

Div. 88/09

2009

C-7

NO.7

IN THE HIGH COURT OF SIERRA LEONE
(DIVORCE JURISDICTION)

BETWEEN:

MR. MICHAEL CONTEH

-

PETITIONER

AND

MRS. MARCELLA JANE CONTEH

-

RESPONDENT

COUNSELS:

J.E. KEBBIE Esq. for the Petitioner

B.E.T. CUMMINGS (Miss) for the Respondent

JUDGMENT DELIVERED THIS 18th DAY OF January 2012 BY
HONOURABLE MRS. JUSTICE V. M. SOLOMON J. A.

JUDGMENT

The Action herein is commenced by a Petition dated 29th October 2009 in which the Petitioner is seeking a Divorce on the grounds of cruelty and desertion. An Answer and Cross Petition was filed on the 30th November 2009 and Reply to Answer and Answer to Cross petition filed on the 3rd December 2010. The cause herein was set down for trial as a defended cause. During the course of the trial the Respondent abandoned her cross petition, save on the issue of payment of a lump sum and costs and the matter proceeded as an undefended cause.

The Petitioner gave evidence on his own behalf and tendered the Marriage Certificate of their marriage on 1st January 1994. There are two children of the marriage aged 24 and 19 respectively. The parties cohabited up to 2003 at which time the Petitioner left the matrimonial home. The Petitioner testified that since the Respondent drove him out of the matrimonial home in 2003, they have not cohabited as husband and wife. The Petitioner was served with notice to quit. The property was built on the land of the Respondents parents. He was to quit in 3 days and his mother was to quit in 7 days. He stated that the Respondent refused to go with him and she left behind. He testified that the Respondent moved

out of the matrimonial bedroom and slept in a separate room even before his departure. This situation continued for seven months before their separation. He testified that he gave financial support for the children. The eldest child is a Teacher at Neneh's Preparatory School and youngest is at Form 4 at the Tower Hill Preparatory School. He prayed that his marriage to the Respondent be dissolved.

I have considered the evidence of the Petitioner and the Petition filed herein and I satisfied that the Respondent has treated the Petitioner with cruelty and has deserted for a period of over three years. I am also satisfied that by the conduct of the Respondent she has evinced an intention of bringing their marriage permanently to an end. The Parties are agreed on issue of payment of a lump sum, maintenance and school fees for the child and costs.

In the premises, I hereby order as follows to wit:

1. That the marriage had and solemnized between Michael Conteh the Petitioner and Marcella Jane Conteh (Nee Manley) the Respondent on the 1st January 1994 at the Saint John the Evangelist Church, Brookfield's Freetown be dissolved.

I also order that the Petitioner pay the following sums to wit:

1. Sum of Le 450,000.00 as arrears of school fees for James Michael Conteh.
2. Sum of Le 150,000.00 as monthly maintenance for James Michael Conteh.
3. Sum of Le 3,500,000.00 as a lump sum payment to the Respondent.
4. Solicitor's costs of this action agreed at Le 750,000.00



HON. JUSTICE V. M. SOLOMON J.A.