

IN THE FAMILY DIVISION OF THE HIGH COURT AT SUVA

ORIGINAL JURISDICTION

ACTION NUMBER:	18/SUV/0193
BETWEEN:	AAYAN APPLICANT
AND:	AAYUSHI RESPONDENT
APPEARANCES:	<i>Ms. Hazelman for the Applicant.</i> <i>Respondent in Person.</i>
DATE/PLACE OF JUDGMENT:	<i>Wednesday 4 October 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 OF MARRIAGE – husband raises fraud on the part of the wife which he contends induced his consent- the reason for the parties’ unhappiness with each other arose after the civil union due to the disagreement between the two families on irrelevant matters and that does not amount to fraud on anyone’s part- application dismissed.

1. The husband had filed an application for nullity of marriage on the grounds that he did not provide his real consent to the marriage as the same was induced by fraud on the part of the wife. I had dismissed the application.
2. The reason provided by the husband was that after the legal marriage, the attitude and behaviour of the wife changed. She started demanding that she will not stay with his mother after the traditional wedding.
3. He contends that part of his responsibility is to take care of his family and that includes his mother. He contended that if she had told him before the civil union that she will not do her part in looking after his family, he would not have agreed to marry her and he would not have provided his consent.
4. The evidence of all the witnesses establish that the argument and consequently the unhappiness between the two families started mainly after the civil union when the wife's family had posted some pictures of the civil union ceremony on the Facebook. The husband's family had prohibited posting of any pictures on social media as the husband's father had passed away sometime back and they did not want to be seen celebrating.
5. There is also evidence that before the civil union, there was some disagreement between the respondent and the applicant's mother on what should be the proper outfit for the respondent to wear for the civil union.
6. I found from the evidence that it was the disagreement between the parties on irrelevant matters that had contributed to the parties being unhappy with each other. Both are responsible for not being able to resolve the dispute amicably. That should not cause the parties to disturb the marriage. The unhappiness that arose after the civil union does not contribute to fraud on anyone's part based on which I had dismissed the application for an order for nullity.

.....
Hon. Madam Justice Anjala Wati

04.10.2023

To:

1. Ms. Hazelman for the Applicant.
2. Respondent in Person.
3. File: Family Case Number: 18/SUV/0193.