

GHANA / JUDGMENT

FETUS ANIM ADDO VRS EVA ANIM ADDO (A4/24/2023) [2024] GHAHC 384 (7 October 2024)

COURT
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IN THE CIRCUIT COURT, HELD AT ODUMASE KROBO, IN THE EASTERN REGION, ON THE 7TH OCTOBER 2024, BEFORE HIS HONOUR KWESI APPIATSE ABAIDOO SUIT No. A4/24/2022 FESTUS ANIM ADDO) === PETITIONER SENCHI, ASUOGYAMAN) VRS EVA ANIM ADDO SENCHI, AUOGYAMAN)) === RESPONDENT COUNSEL: EUNICE ODUM BOATENG FOR THE PETITIONER JONATHAN DZAISU FOR THE RESPONDENT

JUDGMENT

The petitioner, a Technician Engineer, working at Volta River Authority (VRA), per his amended petition filed on the 8th day of December 2022, is seeking the following reliefs;

- a. An order granting the dissolution of the ordinance marriage between the petitioner and the respondent.
- b. An order granting custody of the 17 year old son of the marriage to the petitioner. The respondent upon the receipt of the amended petition filed her answer and cross-petitioned on the 20th day of January 2023, seeking the following reliefs; Page 1 of 16
 - a. That the marriage celebrated between the petitioner and the respondent be dissolved as same has broken down beyond reconciliation.
 - b. That adequate monthly financial provision be made to the respondent for the maintenance of the 3 issues of the marriage until they finish with their national service or graduate from learning a trade.
 - c. That the petitioner be made to pay all the school fees and medical bills of the 3 issues of the marriage until they graduate from tertiary school whiles the respondent also takes care of all other needs.

- d. That their matrimonial home being a four bedroom house with two bedroom outer house at Senchi be settled on the respondent or in the alternative their 2-three bedroom storey house flats with a commercial store at Gbetsele, Accra, Chamber and hall self- contained storey building where the petitioner currently lives and their matrimonial home be shared equally for both parties.
 - e. That the Toyota Matrix saloon car which the respondent used before this petition and which has since been seized by the petitioner be settled on the respondent and the Nissan Pick-up and Mazda saloon car be settled on the petitioner.
 - f. That the petitioner be ordered to pay a lump sum of two hundred thousand Ghana Cedis (Gh¢200,000.00) to the respondent as alimony. The facts of the case are that, the parties got married under the Ordinance at Madina in Accra on the 27th day of May 2000. At the time of marriage, the petitioner was working at Ghana Water Company whiles the respondent was a hair-dresser working on work-and-pay basis at Madina. Currently the petitioner is an Engineer at Volta River Authority (VRA). At the beginning of the marriage, the parties understood themselves well and enjoyed the freshness of their marriage. As result, they are blessed with three children namely; Esther Adobea Anim- Addo aged 22, Nana Yaa Boatemaa Anim-Addo aged 19, and Nana Poku Anim-Addo, aged
18. Due to the petitioner's profession the couples co-habited at Tarkwa and later settled at Akosombo when the petitioner joined VRA. Page 2 of 16 During the course of the marriage, the petitioner set up the respondent in trade and was primarily the sole financier of the marriage. Also, based on the love existing between the parties the respondent brother stayed with them and was educated by the petitioner. The petitioner practically took care of the respondent's brother. As his financial status improved, the petitioner secured loans and paid them off (of which he is still paying some of them) with his salary. With vision, the petitioner acquired the following properties during the course of their marriage;
- 1. Two bedroom house with a store on a plot he acquired at Tema,
 - 2. Four bedroom house at Senchi, which served as their matrimonial home.
 - 3. Later, the petitioner constructed two bedroom house on the same parcel of land which accommodates their matrimonial home.
 - 4. Three vehicles;
 - a. Mazda Pick-up with registration number GS 7705 – 11
 - b. Nissan pick-up
 - c. Toyota Matrix, and
 - d. Mazda station wagon. The petitioner intended to keep them as personal properties and as such, bought all these properties in his name. Unfortunately, the petitioner fell seriously ill, with severe hypertensive crises with near organ damage (heart and Kidney). The petitioner

