

IN THE DISTRICT MAGISTRATE COURT AT ADENTAN SITTING BEFORE  
HER WORSHIP LINDA AMISSAH ON THURSDAY THE 22<sup>ND</sup> DAY OF  
DECEMBER, 2022

SUIT NO. A4/170/2022

MARGARET BOATEMAA

PETITIONER

VRS:

GEORGE ANTWI

RESPONDENT

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**JUDGMENT**

The parties married under the ordinance on the 19<sup>th</sup> day of March 2016. There are two issues of the marriage. The petitioner petitioned this Court on the 19<sup>th</sup> April, 2022 alleging the marriage has broken down beyond reconciliation and prays:

- For the dissolution of the marriage.
- That custody of the issues of the marriage is granted to her with reasonable access to the respondent.
- An order that the respondent contributes an amount of gh 1,000.00 for the maintenance of the children, pays all medical bills and school fees as and when they fall due.
- The respondent provides alternative accommodation for her and the issues of the marriage.

**CASE OF THE PETITIONER.**

It is the case of the petitioner that the respondent shouts at her for no apparent reason and abuses her physically. He shouts at her even in the presence of the issues of the marriage. This has caused her to lose her self-esteem as a woman.

The behaviour of the respondent has impeded communication between them and she finds it difficult to share her thoughts in the marriage.

Anytime the respondent is around, she is not of herself. According to her, her contribution to the upkeep of the home is about 75%. She is currently going through emotional trauma and cannot continue with the marriage. She feels inferior as a result of the behaviour of the respondent. She cannot continue to remain in a marriage she is not allowed to express herself.

#### **CASE OF THE RESPONDENT**

The respondent denied the assertion of the petitioner that he shouts at her and stated that the petitioner rather slaps him when she gets angry. According to him, for the past four years, the petitioner has refused to speak to him and has blocked his number on her telephone making it impossible for him to reach her.

The respondent stated that the petitioner is unemployed and has no means of supporting the home. She only takes care of the issues of the marriage. For the past four years, she had denied him sexual intercourse, does not cook nor does she wash for him.

He maintains the home and provides for the petitioner. The parties have a church however the petitioner does not allow the issues of the marriage to attend the church. The petitioner comes home with men claiming they are missionaries and in the least disagreement, the petitioner sends his belongings out of the house.

Respondent prays the court not to dissolve the marriage but rather assist them resolve their differences for their sake and that of the issues of the marriage.

The grant or refusal of a petition for divorce or dissolution of marriage is regulated by the Matrimonial Causes Act 1971 (Act 367). The sections of the Act that are material to the facts of this petition are 1(2) and 2(1) 2(1) (b). These sections of Act 367 provides:

1(2) The sole ground for granting a petition for divorce shall be that the marriage has broken down beyond reconciliation.

2(1) For the purpose of showing that the marriage has broken down beyond reconciliation the petitioner shall satisfy the court of one or more of six facts:

2(1)(b) of the Matrimonial Causes Act, provides as follows: ... *that the respondent has behaved in a way that the petitioner cannot reasonably be expected to live with the respondent.*

In the present case, the petitioner enumerated a number of allegations that amounted to unreasonable behaviour. Notable among them is the fact that she has lost her self-esteem and also feels inferior as a result of the behaviour of the respondent. These are serious allegations however they were not denied by the respondent. I, therefore, conclude that the respondent admits them. From the forms of the parties, there is also evidence of a failed attempt at reconciliation satisfying Section 8 of Act 367.

The petitioner has thus satisfied the fact of unreasonable behaviour. I am satisfied that the marriage has broken down beyond reconciliation. I will grant the dissolution of the marriage between the parties celebrated under the Marriage Act, 1881 – 1985 (Cap127) on the 19<sup>th</sup> March, 2016 at the La Nkwantanang Municipal Assembly

The petitioner also prayed for custody of the issues of the marriage. The respondent did not oppose to same. The issues of the marriage at the time of filing this petition were five and four years. In accordance with the best interest principle and the considerations enshrined in Section 45 of the Children's Act regarding the grant of custody of children ie that it is best for younger children to be with their mother and the consideration that siblings should not be separated. I will grant custody of the issues of the marriage to the petitioner with reasonable access to the respondent.

The petitioner again prayed for maintenance of ghc1000 for the upkeep of the issues of the marriage. The respondent did not oppose this prayer. The respondent told the court he is a pastor with a church.

Now, in considering maintenance, the Children's Act Section 49 requires the court to consider the income of the person required to pay. The respondent has said he is a pastor. In his evidence, he also told the court that he maintains the children alone and that the petitioner is unemployed. The respondent will thus be ordered to contribute towards the upkeep of the children.

The petitioner lastly asked for an alternative accommodation for the children. The respondent again did not object to this. The respondent will thus be ordered to contribute towards the accommodation of the petitioner.

In conclusion, I order as follows:

- The marriage celebrated between the parties under the Marriage Act, 1881 – 1985 (Cap127) on the 19<sup>th</sup> March, 2016 at the La Nkwantanang Municipal Assembly is hereby dissolved and the certificate of marriage numbered LANMMA/ MC/039 is accordingly cancelled.
- Custody of the issues of the marriage is granted to the petitioner with reasonable access to the respondent.
- The respondent is to contribute an amount of GH 900.00 for the maintenance of the children and pay all medical expenses and school fees as and when they fall due.
- The respondent is to contribute to the payment of rent for an alternative accommodation for the petitioner and the issues of the marriage. He is to contribute 75% of the rent to be paid anytime it falls due until the petitioner remarries.

SGD

**H/W LINDA AMISSAH**  
**MAGISTRATE**