

**IN THE CIRCUIT COURT HELD AT KWABENYA ON FRIDAY THE 11TH
DAY OF AUGUST, 2023 BEFORE HER HONOUR MAWUSI BEDJRAH,
CIRCUIT JUDGE**

SUIT NO. A4/17/2023

ROSALYN ANKOMAH AGYEMANG

PETITIONER

VRS

JOSEPH KOFI ZAR

RESPONDENT

PETITIONER

PRESENT

RESPONDENT

PRESENT

JUDGMENT

Petitioner is an Administrator and Respondent, a Marine Engineer. The parties got married on 5th December, 2015 at the Grace Chapel International, Kaneshie, Accra. After the marriage, Respondent was residing in Takoradi and the Petitioner was residing at Kasoa. Petitioner used to visit Respondent every weekend in Takoradi before Respondent came to live with Petitioner at Kasoa for about a year. In December 2017, Respondent had to leave for Takoradi. There is no issue of the marriage.

In the petition filed on 29th December 2022, Petitioner prays for a dissolution of the marriage contracted between her and Respondent on the basis that the marriage has broken down beyond reconciliation. A summary of the reasons are that;

- i. In December 2017, there was a major misunderstanding during one of their interactions online and Respondent told Petitioner that he was no longer interested in the marriage but later apologised.
- ii. In January 2018, another misunderstanding ensued between the parties and Petitioner also stated that she was not interested in the marriage. Petitioner apologised after making the statement but Respondent said that he had taken it seriously and would not accept her apology.

- iii. Respondent came to Kasoa for all his belongings and emphasised that he was bent on what he stated earlier that he was not interested in the marriage and even stated expressly that they were not compatible and that he married Petitioner out of sympathy.
- iv. In 2019, Respondent's parents came to Petitioner's place in Kasoa for dissolution of the customary marriage and the ring, bible and schnapps were given to them.
- v. The parties have not lived together as husband and wife since December, 2017.

Respondent, in his answer to the petition for divorce filed on 10th January, 2023, agrees that the marriage has broken down beyond reconciliation. A summary of his reasons are that;

- i. He had made up his mind to end the marriage because of Petitioner's conduct and it was not based solely on the misunderstanding they had.
- ii. They were always involved in one altercation or the other and he had to toil before he had sexual intercourse with Petitioner.
- iii. Petitioner's conduct towards him was disdainful.
- iv. All attempts and efforts made by their pastors from church, family members and friends to reconcile their differences have proved futile.

Petitioner further says in her reply to Respondent's answer, filed on 13th February, 2023, that save the dissolution of the marriage, she does not want anything from Respondent.

THE EVIDENCE

Petitioner testified by herself, per her witness statement filed on 18th April, 2023. Respondent also testified by himself, per the witness statement filed on 5th May, 2023. Petitioner tendered the following documents in evidence;

- i. A copy of the marriage certificate-Exhibit 'A'
 - ii. Correspondence on WhatsApp between the parties-Exhibit 'B' series
- The evidence of the parties was an elaboration of their petition and cross-petition.

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 of the parties, they have not lived together as husband and wife since 2017, thus for over five (5) 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 5th December 2015 and evidenced by Marriage Certificate GCI/ML/012/2015 and Licence Number AMA10158271/2015, 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