IN THE SUPREME COURT OF FIJI (WESTERN DIVISION)

AT LAUTOKA

In Divorce

No. 20 of 1977

BETWEEN: ZARINA BIBI d/o Yasin Ali Khan

Petitioner

and

VINOD PRASAD s/o Ram Narain

Respondent

Dr. Sahu Khan, Counsel for the Petitioner Mr. G.P. Shankar, Counsel for the Respondent

JUDGMENT

The petitioner sought her decree on the ground of cruelty and her petition was based on that single word "cruelty." No particulars were given. On seeing the petition I ordered that the acts of cruelty relied upon be set out.

The particulars supplied were rather obscure and vague giving no details of dates, occasions or the place where alleged acts of cruelty took place, nor did they reveal the part of the body, face or limb which was allegedly injured nor the extent of the injury. The most precise of the allegations was that the respondent burnt her arm but it did not give the date or place of the injury nor with what the burn was inflicted nor the part of the arm nor which arm was burnt nor the extent of the injury. It was not even alleged that the burning was deliberate as opposed to accidental.

A cross petition denied the allegations and sucd for divorce on the ground of desertion by the petitioner since 28/3/76.

I was by no means surprised when the petition was withdrawn. The cross petition was not defended.

The parties were very young when married and they are still young. They are of different religions. The petitioner is a Hindu and the respondent is a Mohammedan.

Among narrow minded people such a union can be a disaster in the eyes of the relatives and parents. In the instant case it seems that the petitioner's purents were particularly aggrieved and hostile at the idea of losing their Mohammedan daughter to a Hindu home. I have no doubt that they were the chief factor in causing the petitioner to leave the respondent. She did so and has evinced no desire to return; on the contrary she has by letter made it plain that she does not wish to return to her Hindu husband and that religion is apparently the stumbling block. I believe the respondent when he says the petitioner after leaving him in March, 1976 'phoned him and said she wanted a divorce. Her vague and dubious petition is almost a corroboration of his evidence.

There is no issue of the marriage.

There will be a decree misi in favour of the respondent on his cross petition. The petition of the wife is dismissed.

IAUTOKA,
19th October, 1978.

(Sgd.) J.T. Williams

<u>JUDGE</u>.