

S. v. S. AND C.

HIGH COURT CIVIL CAUSE NO. 39 OF 1941.

Divorce—shortening time for making decree absolute—wartime conditions—public policy.

A decree *nisi* was pronounced on 9th February, 1942. In normal times the decree could not have been made absolute until 9th August, 1942. The co-respondent was in the army and was likely to be sent out of the Territory to an unknown destination before 9th August, 1942. The High Court shortened the time for making the decree absolute for the reasons set out in the order reported below.

The period between the pronouncement of a decree *nisi* and its being made absolute is now three months unless the Court shall fix a shorter time, see *P. v. P.*, p. 221 *ante*.

Law, C.J.: This is an application to expedite the making of a decree absolute. The decree *nisi* was granted by this Court on the 9th February, 1942. In ordinary circumstances it could not be made absolute before the 9th August, 1942, a matter of another month and ten days.

Every application of this nature must be considered in the light of its own particular circumstances. For this purpose I do not view the circumstances in the case of *P. v. P.* (1927) 44 T.L.R., p. 114, as strictly relevant to or of assistance in the present application. What I feel is of paramount importance is the question of public policy. In my view this principle cannot be offended against by granting this application. The object of fixing the usual period of six months from the date of granting the decree *nisi* is, as pointed out in the case of *Reeves v. Reeves* (1940) P., p. 28, to enable inquiries to be made into the bona fides of the petitioner's case. This question does not arise in the present case where only the question of public policy need be considered.

The co-respondent is liable to be sent away from this Territory on active service at any moment, maybe to one or more destinations where he cannot marry the respondent and where he may remain for a long and indefinite time. His movements and those of the respondent cannot be controlled by either of them. In peace time I would hesitate to accede to this application. In war time conditions are vastly different. To refuse this application might be to work an injustice on the respondent and the co-respondent after the 9th August next on which date they will probably be separated, perhaps indefinitely. In all the foregoing circumstances I allow this application and would hereby make the decree absolute to-day.