

## P. v. P.

HIGH COURT CIVIL CAUSE No. 16 OF 1939.

*Shortening of time for decree absolute—public policy.*

The facts and law in this application appear from the judgment hereunder.

The period between the pronouncing of a decree *nisi* and its being made absolute is now three months unless the Court shall fix a shorter time.

Robinson, J. This is an application for shortening the time between decree *nisi* and decree absolute. The woman named in the petition is about to be delivered of a child, the father being the respondent. It is desired that the decree absolute should be forwarded in order that the woman named and the respondent may be free to marry and the child may be born legitimate instead of a bastard. In my opinion that is in the interests of public policy and that same view is held by the Courts in England with the result that these applications are usually granted—see *Rayden and Mortimer*, 3rd Ed., p. 428<sup>1</sup> and *Halsbury* (Hailsham), Vol. 10, p. 828. The only case which at first sight presents any difficulty is that of *P. v. P.* (1927), 44, T.L.R. 114, where a petitioning wife's application to expedite the hearing so that the decree might be made absolute and the husband enabled to marry the woman named in the petition before the birth of a child expected to be born to the woman as a result of her relations with the husband was refused as being against public policy. But in that case the application was to expedite the hearing and it may well have been argued (unfortunately the report is not available) that if it was granted the Court at the hearing might be biased on the big point which the petitioner had to prove, namely the adultery of the husband respondent.

I grant this application, the King's Proctor consenting, and order that the period between decree *nisi* and decree absolute be shortened to two months and twenty-five days as prayed. Costs in the cause.

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<sup>1</sup> See now *Rayden on Divorce*, 6th Edition, pp.611 *et seq.*—Editor.