

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D20565
G/hu

_____AD3d_____

Argued - September 16, 2008

ROBERT A. SPOLZINO, J.P.
ANITA R. FLORIO
HOWARD MILLER
JOHN M. LEVENTHAL, JJ.

2007-07816

DECISION & ORDER

Aisha Ahmed, respondent, v Khurshid Ahmed,
appellant.

(Index No. 19733/03)

Agovino & Asselta, LLP, Mineola, N.Y. (Robert C. Buff of counsel), for appellant.

Michael Drezin, Bronx, N.Y., for respondent.

In an action, inter alia, to annul a marriage and for ancillary relief, the defendant appeals, as limited by his brief, from so much of an order of the Supreme Court, Westchester County (Jamieson, J.), entered August 3, 2007, as, in effect, denied that branch of his motion which was to reject so much of the report of a Judicial Hearing Officer, dated October 27, 2006, as determined that the parties participated in a valid marriage ceremony and, in effect, granted that branch of the plaintiff's cross motion which was to confirm that part of the report.

ORDERED that the order is affirmed insofar as appealed from, with costs.

The defendant contends that the parties' wedding ceremony was a "purely religious marriage" without any intended legal consequences. However, the evidence at the hearing supported the determination of the Judicial Hearing Officer (hereinafter JHO) that on February 5, 1991, the parties participated in a valid marriage ceremony which satisfied the requirements of the Domestic Relations Law (*see Persad v Balram*, 187 Misc 2d 711). Accordingly, the Supreme Court properly denied that branch of the defendant's motion which was to reject so much of the JHO's report as made that determination, and, in effect, properly granted that branch of the plaintiff's cross motion which was to confirm that part of the report.

October 7, 2008

Page 1.

AHMED v AHMED

The defendant's contention that the plaintiff is not entitled to equitable distribution is not properly before this Court (*see Smith v Lynch*, 50 AD3d 881, 883; *Tenore v Tenore*, 45 AD3d 571, 572; *Katz v Katz*, 68 AD2d 536, 542-543).

SPOLZINO, J.P., FLORIO, MILLER and LEVENTHAL, JJ., concur.

ENTER:

A handwritten signature in black ink, reading "James Edward Pelzer". The signature is written in a cursive, flowing style.

James Edward Pelzer
Clerk of the Court