

**IN THE CIRCUIT COURT HELD AT ACHIMOTA, ACCRA ON  
WEDNESDAY, THE 2<sup>ND</sup> DAY OF AUGUST, 2023 BEFORE HER HONOUR  
AKOSUA ANOKYEWAA ADJEPONG (MRS.), CIRCUIT COURT JUDGE**

**SUIT NO. C5/04/23**

**MS GISELE BALBINE VEDOGBETON-----PETITIONER/APPLICANT  
HOUSE NUMBER 5  
ACHIMOTA GULF HILL  
ACCRA**

**VRS**

**MR. SESHIME KODZO DOVLO----- RESPONDENT/RESPONDENT  
1507 WESTMINSTER BLVD PARLIN  
NJ 08859  
USA**

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**PARTIES:    PETITIONER/APPLICANT PRESENT  
                  RESPONDENT ABSENT**

**COUNSEL: KEZIA KENNETH AZUMAH FOR PETITIONER/APPLICANT  
PRESENT  
                  RICHARD                    AKPOKAVIE,                    ESQ.                    FOR  
RESPONDENT/RESPONDENT  
                  PRESENT**

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**RULING ON MOTION ON NOTICE FOR THE RETURN AND RELEASE OF  
PASSPORTS**

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On the 13<sup>th</sup> day of March 2023, the Petitioner herein filed a Divorce Petition in the registry of this Court praying for the following reliefs:

- a) An order dissolving the marriage celebrated between the parties on 22<sup>nd</sup> June 2013.
- b) An order granting custody of the children to the Petitioner with access to the Respondent, as the Court deems fit and in the best interest of the children.
- c) An order that the Respondent shall be responsible for the children's school fees (when they become due) in addition to all needs ancillary to the children's education, including books and stationery.
- d) An order that the Respondent contributes USD\$1,000 toward the maintenance of the children, by paying same on or before the 25<sup>th</sup> of every month, into account of the Petitioner.
- e) An order that the Petitioner shall be responsible for all other needs of the children at home, including health care, clothing and related needs.
- f) A protection order in favour of the Petitioner and the children, restraining the Respondent from ever perpetrating any act or threat of physical, verbal, emotional, psychological and economic violence against the Petitioner or the children.
- g) Any other order the honourable Court deems fit in the interest of the Petitioner and in the best interest of the children.

On 20<sup>th</sup> April 2023, counsel for the Respondent entered conditional appearance on behalf of the Respondent. The Respondent filed an answer to the divorce petition through his Counsel on 30<sup>th</sup> May 2023 and cross petitioned as follows:

- i. Dissolution of the marriage celebrated on 22<sup>nd</sup> June 2013.

- ii. An order granting custody of the children of the marriage to the Respondent with access to the Petitioner.

This ruling is in respect of an application by counsel for the Petitioner/Applicant (hereinafter referred to as the Applicant), for the return and release of passports of the children of the marriage.

In her affidavit in support of the application, the Applicant stated that the Respondent took the children from Ghana for the Christmas vacation in December 2022 and returned them in January 2023. That there was a major misunderstanding between the Respondent and her prior to the children leaving for the vacation but this was resolved at the Achimota police station by the commander. That after the children returned she noticed that their American passports were not in their bags; that she called the Respondent to enquire about same but he said he will send the passports when someone is visiting Ghana. That the Respondent has refused to return the American passports of the children which was originally in her custody. She concluded that every effort she has made for the Respondent to return the American passports of the children and to let her have access to their Ghanaian passports have proved futile. That unless the Respondent is compelled by this honourable Court to return and release the American and Ghanaian passports of the children, he will still keep them unlawfully.

Counsel for the Applicant in her submission relied on the depositions in the affidavit in support of the motion as well as the supplementary affidavit.

In the affidavit in opposition to the instant application, the deponent Solomon Kofi Addo who is also one of the lawyers in the law firm who are the solicitors

for the Respondent/Respondent (hereinafter referred to as the Respondent), deposed that the Respondent is opposed to the application. That the passports of the children are in the custody of the Respondent. That the Respondent confirms that he informed the Petitioner that he would send the passports to the Petitioner through a reliable intermediary but it is risky to send such a delicate document through an intermediary so he informed the Petitioner that he is scheduled to travel to Ghana to pick the children during the vacation for summer holidays and will come along with the passports. That the children do not need their passports as they are in school. That they children have diplomatic passports issued by the Benin government and do not need the Ghanaian and American passports for travel.

Counsel for the Respondent relied on all the depositions in the affidavit in opposition in his submission. He further stated that the Respondent will be coming to take the children to the United States of America on 4<sup>th</sup> August 2023 and travel with them on 6<sup>th</sup> August 2023 then return them on 3<sup>rd</sup> September 2023.

The Court has carefully read the affidavit in support of the motion together with the supplementary affidavit as well as the affidavit in opposition; and also listened to both counsel for the parties herein. It is undisputable that there is an existing marriage between the parties herein to which the divorce petition is related. It is also not in doubt that there are two children of the said marriage between the parties. The Respondent has also confirmed having the said passports of the children in his custody; and has further given his reasons for same.

**Section 22 of the Matrimonial Causes Act, 1971 (Act 367)** provides that:

*“(1) In proceedings under this Act, the Court shall inquire whether there are any children of the household.*

*“(2) The Court may, either on its own initiative or on application by a party to proceedings under this Act, make an order concerning a child of the household which it thinks reasonable and for the benefit of the child.”*

From the above provision of Act 367, a Court in any proceedings under the Act, on its own motion or upon an application by a party, may make an order concerning a child or children of the marriage which it thinks reasonable and for the benefit of the child or children.

The primary consideration by any Court in a matter concerning a child is the welfare of the child as stated in **section 2 of The Children's Act, 1998 (Act 560)** provides as follows:

*“(1) The best interest of the child shall be paramount in a matter concerning a child.*

*“(2) The best interest of the child shall be the primary consideration by a Court, person, an institution or any other body in a matter concerned with a child.”*

In light of the above authorities, I do hereby grant the instant application in part. In the circumstances the Respondent shall keep both the American and Ghanaian

passports of the said children from now until 3<sup>rd</sup> September 2023 when he returns the children to the Applicant herein. The children being in the custody of the Applicant shall warrant that the Applicant keeps their passports; both the American and Ghanaian passports until such time the Respondent would travel with the children again.

For that reason, the Respondent is ordered to release the American and Ghanaian passports of the said children to the Applicant from 3<sup>rd</sup> September 2023 until he needs same to travel with the children.

Both parties shall seek the written consent of the other before they travel with the children outside the jurisdiction. The parties are also urged to ensure effective communication regarding the welfare of the said children.

There will be no order as to costs.

**H/H AKOSUA A. ADJEPONG (MRS)**  
**(CIRCUIT COURT JUDGE)**