

IN THE FAMILY DIVISION OF THE HIGH COURT AT SUVA

ORIGINAL JURISDICTION

CASE NUMBER:	18/LTK/448
BETWEEN:	ANANYA
AND:	VICKY
Appearances:	<i>Mr. F. Koya and Ms. Chand for the Applicant.</i> <i>Mr. Kumar for the Respondent.</i>
Date/Place of judgment:	<i>Tuesday, 20 February 2018 at Suva</i>
Judgment of:	<i>The Hon. Justice Anjala Wati.</i>
Category:	<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 is purely coincidental.</i>
Anonymized Case Citation:	ANANYA v VICKY – Fiji Family High Court Case number: 18LTK0448

JUDGMENT

Catchwords:

FAMILY LAW – *Application to Nullify the Marriage – Evidence reveals that husband had married the applicant when he was already married to one another person- current marriage void ab initio.*

1. The wife had applied for an order to nullify her marriage on the grounds that the husband was married to another person when he married her.
2. She produced a marriage certificate from Australia which evidences that the husband was married to another person in Sydney, New South Wales, some 21 days before the marriage here in Fiji.
3. The husband denies that the marriage in Sydney was his. He says his parents name in that certificate is different. He however admits that he had lodged a notice of intention to marry in New South Wales with the same person named in the Australian marriage certificate.
4. I do not accept that the marriage in New South Wales represents a different person. It has the proper name of the husband. It has the proper date of birth. His parents' names are spelt differently but pronounced the same.
5. Even in the husband's birth certificate, his father's name is written twice differently. It is not unusual that names of people are pronounced the same and written differently. I find that the husband deliberately chose to use a different spelling in his Australian marriage certificate.
6. He agrees in his evidence that he was to marry the person named in the Australian marriage certificate. He does not deny knowing that person. I therefore find from the evidence that his marriage in Fiji is void ab initio as our law prohibits a person who is already married to enter into another marriage without dissolving the first marriage. Bigamy is an offence in this country too.
7. Based on the evidence that had unfolded in the proceedings, I had earlier granted an order for nullity of marriage which I confirm vide this written judgment. Each party is to bear their own costs of the appeal proceedings.

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Hon. Madam Justice Anjala Wati

20.02.2024

- To:
1. *Mr. F. Koya for the Appellant.*
 2. *Mr. S. Krishna for the Respondent.*
 3. *File: Family Case Number: 18/LTK/0448*