

IN THE MAGISTRATE'S COURT
OF THE REPUBLIC OF VANUATU

Discontinued
H. S. S.
Civil Case No. 81 of 1997

(Matrimonial Jurisdiction)

In the matter of the Matrimonial
Cause Act [Cap 192].

BETWEEN: FRAZER SINE

Petitioner

AND: HARRISON SOGARI

Respondent

In the Magistrate's Court sitting at Port Vila on 26th August 1997, the Petitioner prays that the court will decree that the marriage celebrated between the Petitioner and the Respondent on 24th February 1985 be dissolved, on the grounds of adultery.

The Petitioner submits that on 24 February 1985 he lawfully married the Respondent at the Anglican Church at Arevo Village North Pentecost. The Petitioner thereafter went to university for further education. The Respondent then living on Pentecost began having sexual relations with other men on Pentecost. Custom settlement were made to resolve the disputes. On his return they moved from Pentecost to Port Vila.

While in Port Vila the Respondent continued to have sexual affairs with other men. The men who she committed adultery with are stated in the petition. The Respondent is currently living with one Thomas Andrew of Tanna Island. On the grounds of adultery the Petitioner prays that the marriage celebrated between himself and the Respondent be dissolved. That the Petitioner is awarded the custody of the children of the said marriage.

In her reply the Respondent submitted that she does not dispute the petition for divorce. She admitted having or committed adultery with various men and stated she did so because the Petitioner had ill-treated her. The Petitioner took to assaulting her frequently. She started a

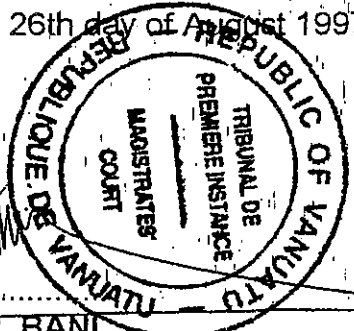
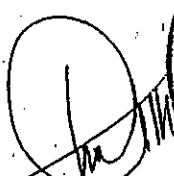
market business at Centre Point in Port Vila but the Petitioner stopped her from carrying on the business. She now has a debt at the bank for the loan she made to start the business. That during their separation the Petitioner had refused her access to their children and he would not accept any gifts she gave him for the children. She would like to have access to their children.

Having heard both the Petitioner and the Respondent the court makes the following orders.

Court Orders

- (1). That the Marriage celebrated on 24th February 1985 between the Petitioner and the Respondent at Arevo Village North Pentecost be dissolved.
- (2). That the Petitioner be awarded custody of the children of the said marriage namely :
 - (a). Cinderella Sine
 - (b). Stewart Sine
 - (c). Linakor Sine
 - (d). Janita Sine
 - (e). Neil Sine
- (3). That this order shall remain a decree nisi for 3 months after which a decree absolute may be issued.
- (4). The Respondent to pay the costs of this proceedings. *

Dated this 26th day of August 1997.



STEVE R. BANI
Magistrate