

**IN THE DISTRICT COURT AT WASA AKROPONG HELD ON THURSDAY THE  
31<sup>ST</sup> DAY OF MARCH, 2023, BEFORE HIS WORSHIP MR. AKOANDE. A. BRIGHT,  
ESQ DISTRICT MAGISTRATE**

**SUIT NO. A2/37/2023**

FRANK ADUSEI YEBOAH

VRS

YAW ASIAM

**JUDGMENT**

This is an action for the recovery of GHc2000. The case of the plaintiff who describes himself as a farmer is that his daughter, Ernestina Yeboah was enrolled in Amenfiman Senior High School in 2021 for her secondary school education. The plaintiff asseverates that the defendant seduced his (plaintiff's) daughter and impregnated her. The plaintiff is therefore seeking GHc2000 from the defendant for the seduction of his (plaintiff's) said daughter.

The defendant was duly served with the writ and hearing notices but he declined the invitation to come and defend himself. A principle of law is that when a party is given opportunity to lead evidence in support of his stand or in defence of allegations against him but he deliberately declines to avail himself of that opportunity, the court will be entitled to proceed with the trial to conclusion and make deductions, draw conclusions or make findings on the basis of the evidence adduced at the trial, see *In re West Coast Dying Industry Limited; Adams Vrs. Tandoh* [1984-86] 2 GLR 561. Also; see the *Republic Vrs. High Court Accra, Ex-parte Akita*, civil motion JS/7/2010 dated 17/02/2010. In the

instant case I will proceed to make deductions, draw conclusions and make findings based on the evidence adduced on the record.

After carefully examining the case of the plaintiff, I am of the considered opinion that the central issue for determination is whether or not the plaintiff is entitled to GHc2000 from the defendant for seduction.

Before I determine the central issue, I will briefly touch on the burden of proof. The law is settled that it is the duty of the plaintiff to prove his or her case for he who alleges must prove. In other words, it is the party who raised an issue essential to the success of his case who assumes the burden of proving such issue. This burden of proof is statutorily defined in sections 10 (1) and (2), 11 (1) and (4) and 12 (1) and (2) of the Evidence Act, 1975 (Act 323). The burden of proof in civil cases has been further explained in *Adwubeng Vrs. Domfeh* [1996-97]1 SCGLR 660. The plaintiff is required to prove his claim on a balance of probabilities.

I now proceed to determine the central issue. The plaintiff has sued the defendant for seduction. Seduction involves sexual and immoral activity between a married woman and another man. Under customary law, the touching of a woman's waist beads may amount to seduction in certain ethnic groups, see *Contemporary Principles of Family Law in Ghana*, page 55, by Frederica Ahwireng-Obeng, First Edition. In *Avuugi Vrs. Abugri* [1987-88] GLR 98, the plaintiff's wife confessed to having sexual intercourse with the defendant. It was held that the plaintiff was entitled to damages for seduction.

In the instant case, the plaintiff's daughter is not his (plaintiff's) wife. The defendant has impregnated plaintiff daughter, not plaintiff's wife. There is no evidence on the record to show that there was a sexual and immoral activity between the wife of the plaintiff and

the defendant. Thus, the plaintiff's writ is totally misconceived. The plaintiff, clearly, cannot maintain an action against the defendant for seduction. There is no need to further multiply the reasons for this decision.

From the foregoing, I hold that the plaintiff is not entitled to GHc2000 from the defendant for seduction. The plaintiff's claim fails and it is hereby dismissed.

The parties will bear their own costs.

(SGD)

MR. A. A. BRIGHT

DISTRICT MAGISTRATE