

GHANA / JUDGMENT

Abraham Vrs Maasuni [2023]

GHADC 442 (27 January 2023)

COURT
ghadcDECIDED
27 January 2023

Source: ghalii.org · Research copy typeset by Esheria. Not court-issued or certified.

IN THE DISTRICT COURT, WULENSI HELD ON 27TH JANUARY 2023 BEFORE HIS WORSHIP
BITAM LARI, ESQ. SUIT NO NR/WUL/DC/A4/4/2023 KOFI ABRAHAM
.....Petitioner V. CYNTHIA MAASUNI Respondent

JUDGMENT

The petitioner and the respondent married by ordinance on 27th February 2014 at the District Court, Tamale. They lived in Kpakpo in the Yendi District and subsequently moved into Yendi town and lived there till the petitioner filed this petition for the dissolution of the marriage. It is the petitioner's case that the otherwise happy marriage between him and his wife was disrupted by his parents in law because of the absence of children of the marriage. Petitioner says respondent's parents suggested he came over to them and performed sacrifices to some gods in order to find out the cause of their childlessness but he turned down the invitation on grounds of his Christian faith. He says his in-laws then called respondent back home in November 2018 and she did not return up to the time of coming to court. He says he made all efforts to get respondent to return but the parents-laws only kept assuring him she will return but she never did. He says he sent seven different delegations to the in-laws to get respondent to return but all proved futile as she never returned. Petitioner says he was later informed by the respondent's brother that respondent has had sexual contact with another man and as Konkomba tradition has it, she cannot return to her matrimonial home. Petitioner says he made personal enquiries and got to know that respondent has married another man and is living with that man, that is why he was told she will not return. Petitioner prays for a dissolution of the marriage. He has not requested for any additional reliefs. The respondent filed her response to the petition, admitting all the averments of the petitioner and consenting to the dissolution of the marriage. She did not pray for any reliefs. Dissolution of marriage is governed by the Matrimonial Causes Act, 1971 (Act 367). Section 1 (2) of the Act provides that, "the sole ground for granting a petition for divorce shall be that the marriage has broken down beyond reconciliation." Section 2 (1) provides six facts, any of which must be proved to the satisfaction of the court that the marriage has broken down beyond reconciliation. Section 2(3) provides that even where it is clear to the court that the marriage has broken down beyond reconciliation, the court shall not grant a petition for divorce unless it is satisfied that on all the evidence, the marriage has broken down beyond reconciliation. The facts

alleged in the petition which the respondent has admitted in a wholesale manner discloses that the respondent has committed adultery by sleeping with another man who is not her husband. Section 2 (1)(a) provides that if a party to a marriage commits adultery and the petitioner finds it intolerable to live with the respondent, it is sufficient grounds for the grant of a petition. In the petition, the respondent has slept with another man she calls her husband, and this fact is admitted by the respondent. The petition also contains a fact of unreasonable behaviour by the respondent. The respondent is an independent adult living in marriage. The petitioner is not just a Christian but a pastor at that. Respondent as wife is expected to be a role model for the church members, especially the females, on sound Christian teachings and living a Christ-like life. It is weird that she will agree with her father to invite the petitioner to go to them for traditional religious rituals to be performed on some gods so that they will find out the reason for their childlessness. Respondent was attempting to make the petitioner to practice a double lifestyle and disgrace himself before his congregation and the Christian fraternity. Again, the respondent has deserted the petitioner for a continuous period of at least two years. It is established that the respondent left the matrimonial home in 2018 and has since not returned to the petitioner. There was no prior agreement between them to live apart. The continuous desertion and loss of consortium for the past four years immediately preceding the filing of the petition is enough to ground for a decree of divorce to be pronounced by the court. The parties to the marriage have not lived together as husband and wife for a continuous period of at least two years. The respondent admits that she left the matrimonial home in 2018 and has since not returned till the petitioner filed the petition. Out of the six facts, any one of which can ground a petition for the dissolution of a marriage conducted under ordinance, the respondent is guilty of committing four. The court is satisfied that there have been attempts to settle the disagreement between the parties but all have proved futile. Petitioner stated that he has made personal efforts to get the respondent to return to the matrimonial home but she refused to agree to return. The petitioner has sent as many as seven delegations to plead with the respondent to come back home but all that did not yield any results. The respondent has admitted being married to another man now and there is no way she will return. From all of the above, it is conclusive that the marriage between the petitioner, KOFI ABRAHAM and CYNTHIA MAASUNI is broken down beyond redemption and I accordingly decree it dissolved. Let the parties part ways and live their separate lives. sgd..... Magistrate

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://ghalii.org/akn/gh/judgment/ghadc/2023/442/eng@2023-01-27/source.pdf>

CASE PAGE <https://chat.esheria.ai/case-law/ghana/cynthia-maasuni-dissolutionofmarriage-ghadc-2023>

Prepared on 26 October 2026 · Esheria