

1970  
Nov. 30

[JOSEPHIDES, J.]

THEODOROS TH.  
COUTSOFTIDES  
v.  
MARY  
COUTSOFTIDES  
*then*  
MARY  
MINZLY

THEODOROS TH. COUTSOFTIDES,  
*Petitioner,*  
v.  
MARY COUTSOFTIDES *then* MARY MINZLY,  
*Respondent.*

(*Matrimonial Petition No. 2/70*).

*Matrimonial Causes—Jurisdiction—Husband's petition for divorce—Civil marriage on October 11, 1965, at the District Office Nicosia under the provisions of the Marriage Law, Cap. 279—No religious ceremony—Husband, domiciled in Cyprus, a citizen of the Republic of Cyprus and a member of the Greek Orthodox Church—Wife, a British national of the Jewish faith—Consequently, this Court has jurisdiction to entertain the suit, both *ratione loci* and *ratione materiae*—Article 111.1 of the Constitution being obviously inapplicable to the present case.*

*Divorce—Desertion—Wife deserting husband without reasonable cause some time in August 1966—Petition filed early in 1970—Therefore the husband entitled to a decree nisi.*

The facts sufficiently appear in the judgment of the Court granting to the petitioner husband a *decree nisi*.

### **Matrimonial Petition.**

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

*T. Eliades*, for the petitioner.

Respondent absent. Not represented.

The following judgment was delivered by :

JOSEPHIDES, J. : This is a husband's petition for divorce on the ground of desertion. The respondent wife, although duly served, did not put in an appearance nor was she represented at the hearing of the case.

The parties were married at the District Office in Nicosia under the provisions of the Marriage Law, Cap. 279, on the 11th October, 1965. The petitioner was born in Cairo, Egypt, on the 12th January, 1944, of Cypriot

parents, and when he was still two years old his father came to live in Cyprus with the family, where the petitioner was brought up and attended the elementary school in Nicosia and the English School until 1962 when he was awarded a scholarship to study medicine in the Hebrew University of Jerusalem. He studied there from October 1962 to October 1969, and he has recently obtained his Diploma in Medicine and will very soon be a licensed doctor. He is a member of the Greek Orthodox Church of Cyprus and a citizen of the Republic of Cyprus.

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The respondent wife, who is about his age, is a British national of the Jewish faith and she was born and lived in Egypt until 1963 when she went to live in Israel. While she was studying in the Hebrew University in Jerusalem she met the husband and they became friends. They went out together and eventually they were married, as already stated, in October 1965. There was no religious ceremony as this had been agreed upon by the parties prior to the marriage. Although the parties respected each other's religion it appears that the wife's parents opposed the marriage, mainly on religious grounds. There is no issue of the marriage.

Before I proceed further with the facts of this case, I think that I can, at this stage, decide the question of the jurisdiction of this Court to hear and determine the present matrimonial cause. On the evidence I am satisfied that the husband is domiciled in Cyprus and that, consequently, this Court has jurisdiction to hear and determine the present case. Needless to say that the provisions of Article 111, paragraph 1, of the Constitution are inapplicable in the present case.

Reverting to the facts of this case, it would seem that this was never a happy marriage. After a honeymoon of fifteen days in Cyprus the parties went back to Jerusalem where they lived from about the end of October 1965 until the 1st of August, 1966, when the wife left the matrimonial home never to return. On the husband's evidence which I accept, it would appear that trouble started some time in March 1966. The wife began behaving in a very strange way. She picked up arguments with him and she refused sexual relations. The husband tried to bring her back to him. For a while they patched it up but then the same behaviour and arguments were repeated on the wife's part. She said that her parents were sick because of her and that they would not forgive her

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for what she had done, presumably for marrying a person who did not belong to the Jewish faith. The husband tried again and again to bring her back to him but this was of no avail and she eventually left the matrimonial home on the 1st August, 1966. Even after that date the husband continued trying to persuade the wife to come back but he did not succeed and she left for France in August 1967.

According to the evidence of the husband's friend, Mr. Michaelides, who has also been studying medicine in Israel, and whose evidence I accept, the wife said to him that she did not intend returning from France. This witness corroborates to a great extent, the husband's evidence with regard to the wife's behaviour over the last three or four months before she left the matrimonial home, and the husband's efforts to bring the wife back even after she had left him.

On this evidence I am satisfied that the wife deserted the husband some time in August, 1966 without any cause and that, consequently, the husband (petitioner) is entitled to a decree. *Decree nisi* granted.

No costs being claimed, there will be no order as to costs.

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