testified by himself and gave oral evidence in the matter, by stating as follows; "I agree with all that Petitioner has said. I do not contest any."

The parties decided not to cross-examine each other on their respective evidence, hence admission of same.

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.

I have noted that Petitioner has based her claim on the unreasonable behaviour of Respondent. In the petition, Petitioner states that they have not lived together as husband and wife since August 2020, thus for over three (3) years. I have also noted from the evidence of Petitioner that the parties have not lived as husband and wife since January 2019, thus for over four (4) years. Per section 2 (1) (d) of

Act 367, where the parties to the marriage have not lived as husband and wife for a continuous period of at least two years immediately preceding the presentation of the petition and the Respondent consents to the grant of a decree of divorce, it becomes a ground for the Court to grant a divorce.

In view of the above, whether the parties have not lived together for over 3 or 4 years, it is established from the petition and evidence that they have not lived as husband and wife for a continuous period of at least two years immediately preceding the presentation of the petition. It is also established that Respondent consents to the grant of a decree of divorce. I therefore 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 18th August, 2018 and evidenced by Marriage Certificate No A0/08/18 and Licence Number GEMA 2147/2018 be and is hereby dissolved forthwith on the ground that same has broken down beyond reconciliation. The Marriage Certificate is cancelled.

The reliefs sought by the Petitioner are also granted, per the evidence before this Court. Thus, custody of the child of the marriage is granted to Petitioner with reasonable access to Respondent. Respondent is also to pay a monthly maintenance of GH¢600.00 as well as pay the school fees and medical bills of the child as and when they become due.

I make no order as to costs.

Her Honour Mawusi Bedjrah