

In Re M (Minors) (Abduction: Peremptory Return Order) (1995)

[1996] 1 FLR 478 : [1996] 1 FCR 557 : [1996] Fam Law 203 : Times, November 20, 1995

14/11/1995

Barristers

Dermot Main Thompson

Court

Court of Appeal Civil Division

Practice Areas

International Children Law

Summary

Mother's appeal against peremptory order for the return of her sons to their father in Dubai refused.

Facts

Mother's appeal against a peremptory order for the return of her two sons aged ten and one to their father in Dubai, their habitual country of residence. The mother and the children visited England once a year to visit her parents but on this occasion the appellant had filed for divorce against her husband who was a citizen of Dubai. The father after giving certain undertakings to the court, had obtained the peremptory order.

Held

The principle underlying the grant of peremptory orders was a principle of international comity from which the courts would only depart in the most exceptional circumstances. Appeal dismissed.

Permission

Lawtel 