

**IN THE DISTRICT MAGISTRATE COURT HELD AT NSAWAM N.A.M.A. ON
18TH DAY OF DECEMBER, 2022 BEFORE HER WORSHIP SARAH NYARKOA
NKANSAH MAGISTRATE**

SUIT NO. A6/16/22

**GRACE TENGEH ----- APPLICANT
OF UNNUMBERED HOUSE
DJANKROM, NSAWAM**

VRS

**BEN TAWIAH ----- RESPONDENT
OF NSAWAM**

PARTIES: PRESENT.

NO LEGAL REPRESENTATION

JUDGEMENT

The Applicant claims against the Respondent is for the following:

- a. An order compelling Respondent to remit the child with an amount of GH¢400.00 every month and to be fully responsible for the child.

- b. An order compelling Respondent to return all the Applicant belongings he took away with, (5 cloths, 22 court sheet “child bed sheet”, child dress and footwears and cooking utensils).

- c. An order compelling Respondent to compensate and applicant for wasting her time and any further order or orders as this honourable Court may deem fit.

APPLICANT'S CASE

According to the Applicant, she had a two and half-years relationship with the Respondent which resulted in one issue named Bernard Tettey. Applicant continued that at a point, she traveled to her hometown and upon her return the Respondent started picking quarrels with her and even threatened to kill her if she does not move out. Applicant added that she moved out and later came for her belongings only to realize that the Respondent had bolted with her belonging comprising 5 pieces of a half cloth, 22 Cot sheet, the child's clothing and cooking utensils. The Applicant mentioned also that she took Respondent's television, fan and fridge in exchange for her belongings but returned same. The Applicant concluded that she now lives in a metal container yet Respondent has declined to comply with the Court order to pay GH¢200.00 maintenance.

The Applicant closed her case without calling any witness.

RESPONDENT'S CASE

In the circumstance the issues that fall for determination are:

- i. *Whether or not the court has jurisdiction to try applicant's 2nd & 3rd reliefs.*
- ii. *Whether or not the respondent is liable to maintain the child.*

For purposes of this judgment, we shall reproduce the said reliefs below:

- i. *An order compelling Respondent to return all the Applicant belongings he took away with, (5 cloths, 22 court sheet "child bed sheet", child dress and footwears and cooking utensils)*

- ii. *An order compelling Respondent to compensate and applicant for wasting her time and any further order or orders as this honourable Court may deem fit.*

It is clear from Applicant's 2nd and 3rd claims that they are personal to Applicant. These reliefs being sought ought to have been put before the court sitting and exercising its general civil jurisdiction. The family Tribunal is a specialized court which with limited jurisdiction for dealing with the issues and interests of children. As clearly reproduced supra the said reliefs are being sought in the Applicants personal interest and not of the child. In view of same this Tribunal cannot entertain the said reliefs on grounds of jurisdiction. The Tribunal resolves the first issue by holding that this court lacks jurisdiction to try the 2nd and 3rd claims of the Applicant. Same are accordingly struck out for want of jurisdiction.

In resolving whether or not the Respondent is liable to maintain the child of the parties the court shall refer to the Children Act.

Section 6 of the children's Act, 1998 (Act 560) provides that;

"no parent shall deprive a child his welfare whether the parents of the child are married or not or whether they continue to live together or not."

Section 47 of the children's Act, 1998 (Act 560) also provides that;

"a parent or any other person who is legally liable to maintain a child or contribute towards the maintenance of the child is under a duty to supply the necessaries of health, life, education and reasonable shelter for the child."

It is not in doubt that the Respondent is the father of the child for whom the Applicant is seeking maintenance orders from the court. The Respondent is accordingly required

by law to contribute towards the maintenance of the child. In view of same we hold that the Respondent is liable to contribute towards the maintenance of the child.

On the totality of the evidence before us, we have found that the Applicant has discharged her burden to prove her case on a balance of probabilities.

In view of same, we hereby enter judgement as follows:

- i. The Respondent shall maintain the child with an amount of GH¢200.00 per month.
- ii. The Respondent shall pay the school fees and medical bills of the child.
- iii. The Applicant shall register the child under the National Health Insurance Scheme and renew same at all material times.
- iv. The Applicant shall provide adequate clothing for the child at all material times

No order as to costs.

.....
H/W SARAH NYARKOA NKANSAH
MAGISTRATE
08/12/2022