had surgically been operated upon and needed constant medical attention. This condition of the petitioner marked the beginning of the dark days of their marital relationship. The petitioner could no longer have sexual intercourse with the respondent and naturally could not maintain the respondent as he used to do when he was healthy. However, he continued to take care of the family. Page 3 of 16 As darkness covered their relationship and time far spent in their marriage, the peace the parties used to enjoy departed from them so quickly and could not be still. Upon recovery, all attempt by the petitioner to have sexual intercourse with the respondent was denied and met with quarrel. The parties have not had sexual intercourse since the year 2020. Quarrel became the order of the day, and several attempts by family members and the church to settle their differences proved futile. As a result of the quarrel the petitioner moved out of their matrimonial home to his family house in order to recuperate. The respondent resorted to coming home late, and often times dropped off by men not acquainted with by the petitioner. It is based on these facts that the instant petition was instituted by the petitioner. It is the case of the petitioner that, the parties were married under the ordinance on the 7th of May 2000 at Madina. The petitioner has single-handedly catered for every need of the household throughout the marriage, without any contribution from the respondent, despite setting her up in business. The petitioner took loans to acquire properties, comprising of buildings and cars, with no help from the respondent. Approximately four years ago, the petitioner fell seriously ill, during which time the respondent showed her true feelings towards him by refusing to have sex with him upon his recovery, failing to care for him, and neglecting her household duties. After multiple unsuccessful attempts at resolution, including court- connected ADR, the petitioner pursued the present action. Counsel for the petitioner argued her case based on two issues, namely; whether or not the marriage has broken down beyond reconciliation, and whether or not, the respondent has a right to a share in the properties of the petitioner. In her argument in support of the dissolution of the marriage, Counsel for the petitioner argued that the respondent demanded sex from the petitioner when she was aware that he was ill and could not have done so. However, upon recovery the respondent sexually abandoned the petitioner and cited the case of *Opoku-Owusu v Opoku Owusu* [1973] 2 GLR, in support of her case. Counsel therefore prayed the court to dissolve the marriage, and proceeded with the issue of property settlement. Page 4 of 16 Counsel for the petitioner argued that the petitioner had two landed properties from his personal resources without any contribution from the respondent. Counsel argued further that the Senchi building which is the third one does not belong to the petitioner, as same is a family property belonging to the petitioner's extended family. In respect of the three vehicles, counsel argued that, the vehicles were purchased from loans obtained by the petitioner. In proof of this claim the petitioner produced Exhibit G series, being bank statement of the petitioner and other evidence of payment in respect of the vehicles. Counsel stated further that whiles the parties were living as married couples, the petitioner set the respondent up in trade and supported her in various pecuniary ways. Counsel cited the following cases in support of her arguments; *Majolagbe v. Larbi* [1959] GLR 190, *Fynn v. Fynn & Osei* [2013-2014] 1 SCGLR 727, *Adjei v. Adjei* (Civil Appeal No. J4/06/2021, and *Emmanuel Obeng v. Kate Nyamekye* (Civil Appeal No.

H1/51/2021). It is the case of the respondent that, parties got married under the ordinance on the 7th day of May 2000 at Madina, Accra. The respondent averred that she has been a loving wife and mother and supported the petitioner at all times in taking care of the home and playing her role as a responsible wife until after the Petitioner was discharged from the hospital sometime in 2020 when he started complaining about his food despite adhering to all that the dietician asked her to do. She also said the Petitioner avoided sex with the excuse of ill health. The Petitioner suddenly stopped eating from home and finally moved out of their matrimonial home without any provocation and instituted the instant petition for divorce. Based on the respondent's rendition of the facts, counsel relied on section 2(1) of the Matrimonial Causes Act, *Opoku-Owusu v Opoku-Owusu* [1973] 2 GLR among others, and sought for the grant of divorce as per the respondent's cross-petition. In respect to property settlement, counsel for the respondent argued that since all the listed properties above were acquired during the subsistence of their marriage, the court must deem them as matrimonial properties. Counsel relied on the following authorities in support of his argument; *Quartey v Martey* [1959] GLR 377, *Quartson v Quartson* (2010-2012) 2GLR 481, Page 5 of 16 *Mensah v Mensah* [2012] 1 SCGLR 391, *Fynn v Fynn and Osei* [2013-2014] 1 SCGLR 727, *Adjei v Adjei C/A NO.34/06/2021* and section 22 (2) of the Matrimonial causes act and prayed that the court gives what is just and equitable to the respondent especially as the children still live with her in the matrimonial home at Senchi, and also, settle the Toyota Yaris which was gifted to her by the Petitioner on the Respondent. Given the background of the case, the following issues comes up for determination;

