

GHANA / JUDGMENT

Frimpong Vrs Hammond [2023]

GHADC 323 (14 June 2023)

[2023] GHADC 323

COURT

District Court

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Judgment (Divorce) 2023

IN THE DISTRICT COURT / KASOA CENTRAL REGION

SUIT No. A4/A6/322/2022

BEATRICE FRIMPONG } PETITIONER

VRS:

RICHARD HAMMOND

} RESPONDENT

JUDGMENT

GIVEN BY H/W STEPHEN OFORI AKRASI ESQ (DISTRICT MAGISTRATE) DATED 14/6/2023
Judgment (Divorce) 2023 IN THE DISTRICT MAGISTRATE COURT HELD AT KASOA ON
WEDNESDAY, THE 14TH AY OF JUNE, 2023 BEFORE HIS WORSHIP STEPHEN OFORI AKRASI
ESQ, THE DISTRICT MAGISTRATE. SUIT No. A4/A6/322/2022 BEATRICE FRIMPONG }
PETITIONER VRS: RICHARD HAMMOND } RESPONDENT

JUDGMENT

..... .. The Petitioner and the Respondent were married under customary law on the 7th day of March ,2015 in Kumasi and later converted same under Part III of the marriages Act,1884-1885 (CAP 127on the 1st day of May, 2015. The Marriage was evidenced by a Marriage Certificate Number LCC/MC207/2015 with License Number AMA. 10152822/2015. There is no issue of the marriage. Judgment (Divorce) 2023 Per the petition filed on the 24/6/2022, the petitioner sought divorce on grounds that the marriage has broken down beyond reconciliation. That the marriage was blessed with two issues aged 5years and 6years. That the respondent has put up an unreasonable behavior to such an extent that the said misbehaviour of the Respondent has affected her psychologically that she can no

longer cope with the situation and therefore seeks dissolution of the marriage. In the particulars of misconduct, the Petitioner avers that:

- i. That the Respondent flirts with other women and as a result, there Plaintiff has lost trust. ii. That anytime the Respondent about Respondent's behaviour it results in a heated argument. iii. That the constant arguments wrecked communication between. iv. That the Respondent stopped eating meals prepared and served by petitioner.
- v. That there has been three proceedings in the marriage. vi. That all efforts made by the family and church elders has been in vain. Petitioner is therefore seeking for: i. ii. The dissolution of the marriage celebrated between them on 7/3/2023. An order awarding custody of the two issues to the petitioner with treasonable assess to the Respondent. iii. An order to maintain the issues with an amount of GHc700.00 ii. Any further order as this court may deem just. Judgment (Divorce) 2023 Respondent on his part filed his defense vehemently denying the petitioner's claim. He rather attributed the breakdown to the petitioner. Respondent however conceded that indeed the marriage has broken down beyond reconciliation and cross petitioned for the dissolution of the marriage. EVALUATION OF EVIDENCE 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. I shall proceed to deal with the second and third issues since the first issue is not controverted safe for the blame attributed to the Respondent. 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: "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." Judgment (Divorce) 2023 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.” I have evaluated the evidence and found as a fact that the marriage has indeed broken down beyond reconciliation as conceded by the respondent. I therefore decree that the marriage celebrated between the Petitioner and the Respondent on 7/3/15 evidenced by Marriage Certificate Number LCC/MC207/2015 with License Number AMA. 10152822/2015. is hereby dissolved forthwith on the ground that same has broken down beyond reconciliation. Custody of the two issues is granted to petitioner with reasonable access to the Respondent. Monthly maintenance of the issues is GHC700.00. Respondent is also to bear the Parties should bear their own cost. Petitioner ‘s repress. : Present Respondent) : Absent Judgment (Divorce) 2023 (SGD) STEPHEN OFORI AKRASI ESQ. (DISTRICT MAGISTRATE) Judgment (Divorce) 2023 7

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Prepared on 28 October 2026 · Esheria