

CHEROLYN TIMOTHY -v- EDDIE PONISI

High Court of Solomon Islands

(Muria ACJ)

Civil Case No. 163 of 1991

Hearing: 24 April 1992

Ruling: 24 April 1992

C. Tagaraniana for the Petitioner

Mrs M. B. Samuel for the Respondent

MURIA ACJ: The Petitioner seeks a decree of nullity in respect of her marriage to the Respondent.

The Respondent does not dispute the petition and the only evidence heard by the Court was that of the Petitioner.

There was evidence that the Pastor did not put up the required written notice of the intended marriage as required by section 5 of the Islanders Marriage Act nor were the other requirements of the section fulfilled.

However in nullity proceedings the actual ceremony of marriage must be strictly proved. Admission by the respondent of the contents of the petition is not in itself sufficient. Although in *Siloko -v- Haka Civil Case 53 of 1991*, the Court held that a failure to comply with sections 5 or 8 of the Act is a failure to follow the due form, the Court also stated that:-

"A matter such as this, must be proved. No admission in the pleadings is sufficient".

In *Siloko -v- Haka*, however, the Court had the benefit of the evidence of the Pastor who conducted the ceremony of marriage.

I feel in this case, the Court needs some evidence of the ceremony of the marriage before it can finally determine the petition. The admission by the respondent is not in itself sufficient.

I shall adjourn this matter to enable that evidence to be called, either from the Pastor or from some other person.

(G.J.B. Muria)
ACTING CHIEF JUSTICE