

**IN THE DISTRICT COURT '1' HELD AT ADENTAN SITTING BEFORE HER WORSHIP
NANCY A. ADADE ON MONDAY THE 22ND DAY OF MARCH, 2024.**

SUIT NO. A11/027/24

BABA IBRAHIM

PLAINTIFF

VRS

AISHA SEIDU

DEFENDANT

TIME: 10: 10 A.M.

PARTIES:

PRESENT

JUDGMENT

On 31st October, 2023, the plaintiff herein filed a writ of summons for a recovery of possession to 12 feet by 12 feet container belonging to the plaintiff which defendant is operating business with.

The defendant did not file any defence but was heard *viva voce*.

The brief facts are that the parties are married with 2 young children. The plaintiff says the defendant has left him saying she has divorced him but to him, the marriage is still subsisting.

That he got a container for the defendant to operate a business to cater for the home but if she has left the home, then he needs his container back.

The defendant says she has divorced him but she feeds their 2 children with proceeds from the shop and sometimes even pays school fees and provides all the necessities of life for the

children. That her contribution is in the purchase of the container hence she cannot allow the plaintiff to take the container.

The court observed that the parties married under custom and same has not been dissolved in accordance with their customary law hence they are still married. They live close to each other where the children after school go to the defendant to eat and later go to the plaintiff at night to sleep.

The plaintiff is a security man who earns salary while the defendant is a business woman running the shop. Since both parties are still married and it is evident that the defendant feeds the children from the proceeds of sales from the container shop, it shall be unreasonable to take the container from her. In the best interest of the children, the *status quo* shall remain. The plaintiff shall continue to pay the children's school fees while the defendant maintains the children from the proceeds made out of the container shop.

There shall be no order as to costs.

(SGD)

H/W NANCY A. ADADE

MAGISTRATE