- a. Whether or not, the marriage existing between the parties herein has broken down beyond reconciliation.
- b. Whether or not, the properties so acquired by the petitioner in the course of their marriage are matrimonial properties.
- c. Whether or not, the respondent is to have custody of the children of the parties. In respect of the first issue, the parties per their respective pleadings made several allegations of facts against each other which when proved gives cause for their marriage to be dissolved. The petitioner alleged in his petition that the respondent has deserted him and also accused the respondent of infidelity. He averred that all was well with their marriage until he got ill and could not satisfy her sexually. Based on this the respondent resorted to coming home late and in some occasions she was dropped-off by men during odd hours of those days. The respondent, as expected denied these allegations by the petitioner and also levelled counter accusation against the petitioner that he is the one who has deserted her by living their matrimonial home. The respondent per her cross petition prayed for dissolution of their marriage as same has broken down beyond reconciliation. Per section 1(2) of the Matrimonial Causes Act, 1971 (Act 367), the only ground upon which a marriage can be dissolved is that the marriage has broken down beyond reconciliation. A petitioner need prove that the marriage has broken down beyond reconciliation by one or a combination of the indexes prescribed under section 2(1) of Matrimonial Causes Act (supra), which reads;

Page 6 of 16 “For the purpose of showing that the marriage has broken down beyond reconciliation the petitioner shall satisfy the court of one or more of the following facts:—

- (a) that the respondent has committed adultery and that by reason of such adultery the petitioner finds it intolerable to live with the respondent; or
- (b) that the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent; or
- (c) that the respondent has deserted the petitioner for a continuous period of at least two years immediately preceding the presentation of the petition; or
- (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; provided that such consent shall not be unreasonably withheld, and where the Court is satisfied that it has been so withheld, the Court may grant a petition for divorce under this paragraph notwithstanding the refusal; or
- (e) that the parties to the marriage have not lived as man and wife for a continuous period of at least five years immediately preceding the presentation of the petition; or
- (f) that the parties to the marriage have, after diligent effort, been unable to reconcile their differences.” Merely suspecting one’s wife of misconducting herself is not enough proof of adultery. To prove adultery the petitioner should lead evidence in prove the fact that the respondent had an opportunity to misconduct herself and actually took advantage of the situation to misconduct herself. It is only through this that the petitioner will be deemed to have proved the alleged adultery, since in real life it is difficult in many instances to get direct evidence. In Page 7 of 16 the case of *Adjetey v. Adjetey* [1973] 1 GLR 216, Sarkodee J., stated the principle behind the standard of proof of adultery at page 218 of the report, thus; “Adultery must be proved to the satisfaction of the court and even though the evidence need not reach certainty as required in criminal proceedings it must carry a high degree of probability. "Direct evidence of adultery is rare. In nearly every case the fact of adultery is inferred from circumstances which by fair and necessary inference lead to that conclusion. There must be proof of disposition and opportunity for committing adultery; but the conjunction of strong inclination with evidence of opportunity does not lead to an irrebuttable presumption that adultery has been committed; and likewise the Court is not bound to infer adultery from evidence of opportunity alone." The petitioner in his amended petition particularized his allegation of adultery under unreasonable behaviour, and averred; “1. The petitioner states that at a point the respondent began entertaining different male visitors who were unknown to the petitioner, and who often came to drop the respondent off at home, sometimes late into the night.
- m. The petitioner states that the respondent did not bother to introduce these strange male visitors to him, and whenever he queried her on it she would refuse to respond.” This is a serious allegation of fact which demands not just a mere traverse in the general form as

