

IN THE CIRCUIT COURT HELD AT TECHIMAN IN BONO EAST REGION ON
FIRDAY 3RD DAY OF NOVEMBER, 2023 BEFORE H/H S. D. KOTEY ESQ SITTING
AS CIRCUIT COURT JUDGE

S/NO. C1/01/23

KWABENA KYEREMEH

PETITIONER

VRS.

JOSEPHINE AMANKWAA

RESPONDENT

JUDGMENT

A petition was presented to the court by the petitioner herein praying the court to dissolve his marriage to the respondent which according to the petitioner, was contracted under the Ordinance on the 1st of March, 2008.

The content of the petition is the marriage did not produce any issue. According to the petitioner, the reason for the seeking the divorces is that the marriage has broken down beyond reconciliation. His reasons for coming to the said conclusion, according to his humble petition is that the respondent has deserted him more than two years immediately preceding the presentation of the petition. The petitioner further alleges that the respondent has not lived with him together as man and wife for a continuous period of at least two years immediately preceding the presentation of the petition. There is also said to have been several attempts by the family of the parties to reconcile the differences that the parties herein have but all those attempts have yielded no results. He prays the court therefore to dissolve the marriage.

The respondent was served with all the processes that the petitioner caused to be filed in this matter. She was present in court the very first day when the notice to set the dispute down for hearing came on. She was granted leave to file her answer to the petition if she was minded to do so. She never responded to the petition. She also did

not appear for the hearing leaving the petitioner to tell his story without any disputations. The petitioner testified alone and did not invite any witness. The trial came to an end with the testimony of the petitioner.

The evidence of the petitioner is that his marriage to the respondent has been dissolved customarily after they have been unable to reconcile their differences after their marriage under the Ordinance. According to the petitioner, during the customary divorce stage, he was made to compensate the respondent with the sum of Ten Thousand Ghana cedis (Ghc 10,000.00) in alimony. After the said customary divorce, the petitioner says he decided to present the present petition for dissolution of the marriage.

From the evidence presented by the petitioner, the court comes to the conclusion that the marriage has broken down beyond reconciliation. After having received alimony from the respondent, the parties it was not reasonable to expect the parties to come together again under the marriage that they consider as having been dissolved. The payment of the alimony was in settlement of the respondent for the period of the marriage. Once settled, the one who was compelled to make that settlement would not be reasonably expected to still live together with the same person he has paid to leave. It was also not reasonable to expect the respondent who has been settled to return to the same marriage which she considers as having come to an end. If they are both expected to come together as couples, then they can only come together under a new arrangement. They are under the impression that the marriage has come to an end. It is therefore not surprising that the respondent was unperturbed and unconcerned about the present petition. To her mind, there was no marriage that was in existence between them. She has clearly moved on and would not be bothered about what the petitioner does with his life. The marriage has clearly come to an end if not to the petitioner, at least to the respondent. It takes two to tango as is often said. If one of the parties has accepted her fate and moved on, why should one be made to still latch on to hope of something that is not going to ever come back. There is no reason to expect the marriage between the parties to continue. I hold that the marriage

between the two parties has broken down beyond reconciliation. I hereby dissolve same.

SGD

HH S.D KOTEY

Legal representation

Prince Obidiaba for the petitioner present