

GHANA / JUDGMENT

Ama Vrs Brown [2023]

GHADC 44 (2 March 2023)

COURT
ghadcDECIDED
2 March 2023

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

CORAM: HER WORSHIP (MRS.) ROSEMARY EDITH HAYFORD, SITTING AS DISTRICT
MAGISTRATE, DISTRICT COURT “B”, SEKONDI ON 2ND MARCH, 2023

SUIT NUMBER A4/28/2023 JULIANA AMA V WILLIE BROWN - - PETITIONER RESPONDENT

TIME: 1.22 PM PETITIONER RESPONDENT - - PRESENT PRESENT

JUDGMENT

The Petitioner filed the instant petition against the Respondent on the 19th of January, 2023, and prayed to the court for the dissolution of the marriage celebrated between the parties on 14/06/2019 at the Sekondi Takoradi Metropolitan Assembly. The petitioner says the marriage has broken down beyond reconciliation as a result of the unreasonable behaviour of the Respondent. There are no issues in the marriage. In his Answer filed on 15/02/2023, Respondent admits that the marriage between the parties has indeed broken down and counter-petitioned for its dissolution. 1 Petitioner's Case It is Petitioner's case that she is a home carer and ordinarily domiciled in the United States of America (USA) while the Respondent is permanently domiciled in Ghana. The petitioner avers that barely two weeks after the parties' marriage, she decided to file for divorce because the Respondent had been receiving calls from other women and would not pick up the call when she was around however, the Respondent brought in people to plead on his behalf and so she calmed down. Upon her return to the USA, she was informed that the Respondent had been bringing women into their matrimonial home and they sneaked out at dawn. Aside from that, the Respondent also squandered monies she sent to him to complete her building project and to pay for her second child's studies fees. According to the petitioner, the Respondent also stole items she brought to maintain the matrimonial home. It is further the case of the Petitioner that the Respondent has been tarnishing her reputation that she forced him to marry her and that she is disrespectful. Respondent is also claiming ownership of the

matrimonial home and he has averred to divorce the Petitioner, sack the children of the Petitioner from the matrimonial home, and remarry. Petitioner says that the love and trust she had for the Respondent have dwindled and thus seeks dissolution. Respondent's Case The Respondent on his part admits that the marriage celebrated between the parties has broken down beyond reconciliation. It is the case of the Respondent that the Petitioner has been wrongly accusing him of stealing and bringing women into their matrimonial home and that issues started cropping up two weeks into the said marriage. Respondent avers that he assumed everything was fine with the parties until he was called by his head of family one day prior to the departure of the Petitioner to the USA, that the Petitioner has returned the bible and ring and has indicated that she was no longer interested in the marriage and wants a divorce. Respondent avers that the Petitioner is ungrateful and has used him as a slave. Respondent says that he is fed up with the numerous accusations without any evidence leveled against him and agrees to the dissolution. Per section 1(2) of the Matrimonial Causes Act 1971 (Act 367) the sole ground for granting a petition for divorce shall be that the marriage had broken down beyond reconciliation. Section 2(1) of the Act specifies acts that prove the breakdown of marriage beyond reconciliation to include facts that:- (i) That the Respondent has committed adultery (ii) Respondent had behaved in a way that Petitioner could not reasonably be expected to live with Respondent (iii) That the Respondent has deserted the Petitioner for a continuous period of at least two years immediately preceding the presentation of the petition (iv) That the parties to the marriage have not lived as husband and wife for a continuous period of at least two years, and that the Respondent does not withhold his consent for the dissolution (v) That the parties to the marriage have not lived as husband and wife for a continuous period of at least five years immediately preceding the presentation of the petition (vi) That the parties to the marriage have after diligent effort been unable to reconcile their differences 3 Per section 2(3) of the Act, although the Court finds the existence of one or more of the facts specified under section 2(1), the Court shall not grant the petition for divorce unless it is satisfied on all evidence that the marriage had been broken down beyond reconciliation. Petitioner, per section 11 of the Evidence Decree 1975 (NRCD 323) had to persuade Court to believe that the marriage had broken down beyond reconciliation. He had to do so by proving at least one of the acts listed under section 2(1) of the Act above. Per the pleadings before this court, the determinable issue was whether or not the marriage celebrated between the parties had broken down beyond reconciliation as a result of the unreasonable behaviour of the Respondent. The parties testified by themselves and did not call any witnesses. The Petitioner tendered the marriage certificate as Exhibit A. From the witness statement filed by the Petitioner, she avers strongly that the Respondent has committed adultery. She stated in paragraph 7 of her witness statement as follows: "7. The Respondent was in amorous relations with ladies who come to sleep at our matrimonial home and sneaked out at dawn. Among which (sic) is a lady by name Maame Efua and as we speak, they are still in a relationship from a reliable source" The Respondent vehemently denied this claim; therefore, the burden was on the Petitioner to have proved her claim. Besides mounting the box and repeating what she claimed in her pleading, the Petitioner did not lead any evidence to establish the claim of adultery. See: *Majolagbe v Larbi & Others* [1959] GLR 190 at 192. The Petitioner claims she had this information from a reliable source yet she does not bring this 4 "reliable source" in court to

