

**IN THE DISTRICT COURT HELD AT OSINO
ON THURSDAY THE 26TH DAY OF JULY, 2023
BEFORE HIS WORSHIP AYAGIBA SALIFU BUGRI
DISTRICT MAGISTRATE**

CASE NO. A4/02/23

DORA ANTWI **PLAINTIFF**
OF SEFWI WIAWSO

VS

JEFF BINEY **DEFENDANT**
BEGORO

JUDGEMENT

Reasons for Divorce:

- (a) The respondent has refused to exercise his conjugal rights for over 2 years which has led to the total breakdown of the marriage beyond reconciliation
- (b) Petitioner states that throughout her marriage she has suffered physical abuse at the hands of her husband, domestic violence, physical assault and harm and acts of aggression from the respondent which same has led to putting her safety at risk and living in fear
- (c) Petitioner has been subjected to consistent emotional abuse throughout her marriage which includes verbal insults, humiliation, intimidation and constant belittling and same has resulted in severe emotional distress
- (d) That petitioner contends that due to the physical and emotional abuse she had gone through in the hands of respondent, it has resulted in significant psychological trauma, anxiety and severe distress
- (e) The petitioner has not been maintained by the respondent for years now
- (f) That the customary marriage has been dissolved by both families and respondent's ring, bible and drinks returned to him and parties have parted ways

Reliefs sought:

- 1. An order for dissolution of the ordinance marriage between the parties
- 2. Custody of their 2 children be granted to the petitioner and constant maintenance and care of their children by the respondent

3. An order of the honorable court to issue a restraining order against the respondent to ensure the safety and protection of the petitioner during and after the trial
4. Any order or such further orders this court may deem fit to make

RULING

Upon listening to the petitioner on one hand and respondent On the other hand, there is no doubt that the issues culminating in the petition for divorce emanated since the parties started living separately due to their respective employment.

In a much as financial issues are at the center of the issues, I am not convinced that parties are committed to living as husband and wife to preserve the sanctity of their marriage under the prevailing circumstance.

Even though respondent is willing to give the marriage a chance, it is evident that, petitioner will not cooperate and not committed or interested in the union anymore. In the light of various harm and unhealthy incidents relating to matrimonial causes that I have read about on both electronic and print media, some of which have resulted in death of spouses, it is in the best interest of the parties to dissolve the marriage as prayed by the petitioner.

BY COURT:

Under the circumstances, I dissolve the marriage between petitioner and respondent henceforth to save any unfortunate situation.

It is evident that, the marriage has broken down beyond reconciliation. I hereby order that a certificate of divorce is issued to this effect in satisfaction of the first relief sought by the petitioner.

On the second relief of custody, respondent has no objection to petitioner having custody of their two children. However, respondent issued a caveat that petitioner shall have custody to the extent that she has not remarried. According to respondent, he cannot tolerate any man to take care of his children.

Additionally, respondent is restrained from causing any unlawful harm to the petitioner having put petitioner in fear of harm and death, per threats alleged by the plaintiff even though there is no evidence to that allegation.

Respondent shall continue to maintain their two children in the custody of petitioner.

Henceforth, respondent shall be responsible for their children's school fees, and renewal of their NHIA cards.

On the other hand, Petitioner shall be responsible for clothing, footwear and accommodation of the children.

The above orders are subject to variation depending on the economic status of each of the parties.

Accordingly, upon being convinced that the marriage between petitioner and respondent has broken down beyond reconciliation, the marriage is hereby dissolved as prayed by the petitioner in accordance with order 32, r. (1) of C.I. 59, 2009 and section 41(2) of the Matrimonial Causes Act, Act 367.

**HIS WORSHIP AYAGIBA SALIFU BUGRI,
MAGISTRATE**