

1966  
May 19

[JOSEPHIDES, J.]

PHOTOU  
A. SOTERIOU  
THEN  
PHOTOU PANAYI  
v.  
ANDREAS  
M. SOTERIOU

PHOTOU A. SOTERIOU THEN PHOTOU PANAYI,  
*Petitioner,*  
v.  
ANDREAS M. SOTERIOU,  
*Respondent.*

(*Matrimonial Petition No. 8/63*).

*Matrimonial Causes Jurisdiction- Divorce Wife's undefended petition for divorce on the ground of cruelty- Parties Greek Cypriots and members of the Greek Orthodox Church Respondent husband still domiciled in Cyprus- Supreme Court has jurisdiction to entertain the suit Domicil of origin of the husband not changed*

*Matrimonial Causes Divorce Cruelty -Frequent beating of wife - Respondent husband guilty of conduct amounting to matrimonial cruelty*

*Domicil of origin See above*

The parties to the marriage, in this petition, who are Greek Cypriots and members of the Greek Orthodox Church were married on the 20th September, 1962, in the Register Office of the District of St. Pancras in the Metropolitan Borough of St. Pancras in London, England.

The wife petitioner in this undefended petition for divorce, on the ground of cruelty, complained of the following acts of cruelty :

That the respondent husband started beating her from the first two or three days of their marriage, in September, 1962 and that he used to beat her frequently until the 30th December, 1962, when eventually she left the Matrimonial home. He used to pull her by the hair and seize her by the throat to strangle her and, according to her version she lost consciousness on two or three occasions. The evidence of the wife was supported and corroborated by affidavit evidence of two witnesses. Further the family doctor who examined her on two or three occasions since her return to Cyprus in January, 1963, stated that she suffered from insomnia, dizziness, headaches and a feeling of sickness, all consistent with anxiety neurosis due to worries and mental anxiety.

The Court in granting a *decree nisi* on the ground of cruelty :

Held, *as to the question of jurisdiction* :

(1) On the evidence it appears that the husband was born in Cyprus (Lefkoniko village) and that he left for England about six years prior to the marriage. He worked there for six years and then he came to Cyprus in April, 1962 and he became engaged to the petitioner and he began working at Lefkoniko by himself. He worked for two or three months and then left again to go back to England. Eventually the petitioner joined him there where they were married in the Civil Registry on the 20th September, 1962. The husband is still in England though his address is unknown. No personal service could be effected on him and the Court had to order substituted service. On this evidence I was satisfied that the husband is domiciled in Cyprus, that is, that his original domicile was Cyprus and that he has not changed his domicile.

(2) Consequently this Court has jurisdiction to hear and determine the present petition.

Held, *on the issue of cruelty* :

On the evidence I am satisfied that the husband has been guilty of conduct which would give rise to a reasonable apprehension of danger to the wife's life and bodily and mental health and I, therefore, find the charge of cruelty proved : see *Russell v. Russell*, [1897] A.C. 395, 467; and *Gollins v. Gollins* [1964] A.C. 644 (H.L.); *Levonian v. Levonian* (1965) 1 C.L.R. 339 and *Dunne v. Dunne* (reported in this Part at p. 164 *ante*) by Vassiliades J.

*Decree nisi on the ground of cruelty granted with no order as to costs.*

*Cases referred to:*

*Russell v. Russell* [1897] A.C. 395, 467 ;

*Gollins v. Gollins* [1964] A.C. 644 (H.L.);

*Levonian v. Levonian* (1965) 1 C.L.R. 339;

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### Matrimonial Petition.

Petition by wife for dissolution of marriage on the ground of cruelty.

*Chr. Mitsides*, for the petitioner.

Respondent not appearing. Duly served.

The following judgment was delivered by:

JOSEPHIDES, J.: This is an undefended wife's petition for divorce on the ground of cruelty. The parties, who are Greek Cypriots and members of the Greek Orthodox Church, were married on the 20th September, 1962, in the Register Office of the District of St. Pancras in the Metropolitan Borough of St. Pancras in London, England. The respondent husband, who is described in the marriage certificate as a hairdresser, was then aged 22 and the petitioner wife was aged 26. There was no religious marriage and there is no issue.

First, as to the question of *jurisdiction*: On the evidence it appears that the husband was born in Lefkoniko and that he left for England about six years prior to the marriage. He worked there for about six years and then he came to Cyprus in April 1962 and he became engaged to the petitioner and he began working at Lefkoniko by himself. He worked for 2 or 3 months in the village and then left again to go back to England. Eventually the petitioner joined him there where, as already stated, they were married in the Civil Registry on the 20th September, 1962. The husband is still in England though his address is unknown. No personal service could be effected on him and the Court had to order substituted service. On this evidence I am satisfied that the husband is domiciled in Cyprus, that is, that his original domicile was Cyprus and that he has not changed his domicile. Consequently, this Court has jurisdiction to hear and determine the present petition.

As regards the ground of cruelty, on the evidence adduced I find the facts as follows: The parties were engaged to be married on the 22nd April, 1962 and subsequently the husband left for U.K. where he was joined by the wife on the 11th September, 1962. After their marriage in September of that year they lived together as husband and wife at 59, Belmont Street, London, N.W. 1. The husband's sister lived in the second floor of that house. Apparently for some reason, which is not quite clear to the Court, the husband started beating the wife from the first two or three days of their mar-

riage. The wife gave it as the reason that while the husband was in Cyprus in 1962 he was beaten up by the police and bound over as a result of the complaint of the wife's father to the police that the husband had hit her. The husband used to beat frequently the wife and this continued until the 30th December, 1962 when, eventually the wife left the matrimonial home. She was taken away by the husband's sister to a relative's house from where she returned to Cyprus on the 5th January, 1963, to her father's home. The husband used to pull her by the hair and seize her by the throat to strangle her and, according to her version, she lost consciousness on two or three occasions.

This evidence of the wife is supported and corroborated by the affidavit evidence of Nitsa Loui, who is related to her by marriage, and Nitsa's husband, Ioannis Loui. They are both residing in London. Their evidence is to the effect that when they visited the wife in the month of October 1962 they saw wounds, bruises and injuries on the face of the wife and when they asked her, in the presence of the husband, as to the cause she replied in the husband's presence that these were due to his frequent beating-up and ill-treatment. These two witnesses further stated that on the 30th December, 1962 the husband's sister, Christina Klatz, took the petitioner to their house and requested them to give her refuge until she obtained her return ticket to Cyprus. On that occasion these two witnesses saw again injuries on the face and neck of the wife.

The family doctor, who examined the wife on two or three occasions since her return to Cyprus in January, 1963, stated that she suffered from insomnia, dizziness, headaches and a feeling of sickness, all consistent with anxiety neurosis due to worries and mental anxiety.

On this evidence I am satisfied that the husband has been guilty of conduct which would give rise to a reasonable apprehension of danger to the wife's life and bodily and mental health and I, therefore, find the charge of cruelty proved: see *Russell v. Russell* [1897] A.C. 395, 467; and *Gollins v. Gollins* [1964] A.C. 644 (H.L.); *Levonian v. Levonian* (1965) 1 C.L.R. 339 and *Dunne v. Dunne* (reported in this Vol. at p. 164 *ante*) by Vassiliades, J.

*Decree nisi* granted.

No costs claimed.

No order as to costs.

*Decree nisi on the ground of cruelty granted with no order as to costs.*

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