

**IN THE FAMILY DIVISION OF THE HIGH COURT  
APPELLATE JURISDICTION**

<b>CASE NUMBER:</b>	<b>17/Ltk/0011</b>
<b>BETWEEN:</b>	<b>SHOBNA</b>
<b>AND:</b>	<b>FAISAL</b>
<b>Appearances:</b>	<i>Mr. K. Tunidau for the Applicant.</i>
<b>Date/Place of judgment:</b>	<i>Respondent in Person.</i>
<b>Judgment of:</b>	<i>Friday 20 April 2018 at Suva</i>
<b>Coram:</b>	<i>Hon. Madam Justice Anjala Wati.</i>
<b>Category:</b>	<i>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.</i>
<b>Anonymised Case Citation:</b>	<i>SHOBNA v. FAISAL – Fiji Family High Court Case Number: 17/Ltk/0011.</i>

**JUDGMENT OF THE COURT**

***Catchwords***

***FAMILY LAW – Wife's application that the marriage is void as the husband had concealed to her that he had once been convicted for forgery and had served a term for the same – the non-disclosure does not constitute fraud as it does not affect the root of the marriage – application refused.***

1. Shobna (“**wife**”) was married to Faisal (“**husband**”) in 2016, at Lautoka.
2. The marriage of the parties was arranged. The wife says that when the discussions took place regarding the marriage, she asked the husband about his past but he failed to disclose that he had served a term after being convicted for forgery. If he had disclosed that, she would be happy to continue with the marriage but he was dishonest and therefore she does not wish to continue in the marriage. The husband did not give evidence.
3. The fact that the husband did not disclose about his conviction to the wife does not amount to fraud as the non-disclosure in this case does not affect the root of the marriage. One cannot possibly list what a person should or should not disclose before marriage. Every case has to be determined on its own facts. What I can say at this juncture is that a party surely has to disclose facts, which, if concealed, is going to affect the union of the parties for example if a party is already married or is living in a de-facto relationship or if a party has been charged and awaiting trial for an offence which is punishable by a mandatory term of imprisonment or life imprisonment. The examples I have given are not exhaustive.
4. Even the wife admits that the disclosure would not have affected her decision but that would have only made her happy. The law does not accommodate such concerns. I therefore do not find that the facts of the case constitute fraud to make the marriage void. I refuse to grant and order for nullity and dismiss the same. I order each party to bear their own costs.

**Anjala Wati**

**Judge**

**20.04.2018**

**To:**

1. **Kevueli Tunidau Lawyers.**
2. **Respondent in Person.**
3. **File: 17/Ltk/0011.**