

1981 February 21

[A. Loizou, J.]

COSTAS KYPROU KOUTSOKOUMNIS,

Petitioner,

v.

CHRISTALLENI TRIANTAFILLOU CHRISTODOULOU,

Respondent.

(*Matrimonial Petition No. 20/80*).

Marriage—Civil Marriage—Validity—Civil marriage solemnized in Registered Office in London—Parties thereto Greek Cypriots, citizens of the Republic, members of the Greek-Orthodox Church and of the Greek Community of Cyprus, resident and domiciled in the Republic—No religious ceremony in accordance with the rites of the Greek-Orthodox Church—Though held in accordance with formalities of the lex loci celebrationis, said marriage void ab initio because it was contracted in disregard of Article 111 of the Constitution. 5

Constitutional Law—Marriage—Personal status—Civil marriage between Greek Cypriots, members of the Greek-Orthodox Church—Validity—Article 111.1 of the Constitution. 10

On June 23, 1978, the parties to these proceedings, who were both nationals of the Republic, Greek Cypriots, members of the Greek Orthodox Church and of the Greek Community of Cyprus and resident and domiciled in the Republic, went through a ceremony of civil marriage in the Register Office in the District of Camden in the London Borough of Camden. Their marriage has not been celebrated in accordance with the rites of the Greek Orthodox Church. 15 20

Upon a petition by the husband for a declaration that the above marriage was null and void and of no effect as being contrary to the Law and the Constitution:

Held, that under the Laws and the Constitution and in particular Article 111 thereof the only way for the parties to these 25

proceedings to be validly married is to go through a religious ceremony in accordance with the rites of the Greek Orthodox Church; that this is a matter of personal status which, by virtue of Article 111.1 of the Constitution, comes within the exclusive competence of the Church to which the parties belong; that, therefore, the marriage ceremony through which the parties went, is void *ab initio* although it was held in accordance with the formalities of the *lex loci celebrationis* being a marriage contracted in disregard of the aforesaid Article of the Constitution by Cypriots to whom it applies.

*Marriage declared null and void
ab initio.*

Cases referred to:

- Metaxas v. Mitas* (1977) 1 C.L.R. 1;
 15 *Neophytou v. Neophytou* (1979) 1 C.L.R. 685;
Platritis v. Platritis (1980) 1 C.L.R. 324.

Matrimonial Petition.

Petition by husband for a declaration that a civil ceremony of marriage that the parties went through in the London Borough of Camden on the 23rd June, 1978 is a nullity.

L. Papaphilippou, for the petitioner.

A. LOIZOU J. gave the following judgment. The petitioner/husband prays hereby for a declaration that the ceremony of marriage performed between the parties on the 23rd June 1978 in the Register Office in the District of Camden in the London Borough of Camden, is null and void and of no effect, as being contrary to the Law and the Constitution.

The respondent/wife though duly served failed to enter an appearance or contest the proceedings. The parties in these proceedings are both nationals of the Republic, Greek Cypriots, members of the Greek Orthodox Church and of the Greek Community of Cyprus, resident and domiciled here.

On the 23rd day of June 1978, they went through a ceremony of civil marriage at the aforesaid Register Office, whilst they were both students in England at the time.

Their marriage has not been celebrated in accordance with the rites of the Greek Orthodox Church to which they both

belong. There are no issues of the said marriage. They lived for a while at 11, Highgate, Highstreet London N. 6.

The legal issue raised in these proceedings is the same as the one determined in the cases of *Metaxas v. Mitas* (1977) 1 C.L.R. p. 1, followed in *Neophytou v. Neophytou* (1979) 1 C.L.R. p. 685; and in *Platritis v. Platritis* (1980) 1 C.L.R. p. 324, namely that under the Laws and the Constitution and in particular Article 111 thereof the only way for such Cypriots to be validly married is to go through a religious ceremony in accordance with the rites of the Greek Orthodox Church. The answer to this question has been that the marriage ceremony through which the parties went, is void *ab initio* although it was held in accordance with the formalities of the *lex loci celebrationis* being a marriage contracted in disregard of the aforesaid Article of the Constitution by Cypriots to whom it applies.

This is a matter of personal status which, by virtue of Article 111.1 of the Constitution comes within the exclusive competence of the Church to which the parties belong. Consequently the marriage under consideration cannot but be declared as null and void *ab initio* but in the circumstances there will be no order as to costs.

*Marriage declared null and void
ab initio. No order as to costs.*