

DIV. C. 9/12                      2012 C. NO. 2  
IN THE HIGH COURT OF SIERRA LEONE  
(FAMILY AND PROBATE DIVISION)

BETWEEN: -

MICHAEL JOSEPH CHARLEY                      -PETITIONER

AND

FLORA ELIZABETH CHARLEY                      -                      RESPONDENT

R. A. Nylander Esq., for the Petitioner

JUDGMENT DELIVERED THE 8<sup>th</sup> DAY OF June 2012

The Petitioner herein **MICHAEL JOSEPH CHARLEY** filed a petition dated 24<sup>th</sup> January 2012 in which he seeks the dissolution of his marriage to the Respondent, **FLORA ELIZABETH CHARLEY** (nee Sowa). The parties were married on the 4<sup>th</sup> October 1997 at the Joy Assemblies of God Church, Freetown and after the said marriage they lived and cohabited at 3 Adonkia Lane Goderich, Freetown. There is one child of the marriage called **CHRISTIANA CHARLEY** born on 24<sup>TH</sup> November 1998. The Petitioner is a Social Worker and the Respondent a housewife. Both parties are domiciled in Sierra Leone and there has been no previous proceedings relating to the marriage in any court in Sierra Leone or elsewhere.

The Petitioner alleges that the Respondent has treated him with cruelty since the celebration of the said marriage. He gave particulars of the cruel treatment he received from the Respondent as follows

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That the Respondent has on several occasions locked the Petitioner out of the house causing him to sleep in the veranda out in the cold thereby exposing him to great danger. That the Respondent has on several occasions molested the Petitioner in front of their child and that she is a woman of uncontrollable temper who often used abusive language and vitriolic remarks against him. That sometime in September 2007 after a brief argument between them, the Respondent hit the Petitioner and stabbed him with a knife. That after being stabbed the Petitioner escaped from the matrimonial home for fear of his life and was subsequently admitted at the Emergency Hospital, Goderich. That since the said incident the Respondent has not allowed the Petitioner access into the matrimonial home and all his attempts to gain entrance have met with violent response from the Petitioner.

He therefore prayed that his marriage to the Respondent be dissolved.

The Respondent did not enter appearance or file an Answer and the matter was therefore heard as an undefended cause.

At the hearing, the Petitioner testified on his own behalf and reiterated the particulars of cruelty already set out above. He told the court that after he failed to gain access to the matrimonial home he got family members and the parties god parents to intervene in the matter and to appeal to the Respondent to allow him to stay in the matrimonial home, all to no avail. He stated that he however continued to support her financially on a monthly basis and pay her water rates and electricity bills.

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The Petitioner has alleged that the Respondent treated him with cruelty and testified as to the treatment he received at her hands. To be able to establish cruelty, the Petitioner must prove that the Respondent however mindless of the consequences has behaved in a way which the Petitioner could not accept and tolerate and could not reasonably be expected to live with her taking into consideration all the circumstances of the case.

The Petitioner has testified to the treatment he received from the Respondent and told the court of the occasion he had to flee from the matrimonial home after being stabbed by the Respondent. His life was put in danger and that clearly satisfies the criterion for cruelty.

The Petitioner has therefore sufficiently proved the contents of his petition and a decree nisi is pronounced in his favour on the grounds of the Respondent's cruel treatment of him.

SIGNED: - A. SHOWERS

JUSTICE OF COURT OF APPEAL

A-Showers  
8/6/2012