

ROYAL COURT
(Matrimonial Causes Division)

227.

22nd November, 1995.

Before: The Deputy Bailiff, and
Jurats Blampied and Ruffitt.

Between:

LH

Petitioner

And:

MH

Respondent

Application by the Petitioner for leave to petition for divorce before
3 years have passed from the date of the marriage.

Advocate P.C. Harris for the Petitioner.
Advocate C. Lakeman for the Respondent.

JUDGMENT

THE DEPUTY BAILIFF: This is a sad case. LH, the
Petitioner, married MH at the Office of the
Superintendent Registrar in 1994, while he was indicted
on a rape charge. There are two children of the relationship,
5 A born in 1992, and B
born in 1993. These children were legitimated by
the subsequent marriage. She now wishes leave to petition for
divorce before three years have passed from the date of the
marriage.

10 In 1994, the Respondent was convicted by a Jury
of rape and sentenced to 8 years' imprisonment. The conviction
was upheld on appeal and the sentence was reduced to 6 years'
imprisonment.

15 Apparently the Respondent discussed these matters with the
Petitioner while he was facing the rape charge. He protested his
innocence, claiming that the incident involved consensual
intercourse. We do not think that the other matters in the

summons move the matter forward but there is sufficient in the facts outlined at trial, in our view, to show exceptional depravity on the part of the Respondent.

5 We have, of course, also studied the doctor's report and we feel, in any event, that the interests of the children, now aged 2 and 3 $\frac{1}{2}$, will not be affected adversely if we allow this petition to be served within the prohibited three year period.

10 Advocate Lakeman for the Respondent does not oppose this application, he merely reserves his client's position and therefore the application for leave is accordingly granted.

Authorities

Pinto (née Kemp) -v- Pinto (1989) JLR N.8.

Butterworth's Words and Phrases Legally Defined (3rd Ed'n): Vol.2:
p.192: hardship.

