

IN THE FAMILY DIVISION OF THE HIGH COURT AT SUVA

ORIGINAL JURISDICTION

ACTION NUMBER: 18/Suv/0461

BETWEEN: VIJAY
APPLICANT

AND: KANT
RESPONDENT

Appearances: Ms. N. Karan for the Applicant.

Ms. S. Prakash for the Respondent.

Date/Place of Judgment: Friday 24 January 2020 at Suva.

Coram: Hon. Madam Justice Anjala Wati.

Category: All identifying information in this judgment have been anonymised or removed and pseudonyms have been used for all persons referred to. Any similarities to any persons are purely coincidental.

Anonymised Case Citation: Vijay v. Kant – Family High Court Case 0461 Suv of 2018

JUDGMENT

Catchwords:

FAMILY LAW – NULLITY OF MARRIAGE – Application made on the basis that the wife had not disclosed a material information to her that she had eloped with another man some time before the civil union - evidence shows that the applicant husband was aware of the details regarding the wife’s relationship before – the real reason for the breakdown of the marriage was that the two families had a fight regarding the wedding and the wife ended up issuing a domestic violence restraining order against the husband – the real cause of the disharmony was the dispute between the parties – application not properly founded on evidence and dismissed with costs..

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1. The husband brought an application that the civil union between the parties be nullified as he had no idea that the wife had eloped with another man some time before the civil union.
 2. I had informed the husband and his counsel that a person's past relationship is not material disclosure that is required for the subsequent civil union consent to be held valid. He was informed that if the matter progresses to trial unnecessarily then the question of costs will kick in.
 3. He insisted that the matter proceeds to trial. In the cross- examination evidence it became apparent that the husband knew that the wife had eloped with another man. Despite that he agreed for the traditional marriage to take place.
 4. There was dispute between two parties regarding the wedding dates and there was falling out due to that. The wife then filed proceedings for domestic violence restraining order which aggravated the situation. The bitterness between the two families could not be reconciled. It was then that the husband decided to file an application for the marriage to be nullified.
 5. The application lacks merit and I dismiss the same with an order that the husband pays costs of the proceedings in the sum of \$1,500 within 7 days of the date of the oral order dismissing his application, that is. 4 July 2019.

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Hon. Madam Justice Anjala Wati

Judge

24.01.2020

To:

1. *Pacifica Barrister & Solicitor for the Applicant.*
2. *Legal Aid Commission for the Respondent.*
3. *File: Case Number 2018/Suv/0461.*