

IN THE DISTRICT COURT HELD AT SOMANYA ON THURSDAY THE 4TH
DAY OF JANUARY, 2024 BEFORE HIS WORSHIP MICHAEL DEREK
OCLOO.

SUIT NO: A4/91/2023

LYDIA AMANOR

}

PETITIONER

VRS

MUALA PETER NARTEH

}

RESPONDENT

J U D G M E N T

The Petitioner commenced the action praying the Court for the dissolution of the ordinance marriage between her and the Respondent.

The Petitioner is a hairdresser and stays at Okper, Somanya and the Respondent is a school proprietor resident in Trom, Somanya. The case of the Petitioner is that they got married under the Krobo Customary rites and converted same to Ordinance and tendered the Certificate of marriage in evidence. The Petitioner stated that after some few weeks into the marriage the Respondent suggested that she should delete all male contact numbers from her phone for him to also delete all female contact numbers from his phone which she considered to be unusual and therefore did not agree to same. She added that the Respondent was not happy with her disagreement as such he started beating her anytime there is a little misunderstanding between them to the extent that one evening when she was talking to a deaconess on her phone the Respondent snatched the phone from her and subjected her to severe physical assault. According to the Petitioner, the Respondent told her on one occasion that his (Respondent's)

spiritualist had revealed to him (Respondent) that she (Petitioner) had taken the respondent's dress to a spiritualist for consultation to kill him. She further stated that the frequent physical assault by the respondent resulted in a miscarriage and since then she has been unable to conceive till date.

Furthermore he Respondent told her to accompany him to a school on one midnight and when she refused the Respondent subjected her to severe physical assault and later threw her belongings out of the matrimonial home.

She concluded that she reported the matter to DOVVSU Akuse where the Respondent pleaded for settlement at home which was granted but it was unsuccessful. Again several attempts to resolve the matter failed so the Respondent presented a bottle of schnapps to dissolve the customary marriage in the presence of Nene Amanor and Nene Ben from the Petitioner's side and Narkoli from the respondent's side.

In the evidence of PW1 Mary Atta Apim she corroborated the evidence of the Petitioner and added that the Respondent told her that the petitioner had kept the contract numbers and names of her church elders contrary to his order that she (petitioner) should delete the contact numbers of all males from her phone. She added that upon a visit to the house of the parties she saw the belongings of the Petitioner on the compound of their matrimonial home and concluded that the couples are no more living together.

In his evidence the respondent stated that they stayed at Trom Somanya after the marriage and she petitioner suggested that she wanted to relocate to Accra to establish a business venture but he (Respondent) objected to same. He added that the matter went to DOVVSU-Akuse after which there was a settlement and he paid GHC500.00 to the Petitioner. He further stated that the petitioner was advised to return to the matrimonial home but she refused.

According to the Respondent there is no child in the marriage and the petitioner packed her belongings from the matrimonial home and left on her own despite his persistent refusal.

He concluded that the customary drink had been returned to signify the dissolution of the customary marriage and that the petitioner's request for divorce should be granted. He did not call any witness and closed his case.

Section 2 of the matrimonial causes Act 1971 (Act 367) provides that for the purpose of showing that a marriage has broken down beyond reconciliation the petitioner shall satisfy the court of one or more of the following facts:

2 (1) (b) that the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent.

2 (1) (d) that the parties to the marriage have not lived as man and wife for a continuous period of at least two years immediately preceding the presentation of the petition and the respondent consents to the grant of a decree of divorce.

(f) that the parties to the marriage have, after diligent effort been unable to reconcile their differences.

The Petitioner stated that at the initial stage of the marriage the Respondent told her to delete the names and numbers of all males from her phone. This assertion was confirmed by PW1 Mary Atta Apim who stated that the respondent told her same on her visit to the house of the couple. It is also clear that the petitioner was not in favour of the said suggestion and by extension, directive by the respondent so she refused to abide by same which resulted into a misunderstanding which led to frequent physical assault of the petitioner. The petitioner claims that the respondent subjected her to

frequent physical assault wherever there was a misunderstanding in the matrimonial home which at times leads o bruises and injury to her body. She tendered a photograph of her bandaged wrist on admission at the hospital as evidence of the outcome of the said assault. She also claimed that the beatings led to a miscarriage and she has been unable to get pregnant till date.

It is also evident that the respondent packed the petitioner's belongings out of the matrimonial home which was expressed during Cross Examination of the respondent by the petitioner as follows:

- Q. I am putting it to you that you threw out my belongings from the matrimonial home and told me to go to my parents.
- A. That is true however you threatened that if I move your things out of the matrimonial home you would find a better man.

From the above it is clear that with the conduct exhibited by the respondent the petitioner cannot reasonably be expected to live with the respondent.

It is also evident that the petitioner has vacated the matrimonial home as such both the petitioner and the respondent had not lived as man and wife for a continuous period of at least two years immediately preceding the presentation of the petition. In addition the respondent had consented to the grant of divorce per his witness statement and cross petition.

Furthermore both the petitioner and the respondent are in agreement of the fact that a bottle of schnapps have been presented to dissolve the customary marriage.

Moreover at paragraph 8 of the petitioner's petition for divorce and at paragraph 9 (b) of the respondent's response they all stated that there had been several attempts of

settlement which have all failed with each blaming the other for the failure. It follows that the petitioner and the respondent have been unable to reconcile their differences after diligent effort had been made.

It is my finding after considering all the evidence adduced that the marriage has broken down beyond reconciliation.

In the circumstance I hereby declare the marriage between Lydia Amanor herein referred to as the Petitioner and Muala Peter Nartey herein referred to as the Respondent duly dissolved and order that the respondent shall pay alimony of GHC110,000.00 to the Petitioner.

There is no order as to custody and access and distribution of property as there was no child in the marriage and no property was acquired during the pendency of the marriage.

(SGD)

H/W MICHAEL DEREK OCLOO

(MAGISTRATE)

4/01/2024

