

FAQ for DIVORCE matter (Non- Muslims)

Q. If both parties agree to divorce, can we not just sign agreement to divorce?

A. No, you cannot just sign an agreement to divorce. You both must sign a joint petition for divorce, and Only the High Court can grant a divorce if filed in this country.

Q. If we cannot agree on terms of divorce, what happens?

A. One of you must then file a preliminary reference to the Marriage tribunal for marriage counseling. Parties are required to attend marriage counseling, and the Marriage Tribunal will issue a certificate if your marriage cannot be reconciled. Then only can any one of you file a unilateral petition for divorce.

Q. What if the other party does not attend the counseling?

A. The Marriage Tribunal can either still certify or refused to certify that your marriage is irreconcilable.

Q. What happens if Marriage Tribunal refused to certify that my marriage is irreconcilable?

A. Then one alternative is to apply to court for dispensation of reconciliatory proceeding.

Q. Can I get divorced at anytime?

A. You can file divorce proceedings only after 2 years from date of registration of marriage, unless you can show there are exceptional circumstances or hardship suffered.

Q. How fast can I get divorced?

A. If parties can agree to all terms of the divorce, hence filing a joint petition for divorce, hearing date in court can currently be obtained within 3 months or less from date of filing.

Q. When can I remarry?

A. When a Decree Nisi is granted at date of hearing is subsequently Made Absolute, [normally in 3 months], and the Decree Absolute is lodged with the Registrar-General of Marriages for registration; then you can remarry.

Q. Can I apply for any shorter duration lesser than 3 months to make Decree Absolute?

A. Yes.