

IN THE SENIOR MAGISTRATE'S COURT
OF THE REPUBLIC OF VANUATU

Civil Case No. 247 of 1996

(Civil jurisdiction)

BETWEEN: PASCALINE KAENTOS

Petitioner

AND: LEONG WEIR

Respondent

In the Magistrate Court sitting on 9 December, 1996, the Petitioner, Pascaline Kaentos prays that the Court will be pleased to decree : -

- (a) That the marriage between the Petitioner and the Respondent be dismissed.
- (b) That the Respondent refund the Petitioner all costs related to this petition, and,
- (c) That the Petitioner may have such further and other relief as may be just.

Prior to proceeding the Court made enquiries under the provisions of section 9 (1) CAP 192, whether reconciliation by both parties can be arranged. Both parties, however, indicated that they no longer wish to reconcile, the fact that they now have de facto relationships with other partners.

The Petitioner, petitions this court on the grounds of adultery.

During the cause of proceeding, the Court heard that the Petitioner did lawfully marry the Respondent on 23 October, 1988 at the Catholic Cathedrale in Port Vila. That since then, both parties lived and cohabited at the Simbolo Area, Port Vila, without children of the said marriage until 1994, when the Respondent left to stay with another woman. During her evidence in Court, the Petitioner said that after three (3) or four (4) years of their said marriage, the Respondent committed adultery, first with a woman from Erakor Village, secondly, with Meriam, a woman from Tanna, and thirdly, with Esther

of Ambrym, with whom he now lives in de factor relationship since June, 1994.

She said that during the Respondent's encounter with other woman, three (3) meetings were held to settle the matter. In the first meeting, both parties consented leaving each other for good but the Respondent pleaded with the Petitioner to return, which she did. The Respondent again committed adultery and in retaliation, the Petitioner also committed adultery. A second meeting was then called where the boy whom the Petitioner committed adultery with, fined with a pig to the Respondent for committing adultery with his wife. Nothing has changed since then. The Respondent continues committing adultery with one, Esther, of Ambrym. During the third meeting, it was heard, both Petitioner and Respondent consented to separation for good, and thus, this proceeding.

I make the following order.

Court Order :

1. That the marriage between the Petitioner and Respondent on October, 1988, be dissolved.
2. That the above order (No.1) shall remain in force for the next three (3) months, (decree nisi), hitherto, read as 23 October, 1997, where it will become decree absolute.
3. That the Respondent pay the sum of this proceeding of vt.5000 filing fee and VT2000 service fee to the Petitioner within one (1) week.

Dated at Port Vila this 28 day of July 1997


.....
JERRY BOE
Magistrate

