

National Supreme court
Circle of Personal Status

No. M A /D A SH/ 283/ Appeal/ 2008 Date: 20/10/2008

The Subject/lawsuit/ Yasser Al-Khair Mohammad

vs

Rabab Abdallah Ali Al-Nour

Mr. Chief Court Observer Omdurman Appeal

I return the papers of case number: 244/S/2008 to your court, after filing the decision of appeal number: 397/2008; its copy attached for your signature and action here-with.

Thanks

Gasim Seed Ahmed Alsaeed

Chief Inspection of the National Supreme Court

Copy to:

Mr. President of Karary court D A SH

Attachments:

Lawsuit papers No. 96/G/2008 your court

A copy of the appeal decision to signature

Appellant: Yasir Alkhair Muhammad, living in Alsalam, house No. near the Mosque

By the Chief of Office of the Supreme Court A SH

Respondent: Rabab Abd Allah Ali Alnoor

By Barrister Haram Osman Ahmed, Khartoum

By the Chief of Office of the Supreme Court A SH

She asked for a divorce because he verbally accused her of not being a virgin when he married her. The court quashed the claim because she could not prove it.

Issued by the Supreme Court Personal Status Circuit on 28/9/2008, under the auspices of Mr. Muhammad Ibrahim Muhammad, with members: Mr. Muhammad Abu Zaid Osman, and Mr. AL Bushra Osman Salih, the Supreme Court Judges.

The papers of case number 244/S/2008 filed to Appeal Court of Omdurman, were submitted; the papers of case number 96/G/ 2008 Karki Court D A CH, registered under number 283/Appeal/ 2008.

Supreme Court
Examination decision

Appellant: Yasir Alkhair Muhammad,
Respondent: Rabab Abd Allah Ali Alnoor

Court of Northern Omdurman Personal Status Division delivered judgment on case number 96/G/2008 concerning divorce the court decided to dismiss the case. The decision No. 276/2008 of the Omdurman Court cancels the judgment of the Trial Court and return the papers, and charges there respondent to prove the damage suffered. She said the appellant accused of her honor, and that is not appropriate for someone like her; thus she cannot continue with him. On 1/7/2007, the appellant deposited an appeal against the decision of the Court of Appeal. He was informed of the decision on 1/7/2008.

The facts of the case are summarized below.

- 1/ The contested woman is the legitimate wife of the appellant, and still under his obedience.
- 2/ He caused her psychological and moral harm, not worthy of a person like her, and thus she cannot continue with him, because he accused her in her honor that he found her not a virgin in March 2007.
- 3/ There was no reconciliation between them before the complaint was filed and her demand for divorce as a result of the damage.

The lawyer of the appellant approved the marriage, denied the claims of abuses, and argued that the respondent had continued residing with his client from 2/2/2007 to April 2007. Then he traveled to Saudi Arabia and stayed there for four months. He returned to Sudan in August 2007 and stayed in Sudan till October. Then he left with him to Singa, specifically the Ramash region. During that period, from 2/2/2007 to October 2007, he was with him in one apartment in the Arkawuit area, and had sex with her.

The court charged the appellant with the conciliation, as stated in his case from March to May 2007, and the court heard testimony from witnesses:

The first witness testified that the appellant came from Saudi Arabia in March 2007 and stayed at his wife's house for a week. Then they traveled to the Ramash area and spent ten days. They returned to Khartoum and rented an apartment in Arkawuit, where they stayed for 10 days. In April 2007 he traveled. The complainant complained to him that he was suspecting her wife; then he returned to Sudan in October 2007 and stayed with the plaintiff for one day and then left for Saudi Arabia. And since 28/2/2008 he did not return to his wife. The witness added that the appellant told him that there were problems between him and his wife.

The second witness testified that the appellant came from Saudi Arabia in October 2007 and lived in his wife's house. He did not specify the period. Then they traveled to the Ramash area and stayed there for a while. They later returned to Khartoum and rented an apartment. He did not specify the period. Then he left for Saudi Arabia in October. The witness also testified that his wife's residency from March to October 2007 was normal as a husband with his wife, but when he returned in February 2008, he did not live with his wife until he left Sudan.

The third witness witnessed just as the first and second, and added that the contested wife told him that the appellant doubted her, and he heard from another person, the brother of the appellant, that the appellant contacted the respondent and found her in a social club and told her to return home. And this is the basis of the problem. The witness added that the Appellant, from his return from Saudi Arabia in March to April, was living with his wife normally as wife and husband without problems.

The appeal has been filed within the time prescribed by law, so it is admissible in the form. We gave the opportunity to the respondent to respond; she said that the Court of Appeal was affected in its

decision and on the subject. In the face of these pieces of evidence, reconciliation occurred between the appellant and the respondent. The appellant telephoned the respondent and asked her to return home when she was found in a social club, which the responded interpreted as an accusation on her honor. It is known that the reconciliation forgives what preceded it, and it is likely that the respondent thinks that the appellant ordered her to return home because he doubted her, when he found her in a social club. It also seems that none of the witnesses knew the details of the problem of the appellant. So the Trial Court was right in its decision to dismiss the lawsuit, and therefore I move to cancel the Court of Appeal decision and to support the judgment of the Trial Court.

Signature of:

Muhammad Abu Zaid Osman,

Seal of

The president of supreme court

23/9/2008

Signature of:

AL Bushra Osman Salih

Seal of:

the president of supreme court

25/9/2008

Signature of:

Muhammad Ibrahim Muhammad

Seal of:

The president of supreme court

28/9/2008

Final order:

* Abolition the decision of the contested Court of Appeal and restore the judgment of the trial court to reject the case and support it.

Signature of:

Muhammad Ibrahim Muhammad

Seal of:

The president of supreme court

Circle Chief

28/9/2008