

1981 July 17

(A. LOIZOU , J.)

ELENI KHALYL JABBOUR THEN ELENI KAKOPIEROU,
Petitioner,

v.

KHALYL EDMONT JABBOUR,
Respondent.

(*Matrimonial Petition No. 16/80*).

5 *Matrimonial causes—Divorce—Cruelty—Several incidents of assault—Accusation for adultery—Burning with a cigarette—Suggestion for exchange of partners with another married couple and for relations with another man—Legal cruelty established—Decree nisi granted.*

10 This was a wife's petition for divorce on the ground of cruelty. According to the evidence of the petitioner, which was corroborated by her parents, the conduct complained of consisted of several incidents of assault on her by the husband, burning with cigarettes, accusations against her for adultery, arrangements and suggestions for exchange of partners with another married couple and for relations with another man.

15 *Held*, that legal cruelty has been established and that petitioner's evidence was duly corroborated by her witnesses ; 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 it has also in fact given rise to a reasonable apprehension of such danger ; that the circumstances complained of amount to a persistent cruelty on the part of
20 the respondent husband on the petitioner, who should not be asked to endure such conduct which was in no way excusable ; accordingly a decree nisi on the ground of cruelty will be granted to the petitioner.

Decree nisi granted.

Cases referred to :

Peratikos v. Peratikos (1979) 1 C.L.R. 341;

Waters v. Waters [1956] P. 344 at p. 356 ; [1956] 1 All E.R. 432 at p. 437 ;

Crawford v. Crawford [1956] P. 195 at p. 200 ; [1955] 3 All E.R. 592, at p. 594. 5

Matrimonial Petition.

Wife's petition for the dissolution of her marriage due to husband's cruelty.

D. Demetriades, for the petitioner. 10

Chr. Mitsides, for the respondent.

A. LOIZOU J. gave the following judgment. By this petition the petitioner wife seeks a dissolution of her marriage to the respondent husband on the ground of cruelty. The respondent was duly served and was represented by counsel at the trial. 15

The petitioner is a member of the Greek Orthodox Church, a Cypriot national, whereas the respondent belongs to the Lebanese Maronite Church and is a Lebanese national. They were married on the 11th August 1977, under the provisions of the Marriage Law, Cap. 279, in the Office of the District Officer, Nicosia. Out of this marriage there has been an issue, a boy, named Edmond, born on 4th January 1979. Later they went through a religious ceremony in accordance with the rites of the Lebanese Maronite Church. 20

It is the case for the petitioner wife that the respondent husband was cruel and brutal, both by applying physical violence on her as well as by such other conduct which though not having the element of physical violence, amounted to cruelty also. 25

The conduct complained of consisted of several incidents of assault on her by the husband, burning with a cigarette, accusations against the petitioner wife for adultery and arrangements and suggestions for exchange of partners with another married couple as well as suggestions that she had relations with another man in consideration of their receiving two thousand pounds, which suggestions the petitioner flatly refused. 30 35

I need not go into the unpleasant details of the husband's

behaviour, suffice it to say that his brutality frequently repeated had no doubt caused danger to life, limb or health, bodily or mental to the petitioner wife and it has also in fact given rise to a reasonable apprehension of such danger.

5 No extensive reference is necessary to be made to the authorities where the legal position on cruelty has been dealt with. (See *inter alia* *Peratikos v. Peratikos* (1979) 1 C.L.R. 341.) It may be said, however, here that all the incidents in a charge of cruelty must be taken together to form a composite picture
10 and that the result must be judged in relation to all the surrounding circumstances. (*Waters v. Waters* [1956] P. 344, 356; [1956] 1 All E.R. 432, 437). The whole matter must be taken together. One must take the whole story. *Crawford v. Crawford* [1956] P. 195, 200; [1955] 3 All E.R. 592, 594.

15 On the totality of the evidence before me, which consists of that of the petitioner wife herself and of her parents who have witnessed several of the incidents related in Court I have come to the conclusion that legal cruelty has been established and that the petitioner's evidence was duly corroborated by
20 her said witnesses. The circumstances complained of amount to a persistent cruelty on the part of the respondent husband on the petitioner who should not be asked to endure such conduct, which was in no way excusable.

In the result a decree nisi on the ground of cruelty is granted
25 to the wife petitioner. The question, however, of the custody of the child and the arrangements that have been made or are to be made for his care and upbringing, will be considered under the provisions of section 2 of the Matrimonial Proceedings (Children) Act 1958, together with the application of the
30 making of this decree absolute.

There will be, however, no order as to costs as none have been claimed.

Decree nisi granted.
No order as to costs.