

IN THE FAMILY DIVISION OF THE HIGH COURT AT SUVA

ORIGINAL JURISDICTION

ACTION NUMBER:	15/SUV/0577
BETWEEN:	RANISH APPLICANT I
AND:	SUSHMA APPLICANT II
APPEARANCES:	<i>Mr. N. Sharma for both the Applicants</i>
DATE/PLACE OF JUDGMENT:	Wednesday 4 October 2023 at Suva.
CORAM:	Hon. Madam Justice Anjala Wati
CATEGORY:	All identifying information in this judgment have been anonymized or removed and pseudonyms have been used for all persons referred to. Any similarity to any persons is purely coincidental.

JUDGMENT

Catchwords:

FAMILY LAW – **APPLICATION FOR AN ORDER FOR NULLITY OF MARRIAGE** – husband raises that the wife was in an exclusive relationship with another man at the time of his marriage which was not disclosed to him by the wife and therefore he provided his consent on the basis that he will marry her and have an exclusive relationship with her – since the material information was concealed, he provided his consent which he would not have, had he known the truth of the matter- evidence revealed consent of the husband obtained by fraud on the part of the wife in not disclosing her relationship status to him- application for nullity granted.

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1. The parties had jointly applied for an order to annul their marriage and I had granted the relief.

2. The basis for granting the order for nullity was that the wife was already in a stable relationship with another man but owing to her parent's unhappiness with that person, they did not permit her to marry him. She therefore could not disclose her relationship to the first applicant.
3. Without knowing about the second applicant's relationship with another man, the first applicant agreed to marry her. Immediately after the civil union, he found them together. The second applicant, like I said, was in a very stable relationship with the other person. There was an existence of a de-facto relationship with him except that she would not live with him at his place.
4. When the second applicant and the other person were seen together, the first applicant testified that he saw the parents of the wife assault her for continuing to see her lover. However, the first applicant did not wish to remain in the marriage which was not exclusive. The second applicant had an exclusive relationship with another man.
5. The first applicant, in my finding, was entitled to be informed of the relationship of the second applicant for him to be able to make an informed decision on whether he would still agree to marry her.
6. The concealment of the information led him to provide his consent which I find was induced. I therefore had found that the consent he provided was "not real" and therefore the marriage was declared void and annulled.

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Hon. Madam Justice Anjala Wati

04.10.2023

To:

1. Nilesch Sharma Lawyers for the Applicants.
2. File: Family Case Number: 15/SUV/0577.