

IN THE FAMILY AND JUVENILE COURT 'C' AT THE FORMER
COMMERCIAL COURT BUILDING, ACCRA HELD ON TUESDAY THE 21ST
DAY OF MARCH 2023 BEFORE HER HONOUR HALIMAH EL-ALAWA
ABDUL-BAASIT SITTING AS AN ADDITIONAL MAGISTRATE WITH
MADAM PHILOMENA SACEY AND MR. WISDOM ATIASE AS PANEL
MEMBERS.

SUIT NO.: A6/364/23

HANNAH ASANTE-BUABENG
MATEHEKO, TEMA
ACCRA

APPLICANT

VS.

KWASI KOAMOAH NYARKO
DARKUMAN
ACCRA

RESPONDENT

Parties Present.

No Legal Representation for both Parties.

RULING

APPLICATION FOR MAINTENANCE AND CUSTODY PURSUANT TO ORDER 32 OF THE DISTRICT COURT RULES C. I. 59

Background:

The Applicant is before the court seeking custody of the children herein as she is ready to take care of the Two (2) children in issue with support from her siblings. The Applicant states that the Respondent was married to the late Mrs. Gladys Koramoah Nyako, who is her biological sister and had the children in issue with her. It is the Applicant's case that in wanting custody of the children, she lodged a complaint at the Social Welfare Department and orders were made for her and the Respondent pertaining to the children's wellbeing but sometime in December

2021, the Respondent vehemently refused to grant custody and access to her. She concluded that the Respondent is fond of using the children to beg for financial assistance to his advantage hence her presence before the court seeking for the following reliefs;

- i) For an order for custody of the children.
- ii) Any further order or orders as this Honourable Court may deem fit.

The Respondent did not file any Affidavit in Opposition but informed the court that indeed the Applicant is a sister to his late wife with whom he had Two (2) children. He admitted to the Applicant is in a better position to take care of the children as other family members support the children with the necessaries of life. He informed the court further that he works at a spare parts shop and earns about Fifty Ghana Cedis (Ghc50.00) weekly. The Respondent concluded by stating that he is willing to let the Applicant have custody of the children as he knows they will be well taken care of by the Applicant and other members of the late wife's family.

DETERMINATION:

In view of the position of the Applicant, there were no contentious issues but the Court cautioned the Applicant and made her understand that the Respondent is the biological father of the children and under no circumstance(s) must he be denied his rights and responsibilities as a father of the children in issue. The further warned the Respondent not to shirk his responsibilities towards his children and must be constantly involved in their lives as well as provide them with the necessaries of life within his means. Consequently, the court proceeded to make the necessary orders.

By Court:

Upon consideration of the Application, the testimony of both parties and pursuant to the provisions of the Children’s Act, 1998 (Act 560), the court orders as follows;

- a) The Applicant shall have custody of the children in issue and the Respondent being their biological father shall have reasonable access during school vacations as follows.
 - i) The vacation shall be shared equally and the Respondent is to pick the children up on first weekend upon vacation and return the children to the Applicant immediately after the half of the vacation is completed.
 - ii) The Respondent is at liberty to visit the children but must duly communicate his intentions with the Applicant and the Applicant shall not withhold consent unreasonably.

- b) The Respondent shall maintain the children with an amount of Two Hundred Ghana Cedis (Ghc200.00) monthly at the end of every month with effect from March 2023 and same shall be paid via the Applicant’s Mobile Money Account

- c) The Respondent shall support the Applicant with the Children’s school fees and other necessities of life as and when he is capable of doing so.

.....
H/H HALIMAH EL-ALAWA ABDUL-BAASIT.
PRESIDING JUDGE

I AGREE

.....

**MADAM PHILOMENA SACKEY
PANEL MEMBER**

I AGREE

.....

**MR. WISDOM ATIASE
PANEL MEMBER**