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I.157/71

No. 71100074

A.J. Woman 3/19/1971.

JUNE 28, 1971 RULING

PUBLIC HEARING OF THE TRIBUNAL DE GRANDE INSTANCE DE BAYONNE,
Department of Pyrénées Atlantiques, held on this day, June 28, 1971, in the Palais de
Justice in Bayonne, Place Louis Pasteur, by:

Mister Loumagne, Presiding Judge, Hearing Chairman,

Mister Laloe, Judge,

Mister Lhuillier, Judge,

in the presence of:

Mister Barbaste, Procureur de la République [District Attorney],

assisted by:

Ms. Barbier, Bailiff.

BETWEEN:

Ms. Aïcha El Wafi, employee, a Moroccan national, born on August 15, 1946 in
Azrou Morocco, married to Moussaoui, residing at 1 Avenue de Jouandin, cité Z.U.P.,
Bayonne

Plaintiff,

Represented by Mr. Alquié, solicitor,

Arguing for the first time, Mr. Carré Pierrat, attorney at law in Bayonne,

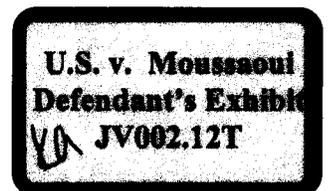
party of the first part,

AND:

Mr. Omar Moussaoui, residing at 1, Avenue de Jouandin, cité Z.U.P., Bayonne

Defaulting defendant,

party of the second part.



At the June 21, 1971 hearing, The Court being made up as follows:
Mister Loumaigne, Presiding Judge, Hearing Chairman
Mister Viot, Judge,
Mister Lhuillier, Judge,
Mister Barbaste, Procureur de la République [District Attorney],
Ms. Barbier, Bailiff.

Heard the report given by Mister Lhuillier, Judge, the arguments and brief of Mr. Alquié, Esq., the plaintiff's solicitor, the arguments of Mr. Carr Pierrat, Esq., the plaintiff's attorney, the oral arguments of the Ministre Publique [District Attorney], and referred the case for ruling in a subsequent hearing.

And in the hearing on this date, June 28, 1971, after arguments were resumed, a reiteration of the pleas by the plaintiff's solicitor and a second reading of the report, the Court after having deliberated thereon, pursuant to the law, ruled in the following terms:

Whereas, by service on May 28, 1971, Ms. Aïcha El Wafi sued Mr. Omar Moussaoui for divorce;

Whereas Mr. Moussaoui, although summoned to appear in person, did not hire a solicitor; as the present ruling is subject to appeal, shall be deemed to have been rendered after full argument by both sides, pursuant to Article 149 of the Civil procedure Code;

Whereas, Ms. El Wafi testified that she married Mr. Moussaoui on November 15, 1960 in the town of Azrou, Morocco, and that this marriage, for which there was no ante nuptial agreement, produced four children:

- Nadia, born on December 25, 1963
- Jamila, born on June 15, 1965
- Abd Samad, born on January 1, 1967
- Zaccarias, born on May 30, 1968.

That she accuses her husband of the following:

- making her life intolerable,
- coming home drunk and provoking violent scenes during which he insults and beats her,
- not giving her any money and letting her live without support.

Whereas, in support of her grievances, Ms. El Wafi submitted a copy of a report drawn up by the Bayonne police after she filed a complaint for light battery against her husband.

Whereas during the investigation, Mr. Moussaoui acknowledged that he beat his wife; that these proceedings resulted in a referral before the Bayonne Police Court.

Whereas the cruelty which Moussaoui inflicted on his wife constitutes a serious violation of the duties of marriage and make the maintenance of the union intolerable.

Whereas in the absence of new elements, the temporary measures ordered by the conciliation Judge must be maintained.

ON THESE GROUNDS:

The Court, ruling in open court after arguments in chambers, in a ruling deemed to have heard both sides of the case, in normal proceedings and in first appeal,

Notes that the Order approving a request for separate residence is dated May 19, 1971;

Adjudges the divorce between Mr. Omar Moussaoui, born in ...Lfout, Morocco in 1938 and Ms. Aïcha El Wafi, born in Azrou, Morocco on August 25, 1946, united in marriage by the Civil Servant of the commune of Azrou, Morocco on November 15, 1960, in favor of the woman.

Orders the posting directed by the law, in particular Article 250 of the Civil Code, as well as the addition of the provisions of the present ruling in the margin of the marriage license and birth certificates of each of the spouses, as set forth in Article 251.

Orders the liquidation and partition of the community property which was owned by the couple;

Enjoins Messrs. Hitoë & Albert, notaries in Bayonne to proceed in this matter.

Designates Mister Lhuillier and, if need be, Mister Fontaine, also a Judge at the seat of the Court, as official receiver of the partition.

Rules that in the event that these magistrates or notaries are unable to fulfill their duties, they shall be replaced pursuant to an Order, issued at the request of the more diligent of the contending parties.

Extends the temporary measures issued by the conciliation Judge with respect to the children's custody and the father's visitation rights.

Sentences Moussaoui to costs, with award of costs to Mr. Alquié, Esq., solicitor, subject to his statement that he did not accept an advance.

Orders Dulaurent, court usher, with the notification of the present ruling.

[Signature]