

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
Family Division
2022/FAM/div/FP/00093**

**BETWEEN
FELICIEN FELIX
Petitioner**



**AND
JULIANA FELIX (nee HENRI)
Respondent**

BEFORE: The Honourable Justice Petra M. Hanna-Adderley
APPEARANCE: Miss Constance McDonald KC for the Petitioner

**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 Notice of the filing of a Petition for divorce on May 25, 2022 on the Respondent. The Petitioner filed an Ex Parte Summons on February 17, 2023, for such leave which is supported by his Affidavit filed on February 17, 2023.
2. The parties were married on November 23, 1988 in the City of Freeport, on the Island of Grand Bahama. The Respondent left the matrimonial home about 30 years ago.
3. The Petitioner in his Affidavit in support states that in July of 2022 he heard that the Respondent had died. That he did not believe that she had died in Nassau where she had relocated to live with her sister, or that she died in Freeport. That her sister died in 1997 and that she had no other family in Nassau. That he last saw her in Freeport in 2010. He believes that had she died in Freeport he would

have known. That in November of 2022 he had a friend search for her in Haiti to no avail. He returned from Haiti 3 weeks ago. That there is no record of her death in Haiti. That they both have relatives in the United States and no-one has heard from her. He does not believe that an advertisement in the newspaper will help because he has reached out to everyone who knows her and no one has seen or heard from her for years.

4. The parties have no children and there is no prayer for ancillary relief.

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.

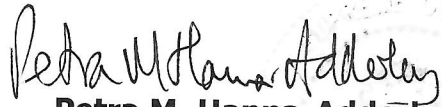
(5) Service may be dispensed with altogether in any case in which it may appear necessary or expedient to do so. An application for leave to dispense with service on a respondent spouse shall be made to the judge and an application for leave to dispense with service in any other case shall be made to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

6. The parties have not lived together as man and wife for over 30 years. If the Respondent has no known family members still alive in The Bahamas there is no likelihood that an advertisement in a local paper would be seen and communicated to her by a family member. The Petitioner last saw the Respondent some 13 years ago. In the circumstances it appears to be expedient to dispense with Service of the divorce documents on the Respondent.

7. The Court having read the Ex Parte 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 dispense with service of Notice of the divorce proceedings on the Respondent.

Dated this 8th day of March, A. D. 2023


Petra M. Hanna-Adderley
Judge

