

**IN THE CIRCUIT COURT '2' ADENTAN SITTING BEFORE HER HONOUR SEDINAM AWO BALOKAH
(MS) THE PRESIDING JUDGE ON THE 29TH DAY OF DECEMBER, 2023**

TIME: 8: 45 AM

SUIT NO. C5/014/2023

**JULIANA AFELIK
UNNUMBER HOUSE FISE NO
AMASAMAN - ACCRA**

PETITIONER

VRS.

**WILLIAM KWAME AGYEKUM
COMMANDO FLATS
ADENTAN - ACCRA**

RESPONDENT

Parties

Petitioner present

Respondent absent

Representation

Counsel for Respondent absent

BY COURT- JUDGMENT ON DISSOLUTION

This court, having considered all the evidence on record, it is my humble opinion that the following are established on record;

1. The fact that the parties got married under the customary laws of the parties in May 2006.
2. The fact that the parties' customary marriage is blessed with 3 Children namely; William Effah Agyekum, Wilson Ofori Agyekum and Wilfred Nana Fosu Agyekum.
3. The fact that the parties during the pendency of the marriage put up their Matrimonial home at Unnumbered house Fise W.O Amasaman.
4. The fact that the Petitioner committed adultery with Bismark Kwabena Amankwaa in 2020 which led to a final breakdown of the parties' marriage in June 2022.
5. The fact that during the marriage, the Respondent bought a vehicle for the Petitioner which said vehicle is registered in Petitioner's name.

6. That fact that the said vehicle has been under the control and management of the Petitioner since 2017 and same is in her custody at the day of this Judgment.

In light of the above facts in evidence and in light of **Section 2 (1) (a) and (f) of the Matrimonial Causes Act 1971 (Act 367)**, I find and hold that the customary marriage celebrated between the parties, has broken down beyond reconciliation.

I accordingly dissolve the said marriage this **29th day of December 2023**.

The Registrar of this court shall issue to the parties herein a Divorce Certificate. In light of Sections 43, 44, and 45 of the Children's Act 1998 (Act 560 as Amended), custody of the three (3) issues of the marriage mentioned earlier in this Judgment is granted to the Petitioner herein.

Reasonable access to the three (3) children is granted to the Respondent herein and this includes weekends and holidays, visitation and overnight stays. Should any of the parties herein wish to travel with any of the three (3) children outside Ghana, the other party shall give a written consent to this effect. This consent shall not be unreasonably withheld.

The Respondent, in light of **Section 47, 48 49 51 and 52 of Act 560 as Amended** shall maintain the three (3) children with **three thousand Ghana cedis (GH¢3,000.00)** via Petitioner's MoMo number **0244630025** (Juliana Agyekum).

With regard to the relief of hundred thousand compensation sought by the Petitioner, the court deems that considering the duration of the marriage, the number of children birthed by the Petitioner and the fact that she was the sole day-to-day care giver for the three (3) children and care taker of the home while the Respondent worked and lived abroad during the marriage, it is just and fair to award a financial settlement of twenty thousand Ghana cedis (GH¢20,000.00) in favour of the Petitioner, not as compensation but as financial settlement to continue an economic venture. The Respondent is therefore ordered to pay to the Petitioner **twenty thousand Ghana cedis (GH¢20,000.00)** in financial settlement.

The parties acquired a matrimonial home during the pendency of their marriage. This is the unnumbered house at Fise W. O Amansaman. It is trite learning that the Petitioner is at least entitled to an equitable share in said house, seeing that she was the one physically present as a care taker of the said home and single handedly caring for the three (3) children while the Respondent also worked abroad. The matrimonial home is one that can legally be described as a marital property and this subject to equitable distribution.

However, the fact is that this home is the only home the parties' three (3) children have as their accommodation. In the circumstances, I declare that the Petitioner has an equitable share in the matrimonial home at Fise W. O. Amansaman. The Respondent is also declared as being

entitled to an equitable share in the said home. Accordingly, the said home shall be held in trust by the Petitioner and the Respondent for their three (3) children.

In the best interest of these three (3) children, the court orders that the matrimonial home be settled on the three (3) children in equal share. The Petitioner and the Respondent are each permitted to live in the said home for their live times. However the Petitioner shall remain in undisturbed occupation of the home owing to her equitable share in same.

The Respondent is also permitted to do same; both for their live times. The parties are thus perpetually prohibited from disposing of the property or dealing with same in any manner, whatsoever adverse to the interest of their three (3) children.

The vehicle in issue has been found to have been given to the Petitioner during the marriage and thus it was registered in her name controlled, operated and managed by her (Petitioner). To this extent the Petitioner is declared as the bona fide owner of the said vehicle as same was given to her to use at her will and pleasure. The Respondent's claim for account and return of the said vehicle is therefore denied.

The Respondent shall therefore continue to pay all educational related bills of the Parties' three (3) children.

The Petitioner shall pay all medical related bills for the said three (3) children.

The parties shall cooperate in providing all necessities of life, health, shelter and education for their three (3) children.

I make no award as to cost. Parties shall bear their own costs.

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