contained in paragraph 19 of the amended answer and cross-petition, which reads; “Respondent vehemently denies paragraph 8(l) and 8(m) of the petition and shall put the petitioner to strict proof.” This is especially so when the petitioner devoted time in his evidence in chief alleging infidelity on the part of the respondent. But the respondent never answered him on that allegation of Page 8 of 16 fact. We are dealing with a man that through ill health had initial problems with sexual connection and upon recovery was denied sexual intercourse by the respondent. The refusal of the respondent to at least give a little explanation as to those men who have been dropping her off at night gives credence to the allegations of infidelity on the part of the respondent who is a beautiful hairdresser by profession, and of course, appears to be in class of young women who are the toast of reasonable men, but married to a seemingly impotent man due to ill health. This is enough a proof of adultery when considered in the light of the Adjetei case (supra). I find that the petitioner’s problem is not about the infidelity on the part of the respondent, but her resolve to permanently deny him sexual connection is his major concern of which he cannot put up with. Considering the fact that the parties are no longer cohabiting and they are intent on ending their marriage despite several attempts at settlement, coupled with the fact that the respondent is intent on permanently denying the petitioner sex. And also in the light of the fact that the parties have proven on the balance of probabilities that there is no way they can live together as husband and wife, it is fair and candid to perfectly place my reasoning under section 2(1)(f) of the Matrimonial Causes Act, and find that the parties to the marriage have, after diligent effort, been unable to reconcile their differences. Accordingly, hereby dissolve their marriage as the marriage has broken down beyond reconciliation. Turning to the second issue, the issue of property settlement is a matter of law and of fact. The law on devolution of properties of spouses upon divorce has been variously interpreted by the courts before the promulgation of the 1992 Constitution. The whole business of property settlement upon divorce has its antecedent from the cases on death intestate of a spouse (which per Ghanaian history is predominantly based on the death of the man). As such, it is worth diving into the history of it to be able to understand the principle behind the law. The oft cited case of *Amissah Abadoo v. Abadoo* (1973) GLR 110, have it that a woman can only enjoy from her dead husband’s property(ies) subject to good behaviour. The decision in the *Amissah Abadoo* case (supra), was given in the light of the old decision in the case of Page 9 of 16 *Quartey v. Martey* (1959) GLR 377, where it is stated that a woman’s duty in marriage is to help the husband in the station of his life. Those were the days where a woman had no share in properties of the husband unless she can prove that indeed she contributed substantially to the acquisition of the property. So it was, that a woman’s contribution in the acquisition of a property ought to be actual and not emotional. And for the law to protect the right of a woman to her dead husband’s property(ies), she must prove contribution or ownership of the property(ies) by bringing an action under the law on trust, specifically resulting trust. See the case of *Reindorf v. Reindorf* (1974) 2GLR 38. Where it was proved that a property was acquired by the man (irrespective of whose name it was), the ownership and possessory right were vested in the man, albeit the acquisition of the property during the subsistence of the marriage. So that, if the man acquired the property in the name of the

woman, and subsequently there is a divorce, the woman was deemed to be a trustee of the property. See the case of *Quartey v. Armar* (1971) 2 GLR 231. It was to curb these injustices that the Intestate Succession Law (PNDC Law 111) was promulgated. However, as the name of the act suggests, the enactment did not cover the devolution of properties upon divorce. It was left with the courts to decide on case by case basis. Unfortunately, some of the decisions of the courts have followed the old trend since the promulgation of the 1992 Constitution. As stated earlier, the old law required a proof that a spouse contributed or provided the purchase money before he or she can benefit from the property of the other spouse upon divorce. Failure to prove party's contribution or ownership will be fatal to a party's case, as the case will be looked at from the angle of property law and not from family law (which deals with matrimonial cases). See the case of *Ogbarmey-Tetteh v Ogbarmey-Tetteh* [1993-94] 1 GLR 353, SC. However, the courts have gradually changed the old decisions to the effect that, a spouse need not prove a contribution to the acquisition of the property of the other. An intention to make Page 10 of 16 the property a family property will suffice to make the property a joint property, so long as the other spouse makes a contribution in that regard. See decision in the case of *Mensah v Mensah* (1993-94) 1 GLR 111, CA, especially holding 1, where the law reporter puts the view of the court in succinct terms. I must say that, the decision in the *Mensah* case (*supra*), is founded on spousal contribution, and missed the opportunity to state the law in its modern form though the current constitution was at the time in force. It is to correct the injustices meted out to spouses in cases involving distribution of matrimonial properties that the framers of the 1992 Constitution devoted a whole article on the subject. As I have already stated above, distribution of properties upon divorce has its antecedent from the devolution of the properties of a deceased person. As such, unlike the intestate Succession Law, Article 22 of the 1992 Constitution deals with both situations (that is, devolution of a deceased person's properties, and the distribution of matrimonial properties upon divorce). The said Article 22 reads; "22(1) A spouse shall not be deprived of a reasonable provision out of the estate of a spouse whether or not the spouse died having made a will.

