

Application for Order of Nullity

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FORM 2

Family Law Rules – r. 6.02

Please type or print clearly and mark [X] all boxes that apply. Attach extra pages if you need more space to answer any questions.

Filed in the Family Division of the High Court

Application by:

- husband alone
- wife alone
- both parties jointly

COURT USE ONLY

File number: _____

Filed at: _____

Filed on: _____

Hearing —

Place:

Date:

Time:

Part A About the husband and wife

- A sole applicant – complete your column and as much of the other column as you can.
- Joint applicants – complete both columns.

HUSBAND

1. Full name as used now (including father's name ("f/n"), if necessary for identification; surname underlined, if applicable)

2. Residential address

Phone

3. Usual occupation

4. Address for service in the Fiji Islands

(Mark one only)

- Residential address, as above
- Postal, work or other address (insert):

- Solicitor (insert particulars):

Solicitor's name:

Firm name:

Address:

WIFE

- Full name as used now (including father's name ("f/n"), if necessary for identification; surname underlined, if applicable)

- Residential address

Phone

- Usual occupation

- Address for service in the Fiji Islands

(Mark one only)

- Residential address, as above
- Postal, work or other address (insert):

- Solicitor (insert particulars):

Solicitor's name:

Firm name:

Address:

5. Basis of jurisdiction

MARK [x] EVERY BOX THAT APPLIES TO THE HUSBAND AND EVERY BOX THAT APPLIES TO THE WIFE

HUSBAND

<input type="checkbox"/> Fiji Islands citizen <input type="checkbox"/> Present in the Fiji Islands

WIFE

<input type="checkbox"/> Fiji Islands citizen <input type="checkbox"/> Present in the Fiji Islands

Part B About the marriage

Provide the following information directly from your **marriage certificate**.

6. On what date, at what place and in which country did you get married?

DAY/ MONTH / YEAR	TOWN/CITY/LOCALITY	COUNTRY
/ /		

7. Type of ceremony: Religious — Rite: _____
 Civil registry

8. Names as they appear on the marriage certificate

Husband

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Wife

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Part C Grounds (section 32 (2) of the Act)

9. What are the grounds on which the marriage is claimed to be void?

MARK [x] EVERY BOX THAT APPLIES

- Party already married
- Parties within prohibited relationship
- Marriage not properly solemnized
- No real consent given
- Party under age

Part D Affidavit of applicant(s)

PLEASE DO NOT COMPLETE THIS PART OF THE FORM UNTIL YOU ARE WITH A PERSON WHO IS LEGALLY ABLE TO WITNESS YOUR SIGNATURE

You must complete the following affidavit. You must sign it in the presence of a Justice of the Peace, notary public or lawyer. The person witnessing the affidavit will fill in the place and date.

Both the husband and wife are to sign the affidavit ONLY if you are applying together. You may do so before different persons and at different times or before the same witness on the same occasion. If only one of you is applying for the order of nullity, only you are to sign the affidavit. You do not have to ask your spouse.

Husband

I swear*/affirm* that:

- I am the*/an* applicant
- I have read this application
- The facts of which I have personal knowledge are true
- All other facts are true to the best of my knowledge, information and belief.

Signature of husband

Place

Date

	/	/	
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Before me *(signature of witness)*

Full name of witness (please print)

- Justice of the Peace
- Notary
- Lawyer

Wife

I swear*/affirm* that:

- I am the*/an* applicant
- I have read this application
- The facts of which I have personal knowledge are true
- All other facts are true to the best of my knowledge, information and belief.

Signature of wife

Place

Date

	/	/	
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Before me *(signature of witness)*

Full name of witness (please print)

- Justice of the Peace
- Notary
- Lawyer

* Delete whichever is inapplicable

This application was prepared:

- by applicant(s)
- by lawyer for applicant(s)

PRINT LAWYER'S FIRM NAME

Notice of Application — Order of Nullity

Complete this notice if you are applying on your own, then pin the notice to the front of the copy of the Application for Order of Nullity to be served on your spouse.

To (name and address of spouse)

In the attached Application for Order of Nullity your spouse is applying for an order of nullity on the ground that your marriage is void. The Court has set down the hearing of this application at the time and place shown on page 1 of the Application.

WHAT STEPS YOU NEED TO TAKE AS THE RECIPIENT OF THIS NOTICE

- 1 You should check the details given by your spouse in the attached application to make sure that they are correct to the best of your knowledge. It is in your interest to seek legal advice.
- 2 You should sign, date and return the attached Acknowledgment of Service (Form 21) to the person who served the Application for Order of Nullity.
- 3 **If you do not oppose the application**, you do not have to file any other documents.
- 4 **If you oppose the application:**
You must complete a Response (Marital Status Proceedings) (Form 4) if you wish to:
 - (a) deny any statement in the application; or
 - (b) ask the Court to consider any additional information; or
 - (c) ask the Court to dismiss the application; or
 - (d) make any other submission to the Court; or
 - (e) deny that the Court has jurisdiction to hear your case.

You will need to set out grounds on which you rely. You must file the Response with the Court:

- if the application was served in the Fiji Islands, within 28 days after it was served; or
- if it was served overseas, within 42 days of the application being served.

After filing the Response with the Court you must also serve a copy of it on your spouse. You can obtain instructions on how to serve it from the court registry.

You must come to the hearing. If you do not attend, the Court may determine the application in your absence.

PROPERTY AND MAINTENANCE

If you have not applied to the Court for orders about property or maintenance, you may do so by a separate application (Form 9 for applications relating to property only or to both property and maintenance; Form 5 for applications for maintenance only) within 2 years of the making of the order of nullity. After that time you must obtain the permission of the Court to apply.

Signature of Registry Officer _____ Date / /