

MARO KEITH ANDREW THEN MARO GEORGHIOU  
DEMETRIOU,

*Petitioner,*

v.

KEITH ANDREW

*Respondent.*

(*Matrimonial-Petition No. 17/67*).

MARO KEITH  
ANDREW THEN  
MARO  
GEORGHIOU  
DEMETRIOU  
v.  
KEITH ANDREW

*Matrimonial Causes—Divorce—Jurisdiction—Domicil—Wife's petition—Wife, a member of the Greek Orthodox Church of Cyprus and a citizen of the Republic of Cyprus—Husband, a British National and a member of the Church of England, domiciled in England—Civil marriage in England—No religious ceremony—Wife petitioner ordinarily resident in Cyprus for a period exceeding three years immediately preceding the commencement of these proceedings—In fact she is a permanent resident of Cyprus—Consequently, the Court has jurisdiction to entertain the petition, the case being within the provisions of section 18(1)(b) of the English Matrimonial Causes Act 1950, which is the law applicable in Cyprus under the provisions of section 29(2)(b) of the Courts of Justice Law, 1960 (Law of the Republic No. 14 of 1960).*

*Matrimonial Causes—Divorce—Desertion—Evidence—Wife's petition—Proof of desertion—Desertion without cause lasting more than three years immediately preceding the presentation of this petition—Decree nisi granted.*

*Divorce—See above.*

*Desertion—See above.*

*Jurisdiction—Matrimonial causes—See above.*

After reviewing the facts, the Court:-

*Held, I. As to the question of jurisdiction:*

(1) The husband is domiciled in England and I have, therefore, to consider whether the wife (petitioner) has brought her case within the provisions of section 18(1)(b) of the English Matrimonial Causes Act 1950, which is the law applicable by this Court under the provisions of section 29(2)(b) of the Courts of Justice Law, 1960.

1968  
Mar. 26  
June 17  
—  
MARO KEITH  
ANDREW THEN  
MARO  
GEORGHIOU  
DEMETRIOU  
v.  
KEITH ANDREW

(2)(a) On the evidence, I am satisfied that the wife had been ordinarily resident in Cyprus for a period exceeding three years prior to the commencement of these proceedings and that she is a permanent resident of Cyprus.

(b) Therefore, this Court has jurisdiction to entertain the petition.

*Held II. As to the merits:*

On the evidence before me, I am satisfied that the husband deserted the wife without cause in September 1964 which is more than three years immediately preceding the presentation of this petition.

*Decree nisi granted.*

### **Matrimonial Petition.**

Petition for dissolution of marriage because of the husband's desertion.

*C. Varda (Mrs.), for the petitioner.*

*Respondent absent. Not represented.*

The following judgment was delivered by:-

JOSEPHIDES, J.: This is a wife's petition for divorce on the ground of desertion. The wife is a Greek Cypriot, and a member of the Greek Orthodox Church, and a citizen of the Republic of Cyprus. She was born in February 1940 in Larnaca and she has lived all her life in Cyprus except for a period of less than 3 years between December 1961 and October 1964 when she lived in England having been married to the respondent there. The respondent husband is a British National, a member of the Church of England and he is domiciled in England.

The petitioner's evidence in this case is corroborated by the affidavit evidence of her father-in-law. On this evidence I find that the wife went to England in December 1961, where she worked in a dress-factory and she eventually was married to the respondent on the 29th June, 1963, in the Register Office in the District of Essex South-Western, in the County of Essex, England. There was no religious ceremony. On the 18th August, 1964, the wife gave birth to a child, named Roger Peter, in Alexandra Park Road, Muswell Hill in Wood

Green, Hornsey, in the County of Middlesex, England. This child had a congenital deformity and it was admitted in Great Ormond Street Hospital in London for treatment, which was unsuccessful, and it eventually died on the 26th July, 1966. The cause of death is certified to be "broncho-pneumonia—congenital hydrocephalus".

1968  
Mar. 26  
June 17  
—  
MARO KEITH  
ANDREW THEN  
MARO  
GEORGHIOU  
DEMETRIOU  
v.  
KEITH ANDREW

This was an unfortunate marriage as the parties did not live in harmony for more than ten months in all. In May 1964 the husband deserted the wife, and his father had to intervene and bring him back to her, in the father's home in Cheltenham, after he had been away for some time. Then the parties lived for about four weeks in the father's home and in the beginning of August 1964 the wife had to go back to the matrimonial home in Hornsey, County of Middlesex, so that she might be attended to by her doctor as she was in the family way. She was admitted in hospital where she gave birth on the 18th August, 1964. She stayed there for 15 days. She informed the husband of the birth of the child and he visited her in hospital once. At the end of her confinement she went back to the matrimonial home in Hornsey, the husband having in the meantime asked her to stay there until he was able to find accommodation in Cheltenham where he worked. The wife stayed alone in Hornsey until October 1964 when she had a nervous breakdown. The husband never went back to the matrimonial home nor did he at any time contribute anything towards the maintenance of the wife or child. The wife tried to contact him through his father but she was unsuccessful. As she was ill and unable to work she was compelled to come back to Cyprus to live with her parents who could look after her and make arrangements for medical treatment. She left England and returned to Cyprus on the 26th October, 1964, where she has lived ever since. Although she repeatedly wrote to the husband she never received any letter from him nor did he contribute anything towards her maintenance. She tried unsuccessfully, while in Cyprus, to contact her husband through his father in England.

The father's evidence on this point and on the question of the husband's desertion is very clear and convincing. His evidence is to the effect that his son deserted the petitioner in September 1964, and although he, the father, repeatedly tried to persuade the son to go back to his wife he persistently refused to do so, and that he is now living with another

1968  
Mar. 26  
June 17

MARO KEITH  
ANDREW THEN  
MARO  
GEORGHIOU  
DEMETRIOU

v.  
KEITH ANDREW

woman with whom he used to live before his marriage to the petitioner. The husband's father corroborates also the wife in respect of that part of her evidence in which she stated that she sent several letters to the respondent through his father, which letters the latter delivered to the respondent until August 1965.

These are the facts as I find them on the evidence adduced before the Court.

I now have to determine two questions:

(a) whether this Court has jurisdiction to entertain the present proceedings; and

(b) whether the petitioner has proved her case based on desertion.

With regard to the first point (jurisdiction), the husband is domiciled in England and I have to consider whether the wife (petitioner) has brought her case within the provisions of section 18(1) (b) of the English Matrimonial Causes Act, 1950, which is the law applicable by this Court under the provisions of section 29(2) (b) of the Courts of Justice Law, 1960. On the evidence before me, I am satisfied that the wife had been ordinarily resident in Cyprus for a period exceeding three years prior to the commencement of these proceedings and that she is a permanent resident of Cyprus. In fact, she has lived all her life in Cyprus except for a period of 2 years and 10 months (until October 1964) when she lived in England.

With regard to the second question, on the evidence before me I am satisfied that the husband deserted the wife without cause in September 1964 which is more than three years immediately preceding the presentation of this petition.

For these reasons I hold that this Court has jurisdiction and that the petitioner has proved her case, and I, therefore, grant a decree *nisi* to the petitioner.

*Decree nisi granted.*