

IN THE SUPERIOR COURT OF JUDICATURE
THE HIGH COURT OF JUSTICE, FAMILY COURT '2', ACCRA,
HELD ON TUESDAY THE 20TH DAY OF JANUARY, 2026,
BEFORE HIS LORDSHIP JUSTICE JUSTIN KOFI DORGU SITTING AS AN
ADDITIONAL HIGH COURT JUDGE

SUIT NO: DM/0569/2021

MRS. JOANA QUAYE

.....

PETITIONER

VS.

RICHARD NII ARMAH QUAYE

.....

RESPONDENT

FINAL ORDERS OF THE JUDGMENT

In conclusion and I must say as a summary that, I am very much impressed with the written address filed on behalf of the Petitioner. Indeed, it should pass any doctoral thesis on the law on divorce and I commend the learned counsel for the industry put into the exercise. Unfortunately though, it is not what counsel thinks should be the case that was on trial. It must be borne in mind that what the court is called upon to determine is the case of the parties. It is in that vein that I conclude this judgment in the following terms bearing in mind the reliefs brought to this court for determination and for which reason I will recount the specific reliefs as endorsed in the divorce petition and the cross-petition. As stated by learned counsel for the Petitioner in his written address, the Petitioner sought the following reliefs:-

- (a) A divorce decree in favour of the Petitioner dissolving the parties marriage celebrated on 4th December, 2010.
- (b) An order awarding custody of the three (3) children of the parties namely; Ruphina Quaye, Brian Quaye and Brianna Quaye to the Petitioner and granting reasonable access to the Respondent.
- (c) An order directed at the Respondent for the payment of school fees and other educational expenses of the said children as well as the payment of such maintenance pendente lite in favour of the children and thereafter such periodic payments as the honourable court may deem just.
- (d) An order directing the Respondent to pay a lump sum of 50 Million Ghana Cedis to the Petitioner.
- (e) An order directed at the Respondent to pay to the Petitioner maintenance pendente lite as well as the arrears of maintenance and or housekeeping monies from April, 2021 to date.
- (f) An order that the following properties be settled in favour of the Petitioner;
 - i) H/No. 8 Jaffa Ln (GA-566-0397), Dansoman, Accra.
 - ii) The House at East Legon, Accra.
 - iii) A Jaguar Prestige XF (2018) model saloon car with Registration Number GN2272-18 and;
 - iv) A Range Rover Velar SUV with Registration Number M-20-20.
- (g) Costs including lawyers' fees.
- (h) Such further or other orders as the honourable court may deem fit to make.

The Respondent also in his cross-petition sought the following reliefs:-

- (i) That the marriage between Petitioner and Respondent celebrated on the 4th December, 2010 be dissolved.
- (ii) That the Properties situate in Dansoman and East Legon be settled on the Respondent.
- (iii) That the Respondent be given custody of the three (3) children with reasonable access to Petitioner.
- (iv) That the Respondent pays the school fees of the children as well as an amount of Two Thousand Ghana Cedis as maintenance.
- (v) That the Petitioner be made to pay the medical and food expenses for the children.
- (vi) Costs.

At the close of evidence and trial, this court on the 11th day of March 2025 decreed the dissolution of the marriage contracted by the parties and cancelled the certificate so obtained under the marriage contract. It should be noted that this was after both parties have closed their cases and the court was of the opinion that there was sufficient evidence on record to grant the divorce. Of course, that decision of the court was equally supported by the prayer of both parties that the marriage had broken down beyond reconciliation and so be dissolved. I do not think the position of the learned counsel for the Petitioner as if no evidence was taken before the divorce pronounced is the correct position.

Accordingly and to assuage the desires of the Petitioner's counsel, I hereby affirm the said dissolution order made on the 11th of March, 2025 as the marriage had broken down beyond reconciliation.

Flowing from the dissolution is the issue of custody and maintenance of the three (3) issues of the marriage. It is on record that the children are all minors and currently living with the Petitioner their mother. After due consideration of the best interest of the child

principle, the need of the children of a family to live and grow up as a unit, the fact that the biological mother is not impaired in any way as far as looking after the children is concerned, I feel obligated to maintain the existing arrangement which I hereby do by placing the custody of the children with the Petitioner, their biological mother with reasonable access to the Respondent who shall have custody or visitation rights at weekends fortnightly and also during vacations. The children shall spend the first half of every vacation with the Respondent and the other half with the Petitioner for purposes of preparing them to return to school.

I have also looked at the earning capabilities of the parties and especially as the evidence portrayed that even the Petitioner relied on the Respondent and therefore order that the respondent shall be responsible for the payment of the children school fees and educational expenses as well as pay for the health needs of the children as and when they fall due. I will advise that the Respondent enroll the children on a viable Health Insurance Policy especially if his numerous companies have one to make the discharge of this duty easier and convenient.

Again, since the children will stay with the Petitioner for most of the time and even though I acknowledge the fact that maintenance and up-bringing of children is a shared responsibility, I make the further order that the Respondent shall maintain the children with an amount of GH¢5,000.00 a month. This amount will be subject to review either upwards or downwards depending on the stages of the children and as they grow up and leave home.

