

IN THE DISTRICT COURT HELD AT BEREKUM ON THURSDAY THE 6TH DAY  
OF APRIL, 2023 BEFORE HIS HONOUR SIMON GAGA SITTING AS  
ADDITIONAL MAGISTRATE

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SUIT NO. A4/9/2021

DANIEL YEBOAH }  
OF NYAMEBEKYERE-BEREKUM } PETITIONER

VRS:

ANNA AIDOO }  
OF DROBO } RESPONDENT

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**J U D G M E N T :-**

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By his petition dated 12/11/2020 the petitioner herein filed this petition against the respondent for the following

- (a) *Dissolution of the customary marriage between the petitioner and the respondent.*
- (b) *A divorce certificate to be issued.*
- (c) *Any further order(s) the court may deem fit*

**PETITIONER'S CASE:-**

In his evidence in chief, the petitioner averred that he married to the respondent under the Ordinance on 3<sup>rd</sup> February, 2017. That they have two issues from the marriage.

According to the petitioner, for some time now, the respondent has not been cooking for him, washing his clothes and any other that a married woman will perform the husband.

Also, the respondent has been behaving unreasonably and for some time now denied him sex. When he complained the respondent left the matrimonial home and told him that she would not marry him again.

All attempts to reconcile them by near respective families have proved futile.

Petitioner therefore prayed the court to grant the divorce since the marriage has broken down beyond reconciliation. The petitioner called three witnesses who corroborated his evidence.

#### **CASE OF THE RESPONDENT:-**

In her evidence before the court, the respondent averred that after their marriage, for no reason, the petitioner wrote a letter to her asking for separation between them. In spite of the letter, the respondent stayed in the matrimonial home till the petitioner started putting pressure on her to return the head drink.

According to the respondent, one day she returned from work and she passed at the petitioner's work place. It was at that place that the petitioner told her that he had locked all the doors in the house and there is no place for her in the house. Respondent averred that when she went to the house, the petitioner had locked all the doors in the house. So she had to go to Drobo since Drobo is her hometown and she has no place to stay in Berekum.

She therefore prayed the court that because of the unreasonably behaviour, the court should grant the divorce.

**EVALUATION:-**

Indeed from the evidence before the court, the parties have come to conclusion that their marriage should be dissolved by the court.

For a court to grant divorce, parties must lead evidence before the court.

*See: Section 2 (2) of the Matrimonial Causes Act, 367 of 1971.*

To grant divorce the court should be satisfied that one or more of the facts stated in Section 2(1) (a) to (f). These are Adultery, desertion, unreasonable behaviour.

It is clear from the evidence before the court that the parties after all attempts by their respective family members have proved futile. It can be inferred from both parties that they are no longer interested in the marriage.

I therefore decree that the said marriage under the Ordinance between the petitioner and the respondent dated 9<sup>th</sup> February, 2017 with licence No. 17/2017 as dissolved. The parties can go their separate ways as bachelor and spinster.

It is further ordered that the respondent should take custody of the two children who are all girls. However, the petitioner is to have a limited access to the children.

The petitioner may visit the children or come for the children during weekends.

It is further ordered that the petitioner will be remitting the two children GHC1,000.00 every month for the upkeep of the children.

It is further ordered that the rest of all the other needs of the children will be equally shared by both the petitioner and the respondent.

It is further ordered that the petitioner is to give GHC5,000.00 as alimony to the respondent for almost four years that they stayed as husband and wife and the respondent rendered services to the petitioner.

**SGD.**

**H/H SIMON GAGA**

**CIRCUIT JUDGE**

**SITTING AS ADDITIONAL MAGISTRATE**