The Federal Supreme Court
Family Affairs Circuit.
Supreme Court Decision No /166 /2016

Issued by the Supreme Court, Family Law First Circuit headed by:
His Excellency: **Abdelhamid Mohammed Abdelhamid** President
Excellencies: **Dr. Alham Ahmed Osman Wani** Member
& Abdelaziz Alrasheed Mohammed Osman. Member

(Presented: - Record of Appeal No 24 /c/ 2016 River Nile Court of Appeal Aldamr. The record of the suit No / 237 /g/ 2014 Aldamr Court of First Instance, recorded under No 344 / Objection / 2015 - filed at Aldamr Court

Applicant: **Abdallah Awad Hosien**
Opponent: **Samah Mohammed Hassan**
Judgment Memo

This is an application for objection submitted by Advocate Yasin Maroof on behalf the applicant. The application was submitted on 22/2/2016. The application was against the River Nile Appeal Court decision issued on 4/2/2016 to dismiss the appeal for reasons associated with the form. The applicant had taken notice of the decision on 21/2/2016; thus the application is submitted within the time limits submission, and it should formally be acceptable as per the provision of section 190 of the Civil Procedure Act.

Subjectively, the opponent filed a suit before Aldamr General Court for Family Affairs claiming living expenses and entertainment compensation. Upon the court hearing of the case, the court passed its decision ordering the applicant to pay the opponent a daily expense of 15 SDG to continue for six month, and authorized the opponent to indebt the applicant of that cost.

The applicant did not contend to the decision, but made an appeal to the River Nile State Appeal Court. The court of appeal passed its decision which is the subject of this objection.

Upon perusing the court's papers, my opinion is that there is no hope in the success of this objection, and it should be dismissed without summoning the other party. This opinion is mainly because the applicant is depending on the allegation that the court of appeal has formally dismissed the appeal, without giving any reason or reasons. He further claimed that the court of appeal did not apply its natural powers to extend the time for appeal submission as per the provision of section 70 of the Civil Procedure Code. Referring to the case papers and record, I note that the decision which is the subject of this objection is established on good grounds and reasons.

The appeal was submitted after the expiration of the period specified for appeal. The judgment of the Court of First Instance was issued in the presence of the parties to the case. The excuse expressed by the appellant's advocate to prolong the time limit was not sound. The law in such cases looks to the date of summon and knowledge of the summons, and not the receipt of the copy of the judgment.

Abdelhamid Mohammed Abdelhamid
Supreme Court Judge
9/3/2016

Dr. Elham Ahmed Osman Wani
Supreme Court Judge
10/3/2016

Abdelaziz Alrasheed Mohammed Osman
Supreme Court Judge
13/3/2016

Final Order

Abdelhamid Mohammed Abdelhamid
Supreme Court Judge
Circuit President
16/3/2016