

1981 June 3

[A. LOIZOU, J.]

LIANA MORPHI,

*Petitioner,*

v.

ANTONI MASHINI,

*Respondent.*

(*Matrimonial Petition No. 4/81*).

*Matrimonial causes—Divorce—Cruelty—Legal cruelty—Respondent repeatedly beating and ill-treating petitioner and using abusive language—Danger to petitioner's life, limb, or health bodily or mental—Petitioner should not be asked to endure such conduct—*  
5 *Legal cruelty established—Decree nisi granted.*

This was a wife's petition for divorce on the ground of the husband's cruelty. The petitioner's evidence, which was corroborated by one other witness, was to the effect that the respondent husband was cruel and unkind to her; and that he was repeatedly  
10 beating and ill-treating her and using abusive language.

*Held*, that the brutality of the husband frequently repeated has no doubt caused danger to life, limb, or health, bodily or mental, to the petitioner-wife and in fact has given rise to a reasonable apprehension of such danger; that the totality of  
15 the circumstances of this case amounts to a persistent cruelty on the part of the respondent husband on the petitioner wife who should not be asked to endure such conduct which was in no way excusable; that, therefore, legal cruelty has been established; and accordingly a decree nisi on the ground of cruelty  
20 must be granted to the wife-petitioner.

*Decree nisi granted.*

Cases referred to:

*Peratikos v. Peratikos* (1979) 1 C.L.R. 41.

**Matrimonial Petition.**

25 Petition by the wife for dissolution of marriage on the ground of the husband's cruelty.

*M. Savvidou* (*Miss*), for the petitioner.

Respondent absent, duly served.

*Cur. adv. vult.*

A. LOIZOU J. read the following judgment. By this petition, the petitioner wife seeks the dissolution of her marriage to the respondent husband, on the ground of cruelty. The respondent although duly served failed to put in an appearance or defend the proceedings. 5

The petitioner is a member of the Greek Orthodox Church and the respondent a Roman Catholic. They were married on the 13th September 1979 under the provisions of the Marriage Law, Cap. 279, in the office of the District Officer of Nicosia. After their marriage they lived together in Nicosia until the 4th October 1979 when the respondent husband deserted her and has shown no interest in his marriage ever since. Almost from the beginning their marriage was not a happy one. 10

The respondent husband was cruel and unkind to the petitioner wife. He was beating her and illtreating her in general; and in addition he was using abusive language. The brutality of the husband frequently repeated has no doubt caused danger to life, limb, or health, bodily or mental, to the petitioner wife and in fact has given rise to a reasonable apprehension of such danger. 15 20

I need not refer to the authorities on the question of legal cruelty as I had the opportunity of reviewing them recently in the case of *Peratikos v. Peratikos* (1979) 1 C.L.R. p. 41.

On the evidence before me, which consists of that of the petitioner wife, herself and one other witness who happened to be present when the respondent husband was brutal to his wife, whose credibility could not be doubted, I have come to the conclusion that legal cruelty has been established and the petitioner's evidence was duly corroborated by the said witness. 25

The totality of the circumstances of this case amounts to a persistent cruelty on the part of the respondent husband on the petitioner wife, who should not be asked to endure such conduct which was in no way excusable. 30

In the result a decree nisi on the ground of cruelty is granted to the wife petitioner. There will be, however, no order as to costs as none is claimed. 35

*Decree nisi granted. No order as to costs.*