

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**
(*Matrimonial Jurisdiction*)

**Matrimonial
CASE No. 17/884 SC/MTRM**

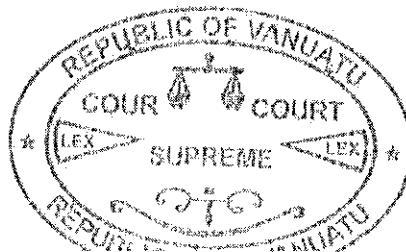
BETWEEN: **May Meltesaul**
Petitioner

AND: **Franky Meltesaul**
Respondent

Date: 2nd July 2020 @ 9:00am
Before: Chief Justice Lunabek
In Attendance: Ms Voia Matas for the Petitioner
Respondent not present and no appearance

ORAL JUDGMENT

1. This is a petition for dissolution of the marriage between the Petitioner and the Respondent celebrated on 28 December 1998 at SDA Church, Atchin, Malekula Island.
2. The Respondent never appeared. He was initially represented by Andrew Bal of Jane Jereva Law Firm.
3. The Petition was amended and filed on 23 March 2018.
4. The Petition was served on the Respondent. A proof of service by a police officer: Davis Saravanu – noted the Respondent refused to receive document from him. He served a junior lawyer Jona Mesao on 17 May 2018 acting for the Respondent.
5. The Petitioner is justified to proceed with her case today in the absence of the Respondent.
6. The Petition was initially filed 15 May 2015 at the Magistrate's Court on the ground of adultery with persistent cruelty.
7. The Response filed in the Magistrate's Court on 22 November 2016 denied the Respondent committed adultery with another person. The Petition was therefore disputed. There was no sworn statement filed in support of the response.



8. It was transferred to the Supreme Court. The first conference in the Supreme Court was 3 May 2017 with sequential conferences in 2018. An amended sworn verification of the Petition for dissolution of marriage was filed on 23 March 2018.
9. The sworn statement of the Petitioner May Meltesaul filed 15 May 2018 was in support of the Amended Petition (see paragraphs 4, 9 and 10).
10. The sworn statement of May Meltesaul filed 6 September 2019 was in support of Decree Nisi (see paragraphs 5 – 6).
11. Evidence of persistent cruelty is found in the sworn statement of May Meltesaul filed 15 May 2015 setting out domestic violence protection orders sought from the Court – sexual abuses and violence to the Petitioner and degrading her and constant fear and violence on the Petitioner in front of the children (paragraphs 4 – 5).
12. On the basis of the above, the court makes the following orders:-

ORDERS

1. That the marriage between the Petitioner, May Willie Meltesaul and the Respondent, Franky Meltesaul at SDA Church, Atchin, Malekula island celebrated on 28 December 1998 is dissolved;
2. The Decree Absolute be issued on 2 October 2020;
3. There will be no orders as to costs.

DATED at Port-Vila this 2nd day of July, 2020.

BY THE COURT

**Vincent LUNABEK
Chief Justice**

