

1980 July 23

[A. LOIZOU, J.]

EVE MICHAEL PLATRITIS,

Petitioner,

v.

MICHAEL PLATRITIS,

Respondent.

(*Matrimonial Petition No. 3/80*).

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

The parties to these proceedings, who were both nationals of the Republic of Cyprus, Greek Cypriots, members of the Greek Orthodox Church and of the Greek Community of Cyprus and resident and domiciled in Cyprus, went through a ceremony of marriage on July 12, 1975, at the Register Office in the London Borough of Haringey. It was common ground that their marriage was not celebrated in accordance with the rites of the Greek Orthodox Church. 10 15

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

Held, that although the marriage was held in accordance with the formalities of the lex loci celebrationis it cannot be recognized as a valid one as it is a marriage contracted in disregard of Article 111 of the Constitution for Cypriots to whom same applies; and that, consequently, the marriage under consideration is declared null and void ab initio. 20 25

Marriage declared null and void ab initio.

Cases referred to:

Metaxas v. Mitas (1977) 1 C.L.R. 1;

Neophytou v. Neophytou (1979) 1 C.L.R. 685 at p. 687.

Matrimonial Petition.

5 Petition by the wife for a declaration that the ceremony of marriage performed between the parties on the 12th July, 1975, in the Register Office in the London Borough of Haringey is null and void.

G. Arestis for the petitioner.

10 *G. Platritis, for the respondent.*

A. LOIZOU J. gave the following judgment. The petitioner wife hereby prays for a declaration that the ceremony of marriage performed between the parties on the 12th July, 1975, in the Register Office in the London Borough of Haringey is null and void and of no effect, as being contrary to the Law and the Constitution.

The parties in these proceedings are both nationals of the Republic of Cyprus, Greek Cypriots and members of the Greek Orthodox Church and of the Greek Community of Cyprus, resident and domiciled here.

On the 12th July, 1975, they went through a ceremony of Civil marriage at the aforesaid Register office, lived for a while at 79, Woodhouse, North London, North 12 and then they returned to Cyprus. There are no issues of the said marriage. Their marriage has not been celebrated in accordance with the rites of the Greek Orthodox Church, to which they both belong.

On the application of the petitioner and with the consent of the respondent a direction was made that the legal validity of this marriage as being contrary to the provisions of the Law and the Constitution, be determined as a preliminary to the other issues raised in the petition.

As this legal issue is similar to the one raised in the case of *Metaxas v. Mitas* (1977) 1 C.L.R. p. 1, followed by this Court in the case of *Neophytou v. Neophytou* (1979) 1 C.L.R. p. 685, 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, I feel that I cannot do any better but refer to what was said in the *Neophytou case (supra)* at p. 687:

“Under Article 111 of the Constitution and on the authority of the case of *Metaxas v. Mitas* (1977) 1 C.L.R. p. 1, the parties cannot be considered as having been validly married as this is a matter of personal status coming within the exclusive competence of the Church to which the parties belong in accordance with Article 111.1 of the Constitution. The marriage ceremony through which they went is void *ab initio*, although it was held in accordance with the formalities of the *lex loci celebrationis* as a marriage contracted in disregard of Article 111 of the Constitution for Cypriots to whom it applies is not recognized as a valid one a declaration should be made to that effect.”

So the ceremony to which the parties went on the 12th July, 1975, although held in accordance with the formalities of the *lex loci celebrationis* cannot be recognized as a valid one as it is a marriage contracted in disregard of Article 111 of the Constitution for Cypriots to whom same applies, and consequently the marriage under consideration is hereby declared as null and void *ab initio*.

In the circumstances, however, I make no order as to costs.

Marriage declared null and void.
No order as to costs.