

Okoh Vrs Agyekum [2023]
GHADC 325 (24 May 2023)
[2023] GHADC 325

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VRS: MARTHIN AGYEKUM
} RESPONDENT

GIVEN BY H/W STEPHEN OFORI AKRASI ESQ (DISTRICT MAGISTRATE) DATED 24//5/2023
Judgment (Divorce) 2023 IN THE DISTRICT MAGISTRATE COURT HELD AT KASOA ON
WEDNESDAY, THE 24TH DAY OF MAY, 2023 BEFORE HIS WORSHIP STEPHEN OFORI AKRASI
ESQ, THE DISTRICT MAGISTRATE. SUIT No. A4/302/2022 DIANA OKOH } PETITIONER VRS:
MARTHIN AGYEKUM } RESPONDENT

..... .. The Petitioner and the
Respondent were married under Ordinance marriage 1884,(CAP

- 127) on 8/4/2019.. The Marriage was evidenced by a Marriage Certificate Number GCMA/260/2019 with License Number DEKH 09/2019. There is one issue of the marriage. Per the petition filed on the 19th day of May,2022, the petitioner sought divorce on grounds that the marriage has broken down beyond reconciliation. That the Respondent has unreasonably misbehaved towards her to the extent that she cannot tolerate him as a husband. In the particulars of misconduct, the Petitioner avers that:
- i. That the Respondent has been abusing her emotionally at the least or without provocation whatsoever. ii. That Respondent has not been speaking with petitioner ii. That the Respondent has not been maintaining her and the child throughout the pregnancy. Judgment (Divorce) 2023 iii. That for the past two years from the time of filing the petition the Defendant has failed in his duty to to maintain her and the child. iv. That respondent stopped sleeping on the same bed with petitioner.
 - v. That respondent was having extra marital relationship making her contract STD, but when she contacted him he decline to assist her in the treatment. VI. That the name of the paramour is called Debora whom respondent had earlier on deceptively introduced to her as his sister. vii . That respondent once deceived her that he was attending a program, but when she followed up, it turned out that he was not at any program. But was with the said Debora. Respondent on the other hand vehemently denied the Petitioner's claim. He counterclaimed for same alleged misconduct against the Petitioner citing maltreatment of his children brought into the matrimonial home. Respondent further avers that he looked after the petitioner when she labored and he bore all the medical expenses and named the hospitals as Akawe hospital and mother and child hospital. Respondent did not oppose the dissolution of the marriage nor cross petition for its dissolution. LEGAL ISSUES AND APPLICATION OF LAW The legal issues for determination per the facts are:
 - 1. Whether or not the marriage has broken down beyond reconciliation.
 - 2. Whether or not the conduct of Respondent constitutes unreasonable behavior to ground dissolution of the marriage.
 - 3. Whether or not the Petitioner is entitled to the reliefs sought. I shall proceed to deal with the second and third issues since the first issue is not controverted. Moreso, the ability to prove unreasonable behaviour suffices for the proof that the marriage is broken down beyond reconciliation, (See Section 2(1) (b) of the Matrimonial Causes Act 1971 (Act 367) It states: Judgment (Divorce) 2023 "A Petitioner may rely on the fact that the Respondent has behaved in a way that the Petitioner cannot reasonably be expected to live with the Respondent to prove that a marriage has broken down beyond reconciliation." Unreasonable behaviour has been defined in English law as: " Conduct that gives rise to injury to life, limb or health or conduct that gives rise to a reasonable apprehension of such damage. Thus actual injury does not have to be established. In Gollins V Gollins [1964] A. C. 644, the House of Lords stated as follows: "If the conduct can be called cruel it does not matter whether it springs from a desire to hurt or selfishness or sheer indifference." Thus, a petitioner who relies on

unreasonable behaviour for divorce must establish two things:

1. The conduct constituting the unreasonable behaviour on the part of the respondent; and
2. The fact that he/she cannot reasonably be expected to live with the respondent as a result of the bad behaviour. The court of Appeal in the case of Knudsen V Knudsen [1976] 1 GLR 204 had this to say on what constitute unreasonable behaviour: “The behaviour of a party which will lead to this conviction would range over a wide variety of acts. It may consist of one act if it is of sufficient gravity or of a persistent course of conduct or a series of acts of different kinds none of which by itself may justify a conclusion that the person seeking the divorce cannot reasonably be expected to live with the spouse, but the cumulative effect of all taken together would do so.” Judgment (Divorce) 2023 Upon evaluating the evidence; it is abundantly clear that the marriage has indeed broken down beyond reconciliation. I therefore, decree that the marriage celebrated between the Petitioner and the Respondent on 26th April, 2019 (evidenced by Marriage Certificate Number GCMA 260/2019 with License Number DEKH 09/2019 is hereby dissolved forthwith on the ground that same has broken down beyond reconciliation. Parties must bear their own cost as the ancillary reliefs has been resolved at A. D. R and same is adopted as consent judgment. (SGD) STEPHEN OFORI AKRASI ESQ. (DISTRICT MAGISTRATE) 5

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Prepared on 26 October 2026 · Esheria