

1968
April 13

ANNITA DEREK
MORING THEN
ANNITA CHARA-
LAMBOUS PAPA
PANAYI
v.
DEREK JEFFREY
MORING

[JOSEPHIDES, J.]

ANNITA DEREK MORING THEN ANNITA
CHARALAMBOUS PAPA PANAYI,

Petitioner,

v.

DEREK JEFEREY MORING,

Respondent.

(*Matrimonial Petition No. 7/66*).

*Matrimonial Causes—Divorce—Decree nisi made absolute—
Considerations—Welfare of the children—The Matrimonial
Causes Rules, rule 60.*

*Matrimonial Causes—Divorce—Decree absolute—Before granting
a decree absolute the Court has to be satisfied with arrange-
ments to be made for the custody and/or care and/or control
of the children—The youngest not to be taken out of jurisdic-
tion without prior leave of the Court.*

Decree absolute—See above.

*Divorce—Decree absolute—Arrangements for the custody, care
or control of the children.*

The facts of the case sufficiently appear in the judgment
of the Court*.

Application.

Application to make absolute a decree nisi and for an
order of the Court relating to the custody, maintenance and
education of the children of the marriage.

C. Vanda (Mrs.), for the petitioner.

Respondent absent. Not represented.

JOSEPHIDES, J. : I have today to decide two matters :

(a) the granting of a decree absolute;* and

**Note.* The judgment in this matter, granting decree *nisi*, is reported in
(1967) 1 C.L.R. 256

(b) the custody and/or care and control of the three children of the marriage.

The necessary affidavit pursuant to the provisions of rule 60 of the Matrimonial Causes Rules sworn on the 21st March, 1968, has already been filed in the proceedings. No caveat has been entered by the Attorney-General or by or on behalf of any other person or persons.

Before granting a decree absolute I have to be satisfied with regard to the arrangements proposed to be made for the children and to decide also the question of their custody. Yesterday the responsible welfare officer having filed her report to Court, made also certain submissions with regard to the arrangements concerning the youngest child Loukia. The counsel for the petitioner (mother of the children) submitted yesterday that the youngest child should, for the time being, be left in the care of the maternal grandmother under the supervision of the welfare officer until proper arrangements are made to the satisfaction of the Court with regard to this child.

The petitioner now states:

"I produce my U.K. passport No. D.259157 issued in Nicosia on the 24th February, 1961 (renewed until the 24th February, 1971). In this passport all three children of the marriage are included, namely, Andreas, Androulla and Loukia. I also produce a U.K. passport in respect of my younger child Loukia No. D780200 issued in Nicosia on the 16th November, 1967. I apply for the custody of the two elder children, namely, Andreas born on the 16th November, 1960 and Androulla born on the 19th August, 1962. I propose getting married shortly and my prospective husband is willing to have these two children as his own children and bring them up and educate them accordingly. With regard to the younger child Loukia, born on the 22nd July, 1964, I consent to custody being given to the father (respondent husband) provided he gets married to the woman with whom he is now living in England. Meantime, I submit that Loukia may be left in the care and control of my mother Androulla Charalambous of 14, Leontiou Makhera Street, Larnaca, who is willing to have the child with her. I hereby undertake:

(a) to apply to the competent authority to have the name

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of my child Loukia struck off my U.K. passport No. D259157; and

(b) not to take the child Loukia out of Cyprus without the prior approval of this Court".

ORDER :

The Court, considering primarily the welfare of the children and taking into consideration the wishes of the parents and having regard to the above undertaking of the petitioner (mother of the children), hereby makes the following order:

1. The decree nisi made herein on the 9th October, 1967, is hereby made absolute.

2. Custody of the two children, namely, Andreas and Androulla is given to the mother (petitioner) who is authorised to take them with her out of Cyprus.

3. A provisional Order is made in respect of the child Loukia that she is to be in the care and control of the maternal grandmother, Androulla Charalambous, under the supervision of the Welfare Officer.

4. Loukia's passport No. D780200 (U.K.) shall be kept in the custody of the Registrar of this Court and not be given out without the approval of the Court.

5. Loukia shall not be taken out of Cyprus either by the mother (petitioner) or the father (respondent) or any other person without the prior leave of this Court.

Order accordingly.