prove her case. I find that the allegation of adultery was not proved by the Petitioner. The Petitioner further claims that the Respondent has been stealing from her and has been squandering monies she sent to maintain the house and pay her child's school fees. Another allegation the Respondent denies. The Petitioner again failed to prove the same. I must say that the Petitioner did not substantiate most of the allegations she made. Another example is her averment that the Respondent has been peddling falsehood that she forced him to marry her and that she is disrespectful and further that the matrimonial home is for him and that he is going to divorce the Petitioner and kick out the children of the Petitioner. According to the Petitioner, the above was relayed to her by a friend yet this supposed friend was never called to testify. The Respondent on the other hand apart from denying all the claims of the Petitioner stated that from the onset of the marriage, there has been accusation upon accusation leveled against him. The Respondent avers that the Petitioner looks down upon him and treats him as a houseboy and not as a husband because she thinks she lives abroad and he is in Ghana and that makes him feel uncomfortable. Respondent says that he has refused to kowtow to her demand of being bossy and put up strong resistance and that is why the petitioner is making those wild allegations to humiliate and embarrass him. Respondent says he is not an opportunist and that he is gainfully employed with a reputable company. As I have already stated in this judgment, the Petitioner proved none of the averments she made, essentially, she avers that all of them were told to her by someone who was never brought in court. It is trite that a party may not necessarily have to call a witness but it is necessary when the averment bothers on facts that are capable of proof. I see 5 that all these are hearsay and it is trite that hearsay evidence is inadmissible. See: Section 117 of the Evidence Act, 1975 (NRCD 323) I rather gather from the evidence that the parties have trust issues and their differences cannot be resolved where they do not trust each other. The parties have indicated that attempts have been made by family members to reconcile them but to no avail. In the circumstances, I am of the humble view that the marriage celebrated between the parties has broken down beyond reconciliation as they have been unable to reconcile their differences. I hereby declare the ordinance marriage contracted between the parties herein on the 14th of June, 2019 at the Sekondi Takoradi Metropolitan Assembly, Sekondi be and is hereby dissolved. It is hereby ordered that a decree of divorce be granted; the marriage certificate No. 319/2019 pursuant to licence no. STMA/RM/0532/2019 is hereby cancelled. There is no order as to cost. (SGD) H/W ROSEMARY EDITH HAYFORD (MRS) MAGISTRATE 6

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/2023/44/eng@2023-03-02/source.pdf>

CASE PAGE <https://chat.esheria.ai/case-law/ghana/willie-brown-divorce-ghadc-2023>

Prepared on 25 October 2026 · Esheria