

IN THE DISTRICT COURT HELD AT BEREKUM ON THURSDAY 6<sup>TH</sup> DAY OF  
APRIL, 2023 BEFORE H/H SIMON GAGA CIRCUIT JUDGE SITTING AS  
ADDITIONAL MAGISTRATE

SUIT NO. A4/13/2020

ADOMA DORINDA } ..... PETITIONER  
H/NO. N. 4/10, BEREKUM }

VRS:

KUMI EMMANUEL } ..... RESPONDENT  
OF KORASO-BEREKUM }

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

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The petitioner on the 4<sup>th</sup> of June, 2020 filed this petition against the respondent for the following reliefs:

- (a) *Dissolution of the Ordinance Marriage between the petitioner and the respondent.*
- (b) *An order of the court for the respondent to pay an alimony of GH¢15,000.00 to the petitioner.*
- (c) *Any further order(s) as the court may deem fit.*

**PETITIONER'S CASE:-**

The petitioner in evidence before the court averred that they married under the ordinance on the 24<sup>th</sup> May, 2011. They have one issue.

According to the petitioner, the respondent has been behaving unreasonably. He has not been maintaining the petitioner and their child. He has denied her sex for some years now. She therefore prayed the court to grant the divorce and also for the respondent to give her GH¢15,000.00 as alimony since she has already returned the “head drinks” to the respondent. She called one witness to support her case.

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

The respondent in his evidence admitted marrying to the petitioner on 24<sup>th</sup> May, 2011 under the marriage ordinance at the Methodist Church, Berekum. They have one issue who is about eight years now. He denied not maintaining the petitioner and their child. According to the respondent it was the petitioner who parked her belongings from the matrimonial home and on 27/08/2019 returned the “head drinks” to him. He prayed the court to grant the divorce.

#### **EVALUATION:-**

By the evidence before the court, the petitioner has returned the customary “head drinks” to the parents of the respondent signifying that the customary marriage has been dissolved. However they were left with the marriage under the ordinance to be dissolved.

When the court requested the parties to produce the certificate of the marriage under the ordinance, they tendered in a marriage certificate issued by the Methodist Church. Per the contents of the certificate, the marriage was celebrated in accordance with the Customary Laws of Ghana.

By this, it means that their marriage was not a marriage under the ordinance. However, they were erroneously living under the belief that their marriage was celebrated under the ordinance. Since their marriage was a customary marriage, this court has no marriage under the ordinance to dissolve since same had already been dissolved by the parties in line with customary law.

However, the court duty is to ascertain if the respondent is to pay an alimony to the petitioner and also maintain their child.

By the evidence before the court, the parties customarily married on 24<sup>th</sup> May, 2011 and the marriage was customarily dissolved on 22<sup>nd</sup> August, 2019. This means that they married for a period of eight years with one child.

The evidence on record indicates that for the eight years in their married journey, the petitioner rendered services to the respondent and also warmed his bed. The respondent could not deny those facts.

In the face of this therefore, it would be prudent for the court to order the respondent to pay an alimony to the petitioner. It is the view of this court that the respondent should pay an amount of GHC5,000.00 as alimony to the petitioner for the 8 years that the petitioner provided meritorious services to the respondent.

With regard to the maintenance of the child, even though the respondent was maintaining their child, but it was not sufficient. Since the child is still young, there is more ahead for the respondent to do for the child. I will therefore not order the respondent to pay any maintenance arrears to the petitioner.

However, the respondent is to be remitting the child GHC500.00 every months for the upkeep of the child. All the other needs of the child will be shared equally between the petitioner and the respondent.

It is ordered that the petitioner should take custody of their 8 year old child with limited access to the respondent. Thus, the respondent have access to the child from Friday after close of school up to Sunday after church service.

**SGD.**

**H/H SIMON GAGA**

**CIRCUIT JUDGE**

**SITTING AS ADDITIONAL MAGISTRATE**

**PARTIES – PRESENT**