

IN THE FAMILY DIVISION OF THE HIGH COURT**CASE NUMBER:**

11/SUV/0455

BETWEEN:

SUJATA

APPLICANT

AND:

RANDHIR

RESPONDENT

Appearances:

Applicant in person.

No appearance of the respondent.

Date/Place of judgment:

Thursday, 02nd day of February, 2012 at Suva.

Coram:

The Hon. 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 similarities to any persons are purely coincidental.***Anonymised Case Citation:**

Sujata v Randhir - Fiji Family High Court Case Number: 11/SUV/0455.

JUDGMENT OF THE COURT***Catchwords***

MARITAL STATUS PROCEEDINGS -APPLICATION FOR AN ORDER FOR NULLITY - application by wife on the ground that the parties were within a prohibited relationship- ground not established-application dismissed with no order as to costs.

Legislation

Family Law Act No. 18 of 2003.

The Application

1. This is an application by the wife to have her marriage solemnised in Suva in May, 2011 nullified on the grounds that the parties were within a prohibited relationship.

The Response

2. The husband was served with the application but he did not file any response or appear in Court.

The Law

3. Section 32 (1) of the **Family Law Act No. 18 of 2003** states that a party can apply for an order for nullity of the marriage on the grounds that the marriage is void. There are certain grounds under which a marriage can be held to be void. In this case the ground is alleged to be pursuant to section 32 (2) (b) of the Family Law Act No. 18 of 2003.
4. Prohibited marriages are explained in s. 32 (3) of the Family Law Act. It states that "marriages that are within a prohibited relationship are marriages between a person and an ancestor or descendant of the person; or between a brother and a sister (whether of the whole blood or half-blood).

The Evidence

5. The wife testified that after the legal marriage, the husband got involved with another woman and started a relationship with her. The parties have never cohabited and so she wants the marriage nullified.

The Determination

6. The wife's evidence does not at all indicate that the parties were within a prohibited relationship when they got married. The application has no basis.

The Final Orders

7. The application for an order for nullity of marriage is refused.
8. There shall be no order for costs.

ANJALA WATI

Judge

02.02.2012