

INSTRUMENTS OF RENUNCIATION, ETC.

For taking instructions for every instrument of renun-	£	s.	p.
ciation, or other document . . . . .	-	8	0
For drawing and fair copy thereof per folio of 100 words . .	-	2	0

Given under the hand and official seal of the Governor and the hand of the Chief Justice, at Nicosia, this 4th day of January, 1955.

(M.P. 1303/53.)

E. HALLINAN,  
Chief Justice.

**No. 2. THE TURKISH FAMILY COURTS LAW, 1955.**

RULES MADE UNDER SECTION 19.

R. P. ARMITAGE,  
Governor.

In exercise of the powers vested in me by section 19 of the Turkish Family Courts Law, 1954, and with the advice and assistance of the Chief Justice, I, the Governor, do hereby make the following rules :—

1. These rules may be cited as the Turkish Family Courts Rules, 1955. Title.
2. In these rules, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :— Definitions.

“ Action ” means proceedings commenced before a Turkish Family Court by writ of summons.

“ Ancillary relief ” in any matrimonial cause means a claim for the maintenance of the wife, or for the maintenance or custody of infant children or both and shall be deemed to include provision for the access to such children.

“ Claimant ” includes every person asking any relief (other than a defendant asking relief by way of counter-claim) against any other person by any form or proceeding, whether the proceeding is by action, motion, summons, or otherwise.

“ Court ” means a Turkish Family Court having jurisdiction or power under any Law for the time being in force and includes a Judge having such jurisdiction or power.

“ Defendant ” includes any person entitled to appear in any proceedings other than a plaintiff.

“ Judge ” means a Turkish Family Court Judge.

“ Matrimonial cause ” means any proceedings in which the claim is for—

- (i) a declaration that a marriage is invalid or void,
- (ii) a divorce, or a judicial separation,
- (iii) admonition or compensation for neglect of marital duty or conduct injurious to the other spouse.

3. Proceedings for breach of promise or in any matrimonial cause shall be commenced by filing a writ of summons as in Form 1 of the Appendix hereto in the Court within the jurisdiction of which the claimant ordinarily resides. Proceedings how commenced.

4.—(1) In any matrimonial cause the statement of claim endorsed on the writ of summons shall state :— Form of action.

- (a) The names of the parties to the marriage, the occupation of the husband, the place and date of the marriage and the name and status of the wife before the marriage.
- (b) The principal addresses at which the parties to the marriage have cohabited within the jurisdiction or, if it be the case, that there has been no cohabitation within the jurisdiction.
- (c) Whether there are living any children of the marriage and, if so, the names and dates of birth or ages of such children.

- (d) Whether at the date of the institution of the cause one or both of the parties is a Turk resident in Cyprus professing the Moslem faith.
- (e) Whether there have been before the Court any and, if so, what previous proceedings with reference to the marriage or on behalf of either of the parties to the marriage, and the result of such proceeding.
- (f) Except in suits for a declaration of invalid or void marriage, the matrimonial offences charged set out in separate paragraphs.
- (g) Where adultery is alleged, whether the claimant has in any way been accessory to or connived at or condoned the adultery, and where ill-treatment is alleged, whether the claimant has condoned the ill-treatment.
- (h) In suits for the declaration of invalid or void marriage, the grounds upon which such declaration is claimed.
- (i) In suits for divorce and for neglect of marital duty or conduct injurious to the other spouse, a claim (if required) for compensation.
- (j) A statement giving particulars of the relief claimed which may include a claim for ancillary relief.

Originating  
summons  
and  
applications.

5.—(1) Any application in any pending cause or matter which may, according to the practice and procedure of a District Court, be made *ex parte*, may be made *ex parte* in a Turkish Family Court and shall be in Form 2 of the Appendix hereto ; provided that a Judge may, if he considers the application should be on notice, require the claimant to proceed by summons in Form 3 of the Appendix hereto.

(2) Any proceedings not commenced by writ of summons and any application not *ex parte* shall be instituted or made by summons in Form 3 of the Appendix.

4 of 1951.

(3) Proceedings for a declaration of legitimacy or illegitimacy or for a declaration that a marriage contracted under the Sheri Law, before the coming into operation of the Turkish Family (Marriage and Divorce) Law, 1951, is valid shall be made by summons on Form 2 or Form 3 as circumstances require.

Signature  
and date of  
appearance.

6. Every statement of claim upon a writ of summons and every summons and *ex parte* application shall be signed by the party who institutes or makes the same and, in the case of a minor or other person who is not *sui juris*, by his or her guardian, and shall be endorsed in conspicuous characters with a notice to appear before the Court on the day specified therein.

Settlement of  
issues.

7.—(1) Except by leave of the Court, pleadings in any action other than the particulars contained in the writ of summons shall be made orally before the Court at or before the commencement of the trial.

(2) A defendant who has not appeared before the Court on the day appointed by the writ of summons may appear and make his defence at any time prior to judgment upon payment of such costs to the claimant as the Court may direct.

Counter-  
claim.

8.—(1) The defendant at any time before the day specified in the writ of summons for his appearance (or thereafter with the leave of the Court) may deliver to the plaintiff and file in Court a counter-claim but the Court may order any counter-claim to be tried separately which cannot conveniently be tried together with the claim.

(2) On the day upon which the parties appear before the Court pursuant to the writ of summons (or thereafter by leave of the Court) the plaintiff shall make his defence to the counter-claim, and the defendant may then give his reply, if any, or join issue with the claimant.

9. When the issues are settled, the Court shall fix the date of hearing.

Date of  
hearing.  
Amend-  
ments.

10.—(a) The claimant may amend his writ of summons or application before service upon filing an affidavit verifying the new facts alleged.

(b) After service a writ of summons may be amended only with the leave of the Court and on such terms and conditions as the Court may direct.