Now, even though marriage was supposed to be complementary and the parties supporting each other in the journey when the unfortunate comes, and there is need for divorce as in this case, the law makes provision for the distribution of property upon divorce and the settlement of the parties. Now, the court have come to the conclusion that it is only marital property or matrimonial property that could be distributed. This is so because the court have recognised the individual's constitutional right to own property even in marriage. It is on the basis of the above that I will approach the distribution.

From the evidence, I have come to the conclusion that the House No. 8, Jaffa Lane, GA-566-0397 situate and being at Dansoman, Accra is a marital property of both parties as

it is their matrimonial home. This house was acquired during the pendency of the marriage and the parties have lived there together until the Respondent left. As at now there is no evidence that either party lives in the house. On the basis of equity therefore, I order that the Petitioner shall be entitled to 1/3 of the said property which I settle on her. In view of the fact that the Petitioner has three children and for the fact that Respondent has an alternative accommodation. The 1/3 allocation should be three bedrooms in the building with access to the use of the common facilities such as the sitting room, kitchen, store and all the other rooms which I describe as making up the two thirds are hereby settled on the Respondent.

The East Legon property, Accra or Paneel 72 Block 2, Section 075, Adjiringanor, Accra is settled on the Respondent as the evidence shows clearly that he did not intend making it a joint property or a marital property. This explains why the Petitioner has very little information on that property.

I have observed that even though the Petitioner testified about a house at Mamprobi, Accra and a house at Trasacco Estates (Phase II), the Petitioner never sought to amend her reliefs to include those houses and land around Mamprobi, Accra which is so amorphous in description. What it means to me is that at the time the Petitioner filed her petition, she did not consider these as marital/matrimonial properties either because they were non-existent or were acquired after the proceedings were initiated. In view of the denial by the Respondent, I hold the view that they are not marital properties which can be subject to distribution. I accordingly decline making any orders on these properties.

Now, to the immovable properties, the Petitioner in her endorsement has listed a Jaguar Prestige XF (2018) model, Saloon car with Registration No. GN2272-19, a Range Rover Velar SUV with Registration No. M-20-20. The Respondent added two more vehicles Mercedes Benz ML350 with Registration No. GR1725-14 and Jaguar XF with Registration No. FF1825-14. I must say that there is insufficient evidence that the Range Rover Velar was meant to be a marital property. In fact the Petitioner could not disprove the Respondent's assertion that the said Range Rover Velar belongs to a different person whether a concubine or any other relation. What this means is that the parties are left with the Mercedes Benz (ML 350) and the Jaguar XF (2018 model).

From the evidence, the court has already ordered the delivery of a Jaguar XF (2010 model) to the Petitioner and same was accordingly handed over to her. I affirm the said order and in addition, I further settle the Jaguar Prestige XF (2018 model) with Registration No. GN2272-18 on the Petitioner. What this means is that the Petitioner is to have the two Jaguars as her share of the matrimonial vehicles. I go further to settle the Mercedes Benz (ML 350) with Registration No. GR1725-14 on the Respondent.

This then brings me to the penultimate issue of financial settlement and here, the issue is whether the Petitioner is entitled to any financial award in addition to the property settlement already done. My position has always been that this constitutional right is based on the old time relief of alimony which was payable to a divorced woman to enable her settle in as an independent person. This was so because in those days, the woman was completely dependent on the husband. Times have changed with the advent of independent working women. I therefore hold the view that there must be compelling reasons for such an award. I have taken into account the ridiculous demand of GH¢50 Million as financial award which to me is without any basis and the Petitioner did not provide any foundation for such an award. Marriage is not an investment and in any case, what investment can yield so much dividend or interest in a period of 10 or 20 years? On the other hand, here is Petitioner who has been settled with 1/3 of the matrimonial home, the educational and health needs of the children placed on the Respondent and her mobility issues are also taken care of. Physically, she is very much attractive and capable of remarrying anytime she felt like.

I have also taken note of the fact that she is now gainfully employed with her mole-witness the PW3 in the very business her husband is in. There is no doubt in my mind that she can even be better off in her new venture and or employment with the experience gained from the Quick Credit business. In the circumstances and as a way of dissuading these frequent divorces with the expectation of reaping huge monetary benefits, I will award a financial relief of GH¢300,000.00 in favour of the Petitioner.

There is no doubt that the Petitioner has gone a long way to prove the case and to gain the dissolution of the marriage. This entails financial costs especially as she was not working at the time and the Respondent has withdrawn all allowances he was giving her.

In the circumstances, I hold the view that she is entitled to costs to defray part of the cost of litigation. I award costs of GH¢10,000.00 against the Respondent.

I must observe that the Petitioner may feel disappointed with the financial award granted. This might appear so especially as her evidence is that she is a co-founder, shareholder and director of the Quick Credit Microfinance Company Limited now Bills which to her formed the basis of the Respondent's public financial image. If this were so then I advise that she takes out an action against the Company and the Respondent for a determination of her due. This is so because in such an action, the corporate veil could be pierced and the assets traced if need be. But surely, such orders cannot be made in a divorce suit.

(SGD)

**H/L: JUSTIN KOFI DORGU
JUSTICE OF THE COURT OF APPEAL**

LEGAL REPRESENTATION:

KOFI ADWABOUR ESQ. FOR THE PETITIONER.

**BAFFOUR GYAWWU BONSU ASHIA WITH GODFRED NSAFOAH FOR SEAN
POKU ESQ. FOR THE RESPONDENT.**