

**COMMONWEALTH OF THE BAHAMAS  
IN THE SUPREME COURT  
Family Division  
2022/FAM/div/FP/00124**



**BETWEEN**

**NICKEISHA TANIKA LEISEL COAKLEY (nee ALLEYNE)  
Petitioner**

**AND**

**SECQUEL LAVARDO BRANDFORD COAKLEY  
Respondent**

**BEFORE:** The Honourable Justice Petra M. Hanna-Adderley

**Appearances:** Mr. K. Brian Hanna for the Petitioner

**HEARING DATE:** January 20, 2022

**RULING**

**(On the Papers)**

1. This is an application pursuant to Rule 9 (5) of the Matrimonial Causes Rules ("**the Rules**") for leave to dispense with service of the Amended Petition filed herein on November 30, 2022, and the supporting documents on the Respondent.
2. By Summons filed by the Petitioner on January 5, 2023, the Petitioner seeks an Order for leave to dispense with service of the Petition and Supporting Documents.
3. The parties were married on January 12, 2011, in the City of Freeport, Grand Bahama, The Bahamas. The Respondent left the matrimonial home in 2017.
4. The Petitioner in her Affidavit in support filed on January 5, 2023, states that the Petitioner and the Respondent separated some years ago. That since the separation the Petitioner has resided in Freeport and Guyana and that she now lives in Connecticut in the United States. That she has not been in contact with the Respondent and does not know his whereabouts. That she has searched the

internet for any sign of him to no avail. That she cannot say if he is living or dead and that she has no contact person for him. That advertising in the newspaper will be fruitless and costly. That she has exhausted all avenues to find him.

5. Rules 9 (3)-(5) of the Rules provides as follows:

“(3) An application for leave to substitute for the modes of service prescribed by the foregoing paragraphs of this rule some other mode of service, or to substitute for service notice of the proceedings by advertisement or otherwise, shall be made ex parte by lodging with the judge an affidavit setting out the grounds on which the application is made.

(4) Where leave is given to substitute for service notice of the proceedings by advertisement, the form of the advertisement shall be settled by the Registrar and copies of the newspapers containing the advertisement shall be filed together with any notice of petition or notice of proceedings.

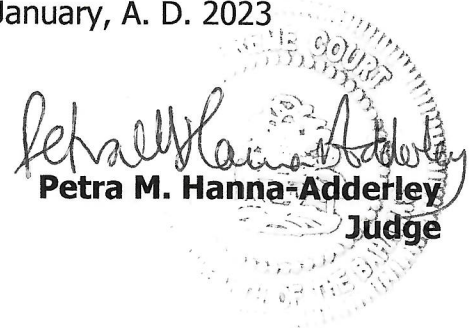
(5) Service may be dispensed with altogether in any case in which it may appear necessary or expedient to do so. An application for leave to dispense with service on a respondent spouse shall be made to the judge and an application for leave to dispense with service in any other case shall be made to the Registrar.”

6. The Respondent is last known to have resided in Grand Bahamas. In fact, the Amended Petition states that he is employed as an electrician and resides in Grand Bahama. There is no evidence that the Respondent has left The Bahamas. There is no evidence that he may be dead. Should notice of the divorce proceedings be advertised there is a possibility that he or an acquaintance of his may see it and that he would in that regard have notice of the proceedings. That is the test to be applied. The fact that advertising is costly is unfortunate, but that reality is not a part of the test to be applied by the Court. The Court is not minded in the circumstances to dispense with Service of the divorce documents on the Respondent.

7. The Court having read the Summons filed herein, having read the Affidavit filed herein, having heard Counsel for the Petitioner, having considered Rules 9 (3)-(5) of the Rules, makes the following Order that, leave is hereby granted to the

Petitioner to substitute for service notice of the proceedings by advertisement on 2 consecutive occasions no less than 10 days apart in the Nassau Guardian or the Tribune Newspapers.

Dated this 20<sup>th</sup> day of January, A. D. 2023



**Petra M. Hanna-Adderley**  
**Judge**