

IN THE FAMILY DIVISION OF THE HIGH COURT AT LAUTOKA

ORIGINAL JURISDICTION

ACTION NUMBER:	18/NAN/0233
BETWEEN:	MAHIE APPLICANT I
AND:	VANJEET APPLICANT II
APPEARANCES:	<i>Applicant I in Person.</i> <i>Ms. Sharma for Applicant II</i>
DATE/PLACE OF JUDGMENT:	<i>Friday 29 September 2023 at Suva.</i>
CORAM:	Hon. Madam Justice Anjala Wati
CATEGORY:	<i>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.</i>

JUDGMENT

Catchwords:

FAMILY LAW – **APPLICATION FOR AN ORDER FOR NULLITY** – *wife conceals from the husband a relevant information that the night before the civil union with him, she had eloped from her home to her lover and had started living with him when she was brought back by her parents for this civil union – the husband’s consent was vitiated by fraud as he would not have provided his consent to marry a person who had started living with another man before the civil union.*

1. The parties had jointly filed an application for an order to nullify their marriage which I had granted on the grounds that the husband’s consent to the marriage was induced by fraud. I now publish my reasons for granting an order for nullity.

2. The evidence revealed that this marriage was arranged by the families. On the day the discussion for this marriage took place, the wife ran away from her home to live with another man she was in love with. She had been in love with this man for some time.
3. The wife's parents brought her back and she entered into a civil union with the second applicant without informing him that she had started living with her boyfriend/lover the previous night.
4. She also had sexual relationship with her lover many times and even on the night before the civil union when she had left her home to stay with him forever but brought back by the parents.
5. It is my finding that if these matters were disclosed to the second applicant, he would not have provided his consent to marry the first applicant. She had already started living with another man but brought back to comply with the arrangements by the family to get her married to the second applicant.
6. Marriage is a voluntary union of one man to another to the exclusion of others. In this case there was no exclusive relationship between the parties which the second applicant was entitled to and legitimately expected. He would have declined this marriage if there was full disclosure of the wife's relationship with another man.
7. I found that the husband's consent was vitiated by fraud on the part of the first applicant and therefore had granted the orders nullifying the marriage.

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Hon. Madam Justice Anjala Wati

29.09.2023

To:

1. ***Applicant I.***
2. ***Ms. Sharma for Applicant II.***
3. ***File: Family Case Number: 18/NAN/0233.***