- (2) Parliament shall, as soon as practicable after the coming into force of this Constitution, enact legislation regulating the property rights of spouses.
- (3) With a view to achieving the full realisation of the rights referred to in clause (2) of this article -
 - (a) spouses shall have equal access to property jointly acquired during marriage;
 - (b) assets which are jointly acquired during marriage shall be distributed equitably between the spouses upon dissolution of the marriage." Unfortunately, Parliament has not performed this important Constitutional duty placed on it. As such, the courts have had the unpleasant duty to interpret the laws to ensure that the rights of spouses are protected in the spirit of Article 22 of 1992 Constitution. The decisions of the courts in trying to interpret Article 22 of the 1992 Constitution have been varied. Some were of Page 11 of 16 the opinion that a spouse need prove contribution in the acquisition of the properties that he or she is claiming a

share of, while others were of the opinion that a spouse need not prove contribution to the acquisition of the properties he or she is claiming a share of. The Supreme Court had to intervene and make a one-time judicial pronouncement on the subject, hence the decision in *Gladys Mensah v. Stephen Mensah* (2012) 1 SCGLR 391. It is important to note that, there is no confusion as to the distribution of self-acquired properties of a spouse before getting married. Rather, the controversy is on the properties of spouses acquired during the subsistence of the marriage. So in *Gladys Mensah v. Stephen Mensah* (supra), Dotse JSC, in his well elucidated and succinct interpretation of the law, came to a conclusion that properties acquired by a spouse during the subsistence of a marriage ought to be shared equally among the spouses upon divorce. After all, it is said that equality is equity. This decision of the Supreme Court obviously has attracted various and varied comments by members of the legal fraternity and the social activists alike. It was an opportunity well utilized by the Supreme Court to put an end to discrimination in the sharing of matrimonial properties based on financial contribution. The law assumes that, once the properties were acquired during the subsistence of the marriage, the other spouse contributed to the acquisition of those properties. This is in line with the good old wise saying that ‘behind every successful man is a woman,’ and to avoid injustices occasioned by our cultural practices where a spouse (particularly, a woman) will support the husband physically and emotionally only to realize that she has no share in a product of her own sweat. The Supreme Court re-affirmed its position on the subject in the case of, *Patience Arthur v. Moses Arthur*, SC, reported in the AMJG News Journal, 6th Edition, October 2014 Edition, at page 40. At page 43, Prof. Date-Bah JSC stated, “From *Gladys Mensah v. Stephen Mensah* (supra), therefore, the principle that is to be distilled is that there is a presumption in Ghanaian law in favour of the sharing of matrimonial property on an equality basis in all appropriate cases between spouses after divorce. What needs to be spelt out in subsequent case law is the range of appropriate cases... [Page 45] In effect *Mensah v. Mensah* (supra) interprets this Page 12 of 16 provision liberally and purposively to mean that joint acquisition of assets is not limited to property that has been acquired as joint or common tenants, but rather property acquired by the spouses during the course of their marriage is to be presumed to be jointly acquired. In other words, property acquired by the spouses during marriage is presumed to be marital property.” (Emphasis supplied). Per the law as it is now, for a property to be termed as a matrimonial property consequent upon divorce, the property must have the following characteristics;

1. The property must have been acquired by either party or acquired through the joint effort of the parties during the pendency of their marriage.
2. That neither of the parties intended to own the property alone upon acquisition, and
3. It must have not perished before the institution of the action in court. Where a property bears all the characteristics stated above, the property becomes a matrimonial property and barring any personal formula of the parties concerning the sharing of the property, it must as of necessity be shared equally between the parties. It is therefore imperative to consider

