

**COMMONWEALTH OF THE BAHAMAS
IN THE SUPREME COURT
Family Division
2022/FAM/div/FP/00131
BETWEEN**

**LUXON NORD
Petitioner**

AND

**NEVA ELIDORE NORD (nee PIERRE)
Respondent**

BEFORE: The Honourable Justice Petra M. Hanna-Adderley

Appearances: Mrs. Tashana Wilson for the Petitioner

HEARING DATE: January 20, 2023

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 Petition filed herein on August 22, 2022, and the supporting documents on the Respondent.
2. The parties were married on June 8, 2013 in the Settlement of Marsh Harbour, Abaco, The Bahamas. By the Ex Parte Summons filed by the Petitioner on December 30, 2022 the Petitioner seeks an Order for leave to dispense with service of the Petition and Supporting Documents on the Respondent.
3. The Petitioner in his Affidavit in support filed on December 30, 2022 states that the Respondent has lived separate and apart from him since 2015. That the Respondent left Abaco and relocated to Grand Bahama without any discussion with him. That he has made enquires of her sister who lives in Freeport, Grand Bahama as to the Respondent's whereabouts to no avail. That her sister has tried to contact her on several occasions but that she has been unable to reach her and that the sister has stated that she cannot accept service of the documents on her sister's behalf. That substituted service in the newspaper will not assist as no one appears to know where she is.

4. 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.”

5. The Respondent is last known to have resided in Grand Bahamas. She has a family member who also resides in Grand Bahama. Should Notice of the proceedings be advertised in the Newspapers Respondent or her sister are likely to see it and will be made aware of the proceedings. That is the test to be applied. The Court is not minded in the circumstances to dispense with Service of the divorce documents on the Respondent.
6. 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 serve the Respondent with the Petition and the Supporting Documents by substituted service by way of advertising notice of the proceedings on 2 consecutive occasions no less than 10 days apart in the Nassau Guardian OR the Tribune newspapers.

Dated this 20th day of January, A. D. 2023


Petra M. Hanna-Adderley
Judge

