

Div.C 10/06

2006

M NO. 2

IN THE HIGH COURT OF SIERRA LEONE

BETWEEN: -

JAMES VANDIE MORSERAY -PETITIONER/APPLICANT

AND

MARY DAMOLE MORSERAY -RESPONDENT/RESPONDENT

JUDGMENT**BEFORE THE HON. MRS. JUSTICE C. L. TAYLOR JUDGE**
DATED THIS 3RD DAY OF OCTOBER, 2006

This is an undefended divorce petition between James Vandie Moseray Petitioner and Mary Damole Moseray Respondent.

The Petitioner is a Civil Servant attached to the Ministry of Health. The Petitioner and the respondent were married on the 17th October 1999. The marriage took place at the St. Paul's Congregational Church Kingtom. The marriage certificate is in evidence as Exhibit "A". After the celebration of the marriage the Petitioner and the Respondent cohabited at No. 4, Lumley Road, Freetown and No. 8 Syke Street, Congo Town. They later moved to Bellier Park and then to 14 Dwarzark Farm Freetown. There is no child of the marriage. Before the marriage the Petitioner had three children namely Nettie Moseray, Augusta Moseray and Lucy Moseray. The Respondent also had three children namely Hassan Saffie Deen, Cassandra Kamara and Sheriff Saffie Deen. The Petitioner's children lived with them in the matrimonial home. Hassan Saffie Deen also stayed with them in the matrimonial home.

The Petitioner narrated several acts of cruelty perpetrated against him by the Respondent.

The Petitioner deposed that sometime in 2001 he was admitted at the Kabala Government. During that period the Respondent did not visit him. After the Petitioner was discharged when he returned home the Respondent started to lodge a complaint against Augusta Moseray. The Petitioner did not respond. The Respondent did not allow the Petitioner to sleep as she was shouting throughout the night.

The Petitioner narrated one incident during which he protested about the small quantity of food which the Respondent gave to the children and because of this the Respondent threw water on him. The Respondent collected a knife and threatened to kill him but she was restrained by their neighbours. The Petitioner said that he felt bad about this.

The Petitioner deposed that sometime in August, 2003 the sum of Le. 150,000.00 was missing and he reported the matter to a friend of the Respondent one Mrs. Johnson, who asked her about the missing money. As a result the Respondent abused him in the street. The Petitioner said that he felt ashamed.

On the 7th October, 2003 the Petitioner was trying to lock his briefcase when the Respondent told him not to do so. She took a whisky stool and was about to hit him on his head but Petitioner put his hand across his head and the whisky stool hit his left hand instead. He felt pain on his left hand. The Respondent then took some cockle shells from the table and sent them on him She took out a knife and Wanted to stab him but again she was restrained by their neighbours.

After these incidents the Petitioner left the Matrimonial home on the 9th October, 2003 and went to the Provinces. The Petitioner said that on the 17th November, 2005 he went to the Head Office at the Ministry of Health Youyi Building where he was informed that the Respondent had been there in a violent mood. The Petitioner said that since that time when ever he visited the office he was afraid that the Respondent would attack him.

In the light of the evidence adduced I hold that the Petitioner has proved his case against the Respondent on the balance of probabilities on the ground of cruelty.

I hereby pronounce the decree nisi for the declaration of the marriage had and Solemnised between the Petitioner and the Respondent on the 17th October, 1999.

C. J. Peacock Esq. states:

I am applying for an abridgement of time within which the Applicant/Petitioner may apply that this decree nisi so pronounced be made absolute by reason that the Respondent could not have shown cause why the same should not be made absolute.

COURT: -

I order that the period of time between the decree nisi absolute be abridged to two weeks instead of three months.

SGD: - HON. MRS. JUSTICE C.L. TAYLOR

3RD OCTOBER, 2006.