the properties listed above one after the other in the light of the history of the parties. At the time of marriage, the petitioner was already an engineer. Being an engineer, it is logically expected of him to make properties for himself to merit his profession or pedigree. At the time of marriage, the respondent had just passed out as a hairdresser in Madina. She entered into the marriage with practically nothing at hand. During the course of their marriage her family members benefited from the petitioner financially and emotionally (including the respondent herself). This in itself a capital improvement in the life of the respondent. The respondent on several occasions was set up in business by the petitioner, but never did well. Fortunately, she now has a vibrant shop at the instance of the petitioner. It must be restated in emphatic terms that, all the enumerated properties above were made solely by the petitioner through his earnings without any financial contribution by the respondent. From the evidence adduced at the trial, there was one golden thread that runs through the evidence of the petitioner, that is, honesty. He never wanted any property of the Page 13 of 16 respondent. The respondent throughout her evidence was interested in unjust enrichment, and like Shylock in the novel of Shakespeare entitled "The Merchant Of Venice" her aim is to take a share in every property of the petitioner, albeit the consequence. By virtue of hardwork as an engineer, the petitioner is now suffering from permanent debility that requires medical attention from time to time as scheduled by his doctors. It is important to note that in settling properties between parties to a marriage, the parties owe it a duty to declare their assets faithfully, as the process of property settlement belongs to the domain of equity. The equitable rule or maxim that, "ye who comes to equity must have come with clean hands" applies. It is unfortunate that the respondent wanted the court to believe that she never had any property. This the court believes in the otherwise. Currently, the respondent is having a mother care shop which was set up for her by the petitioner. Fortunately, the petitioner appears not to be interested in having a share of it. Being an engineer at VRA, the petitioner wanted to secure his life and put up two bedroom house with a store on a plot he acquired at Tema. From the evidence, the petitioner intended to own it by himself and in his name. I therefore classify that house as a personal property, as he solely financed same through his salary and loans. In respect of the four bedroom house at Senchi, which serves as their matrimonial home. Although the petitioner solely financed its construction, the petitioner built it with the intent of living in it with the respondent and their children. The children grew up in that house and have identified it as theirs. That indeed is a family house. This means that the parties never intended to split the house. In view of that I firmly believes in the maintenance of the building as a family property. As such, I order that the petitioner owns that house in trust for their children, with the respondent having only a beneficial interest as to the use of the four bedroom property. She is to remain possession of the four bedroom apartment, and the petitioner is to have the other apartment which is under construction (that is, the two bedroom outer house). The petitioner has the responsibility of maintaining the entire compound and to enhance same at will, all in trust for the children irrespective of their age. Page 14 of 16 In respect of the vehicles;

- a. The Mazda Pick-Up with registration number GS 7705 – 11. From the evidence adduced at the trial, this vehicle was sold long before the instant action was instituted. Accordingly, it cannot be a subject matter of property settlement.
 - b. Reference to the Nissan pick-up vehicle, the petitioner bought for the use of the family. As such, I hereby settle it in favour of the respondent. Let the ownership of this vehicle be vested in the respondent.
 - c. Reference to the Toyota Matrix vehicle. The petitioner bought the said vehicle with a loan he is still servicing at the time when his health issue has just started. Considering the health status of the petitioner now and the fact that he is still paying for same, the petitioner is to maintain the ownership of this vehicle.
 - d. Reference to the Mazda station wagon. This is another vehicle the petitioner bought for the purpose of his work and he is still paying for through a loan deduction from his employers, VRA. Accordingly, the petitioner is to have it as his property. Issues of maintenance and custody of children are dealt with by the Children's Act, 1998 (Act 560). For the purpose of the Children's Act, a child is defined to be a person under the age of eighteen years. In deciding the issue of who is to have custody of the children of their marriage and maintenance consequent upon divorce, the courts are enjoined by law to consider the best interest of the child or children of the marriage. Section 2 of the Children's Act, 1998 (Act 560), instructs all persons who have responsibility to make a decision concerning a child to look out for and apply the welfare principle. The said section 2 reads; "(1) The best interest of the child shall be paramount in any matter concerning a child."
- (2) The best interest of the child shall be the primary consideration by any court, person, institution or other body in any matter concerned with a child." A court qua court, must of necessity establish whether the children of the marriage are within the category of persons classified as children under the enactment. In our instant case, all the Page 15 of 16 children of the marriage are of majority, i.e., above eighteen years. However, the petitioner is still maintaining them as they are either in school or undertaking her national service duties as a fresh graduate. This act of the petitioner is in right order. Section 53 of the Children's Act enjoins parents to continue taking care of their child who is schooling or learning a trade although the child has attained the age of majority. Accordingly, this court shall not compel the children of the marriage to live with a particular parent. I will leave the matter as to which of the parents they wants to live with for the children to decide. However, the petitioner is to continue to maintain the children financially in line with section 53 of the Children's Act. Concerning the grant of alimony. The respondent at any material time in their marriage has been adequately maintained by the petitioner. The petitioner has been the sole bread-winner of the family despite the fact that the respondent is working. Considering the health and the economic background of the petitioner, and the fact that he is the one maintaining the children of their union and all other family expenses between the parties, I am of the considered opinion that, an alimony of Gh¢40,000.00 will be a fair and reasonable amount to be paid to the respondent. Accordingly, I hereby order the petitioner

to pay an alimony of Gh¢40,000.00 to the respondent. H/H KWESI APPIATSE ABAIDOO
(CIRCUIT COURT, ODUMASE KROBO) Page 16 of 16

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