



EVERSOL'S weekly law

Contributed by Jennifer Blissett

"My Love Must Wait"

My love must wait is not an uncommon phrase. Indeed it is a title of at least two novels. The facts set out in this article give a further meaning to this expression.

Recently, a strange set of circumstances arose where a woman, believing she was single made an application to be married only to be confronted by the Births, Deaths & Marriages Registry staff with a copy of a marriage certificate with her name on it. The marriage certificate purported to evidence she had married a Mr H in Sydney in June, 1989. Correctly, she maintained that this was impossible as she had never been married nor knew this man. She sought an annulment, informing the Family Court of Australia this marriage had never occurred and she had no knowledge of the groom or the witnesses named on the certificate.

Under the Family Law Act, a decree for nullity of marriage must be based on the grounds the marriage is void, (that is the marriage is invalid.) The Court found the woman,(who was the applicant before the Family Court) was telling the truth and the Judicial Registrar annulled the marriage because there was no proper consent by the applicant.

Whilst this account is simplified it appears that from a newspaper account of the facts in the Sydney Morning Herald dated 19 September 2009, the unfortunate bride had lost her birth certificate about 1989 and it is probable that another person had simply stolen her identity using this birth certificate to undertake those requirements to have a marriage registered. The applicant to be had originally been planned to be married in 2007 but because of the dilemma outlined it was not until September of this year she was able to have the record of the invalid marriage in her name annulled.

This set of circumstances highlights the need to keep formal personal records and documents secure; be swift to seek legal assistance in matters involving court proceedings.

At Everingham Solomons we have the expertise and experience to assist you with all legal matters associated with Divorce, Nullity and Family Law matters because *helping you is our business.*



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