

**IN THE SUPREME COURT OF TONGA  
FAMILY DIVORCE JURISDICTION  
NUKU'ALOFA REGISTRY**

**FD 2 of 2016**

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**BETWEEN : MOTEKIAI TAUKOLO TAUFA**

- **Applicant**

**AND : MELEANE TAUFA**

- **Respondent**

**BEFORE LORD CHIEF JUSTICE PAULSEN**

**Hearing : 3 February 2016.**

**Date of Ruling: 5 February 2016**

**Counsel : Mr. S. Taione for the petitioner  
No appearance for the respondent**

**RULING**

[1] The applicant has applied for a declaration that his marriage celebrated at Nuku'alofa on 16 May 2013 to Meleane Taufu is void *ab initio*.

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[2] The facts can be stated simply. On 16 May 2013 the applicant and Ms. Taufu obtained a marriage licence No.325/13 and later that day solemnized their marriage before a Minister of the Anglican Church, Rev. Dr. Tevita 'Ita Koloamatangi. When the parties applied for their marriage licence Ms Taufu made a false declaration that there was no legal impediment to her marriage to the applicant. This was because Ms Taufu had previously married on 25 October 2001 and her marriage had never been dissolved. The marriage was not in fact dissolved until 17 February 2015. The applicant learned that Ms Taufu was married on 20 May 2013 and the parties immediately separated and have not lived together as man and wife since. The applicant now wants to remarry.

[3] At the hearing I asked Mr. Taione to address me as to the source of the Court's jurisdiction to make the order sought. He referred me to s.17 of the Births, Deaths and Marriages Registration Act. Having undertaken my own research I am satisfied that the Court does have the jurisdiction to make the order although, in my view, such jurisdiction arises from either section 11 of the said Act or from this Courts general

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power to make declaratory orders (Section 5(1) Supreme Court Act).

[4] The applicant is entitled to the order that he seeks and I make a declaration that the marriage between Motekiai Taukolo Taufu and Meleane Taufu solemnized at Nuku'alofa on 16 May 2013 is null and void.



A handwritten signature in black ink, appearing to read "O.G. Paulsen".

**DATED: 5 February 2016.**

O.G. Paulsen

**LORD CHIEF JUSTICE**