

**IN THE DISRICT COURT HELD AT KENYASI ON MONDAY THE 30TH JUNE,
2023 BEFORE HIS WORSHIP CLEMENT KWASI ASOMAH AS MAGISTRATE**

SUIT NO: BR/KS/A4/10/2023

ADU-BONSU DENNIS

VRS

YAMOAH ESI KAIBA HANNAH

JUDGMENT

The Petitioner/Plaintiff on 15/09/22 was issued out of the Registry of this court a divorce petition seeking to divorce his lawful wife Yamoah Esi Kaiba Hannah.

To this relief the Respondents/Defendant disagreed so in the interest of justice the parties were given a hearing.

THE PEITIONER'S CASE

Besides himself, the petitioner called no witness.

According to the petitioner he and the Respondent got married on the 14th of April, 2019 under the ordinance.

The petitioner stated that shortly after their marriage, misunderstanding started to the extent that the Respondent used to slap him, insults his family member including his parents. He said the Respondent once poured powdered pepper in his face and the worst of it all was that the Respondents left their matrimonial home six (6) months after their marriage and for Two (2) years she has denied the petitioner sex and had failed to perform other household chores required of a wife.

The petitioner concluded that several attempts to resolving their issues proved futile. He therefore prays for the marriage to be dissolved since same has broken down beyond reconciliation.

The petitioner closed his case after his evidence.

THE RESPONDENT'S CASE

The Respondent also testified and called no witness.

The evidence of the Respondent was that they have been married for Three (3) years. She said they had issues in the marriage but same were resolved.

The Respondent concluded that she was not ready to point out the faults or the weakness of the Petitioner because she is in for peace and reconciliation and also based on her Christian faith.

She disagreed with the dissolution of the marriage. The Respondent admitted that she used to sleep at the living room but contended that it was the petitioner who started that.

She admitted removing their wedding ring.

The Respondent also admitted slapping the petitioner twice in presence of his father.

She admitted pouring pepper on the face of the petitioner with the reason that the petitioner used to assault her.

The Respondent closed her case after her evidence.

ISSUES

The following issues arouse for determination by this court;

1. Whether or not the marriage between the parties has broken down beyond reconciliation.
2. Whether or not the petitioner is entitled to his reliefs.

NOW THE ISSUES

Issue one whether or not the marriage between the parties has broken down beyond reconciliation.

It was the case of the petitioner that their marriage has broken down beyond reconciliation because all efforts or attempts at settlement has failed and things are not getting any better. He enumerated the series of offences the Respondent has committed in their marriage which has culminated this.

The Respondent on the contrary said their issues have been resolved by their families and have advised that they should live in peace.

The question is are the parties living in peace? There is ample evidence on record to show that as at now the parties are living at different places which means they are living apart.

There is evidence on record also to show that the Respondent at a point backed out of settlement so it was her mother who rather was attending the question therefore is when was the settlement concluded?

And why is the petitioner in court if the matter or issues in their marriage have been resolved as alleged by the Respondent?

The Respondent herself admitted that there had been about Four (4) attempts at settlement and so if in spite of all these, the issues still persist, how can one say that the marriage is on a sound footing?

I am of the view that the marriage has broken down beyond reconciliation.

Issue one is accordingly resolved in favour of the petitioner.

Issue Two – Whether or not the petitioner is entitled to his claim.

In all civil cases such as the instant one a party wins on a preponderance of probabilities which is defined under section 12(2) of the evidence Decree NRCD 323, 1975.

I am satisfied that in the present case the probabilities preponderate in favour of the petitioner.

The issues the petitioner raised are grounds for divorce as they constitute unreasonable behavior and evidence abounds that the issues remain unresolved and notwithstanding the fact that this court has intentionally delayed the trial since the inception of the divorce proceedings.

It is therefore my fervent view that it will be in the interest of both parties to have their freedom and start a new life. In the circumstance I have no option but to grant the divorce.

The ordinance marriage contracted between the parties herein on the 14/04/2019 at Kenyasi District work is hereby dissolved.

There is no order as to costs.

SGD.

H/W C. KWASI ASOMAH