

**In the name of Allah, The Beneficent, The Merciful**

**The National Supreme Court**

**Department of Personal Status law**  
**Cassation Decision/477/2015**

Issued by the bench of the Supreme Court of the Personal Status Department, on 16/8/2015 under the Chairmanship of Mr. Al-Ubaid Zain Al Abdean Babiker and the membership of the Honorable judges of the National Supreme Court Ms. Fadia Ahmed Abdulgadir and Mr. Mustafa Al Hadi Salih.

The appeal documents number 42/S/2015 were filed with the Appeal Court of the state of Northern Darfur – AlFashir D.A. Sh with claim number 719/Ghaf/2015 Al Fashir's Court.

**Appellant: Ahmed Ali Abdullah**

**Respondent: Sumayah Abdul Kareem Adam**

**Judgment**

The claim number 719/Ghaf Sh/2015 was submitted by the appellant to the Department of Personal Status Law with Al Fashir's Court, requesting obedience and mentioned in his defense that the respondent – his wife – is still under his custody and has paid forward her full dowry and has built her a fully furnished house in a peaceful neighborhood of Um Haraz north of Kutom among peaceful neighbors (he mentioned them by name), the mentioned house is made up of a hut and a shed (Verandah) with a wooden fence, a shower area and kitchen but it does not have a rest room just like many other houses in this area, and that the wife has walked out of her legal marriage's house without any justifiable reason and he had asked for her obedience, the respondent replied with agreeing to the marriage and the dowry received and made a counter claim that she did not feel safe and that the appellant had physically beaten her in several occasions and also claimed that the house was not fit for living because it lacked proper furniture, the respondent after being faced with the appellant's claim and after the former denied the physical abuse, was asked to prove her claim that the house was not fit for living and to prove that it was not safe but failed to do so, but asked that the appellant be sworn and under oath he confessed that had slapped her face and consequently the Court rejected his claim, following that the appellant filed an appeal with the Appeal Court of Northern Darfur with a memorandum number /A.S.Sh/43/2015 and the court summarily rejected the appeal on the face of its fees.

On 25/9/2015 the appellant filed this cassation against the decision of the Appeal Court and since he was notified of the Court's decision on 24/9/2015, the appeal was filed within the legal timeframe whereas it is acceptable in form.

As to the subject, the appellant bases his claim on the followings:

- (1) The Appeal Court did not consider my claim that a reconciliation has been reached after the beating incident and that our marriage life has happily continued afterwards for a period of nine months.

On the subject, after reviewing the relevant documents, I fail to see how this claim could go any further since the decision of the appeal court came in accordance with the laws and what the appellant has brought to the attention of the appeal court that a reconciliation has been reached between the two parties was never mentioned to the court of the first instance and therefore cannot be brought to the attention of the Supreme Court in addition to the fact that the appellant in his reply to the court of the first instance completely denied the physical abuse and beating incident and did not acknowledge the fact only when he was under oath, as a consequence, whereas the decision of the Appeal Court was valid, my view is to agree with my fellow judges and to summarily reject the claim on the face of its fees.

*(Signature)*

**Al-Ubaid Zain Al Abedein Babiker**  
**Judge of the National Supreme Court**  
**3/8/2015**

*(Signature)*

**Mustafa Al Hadi Salih**  
**Judge of the National Supreme**  
**Court**  
**9/8/2015**

*(Signature)*

**Fadia Ahmed Abdulgadir**  
**Judge of the National Supreme**  
**Court**  
**12/8/2015**

**Final Order:**

**"The appeal is dismissed summarily with Fees"**

*(Signature)*

**Al-Ubaid Zain Al Abedein Babiker**  
**Judge of the National Supreme Court**  
**Head of the Bench**  
**16/8/2015**