

Re S (Practice: Muslim Women Giving Evidence) (2006)

(2007) 2 FLR 461; [2006] EWHC 3743 (Fam)

24/11/2006

Barristers

Teertha Gupta KC

Court

Family Division

Summary

The petitioner (S) sought the annulment of her marriage to the respondent (R). The marriage had taken place while S was on vacation in Tanzania, where her family threatened her with physical violence and not being allowed to return to the United Kingdom unless she married R.

Held

HELD: (1) At the time of the marriage, S's will had been overborne by the duress applied by her family, and so the marriage was voidable under the Matrimonial Causes Act 1973 s.12(1)(c). (2) Where, as in the instant case, the petitioner was a Muslim woman who wore a full face veil in the presence of men, it would obviate any genuine objections, if screens could be used and the case could be listed before a female judge, so that the veil could be removed. The ability to observe a witness's demeanour and deportment during the giving of oral evidence was essential to assessing accuracy and credibility.

Petition granted

Permission

Lawtel 