

PEOPLE'S COURT
OF KIEN GIANG PROVINCE

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

Judgment No.14/2019/HNGD-ST
Date: March 5, 2019
Re: Request for divorce with foreign elements

IN THE NAME
OF THE SOCIALIST REPUBLIC OF VIETNAM
PEOPLE'S COURT OF KIEN GIANG PROVINCE

- Composition of first-instance Trial Panel includes:

Judge - Chairman of trial: Mrs. Nguyen Thi Nhien

The People's jurors: Mr. Doan Van Tam

Mrs. Lu Kieu Dung

- *Secretary of the trial:* Mr. Bui Van Banh - Secretary of the Kien Giang province People's Court.

- *Representative of the People's Procuratorate of Kien Giang Province attending the trial:* Mrs. Mai Thuy Dung - Procurator.

On March 5, 2019, at the headquarters of the People's Court of Kien Giang province judged the public case instance trial handling No. 43/2017/TLST-HNGD dated November 3, 2017 on "Request for the divorce with foreign language".

According to the Decision to bring the case to trial No.15/2019/QDXX-ST dated January 31, 2019 between the litigants:

- The Plaintiff: Mr. Tran Thanh Vu, born in 1979 (present)

Address: No. 482 Dong Phuoc hamlet, Thanh Dong A commune, Tan Hiep district, Kien Giang province.

- The Defendant: Ms. Truong Roussel, born in 1984 (absent)

Address: No. 1210 Jane Street, M6M 4X7, Toronto Ontario, Canada.

CONTENTS OF THE CASE:

* The plaintiff, Tran Thanh Vu presented:

About marital relation: In 2011, he and Ms. Truong Roussel casually acquainted, found out and led to marriage on a voluntary basis, organized their customary wedding, they were granted

a marriage certificate dated December 17, 2012 by People's Committee of Kien Giang province. After marriage, he and Ms. Truong Roussel had lived with each other for about 02 months in Vietnam, then Ms. Truong Roussel returned to Canada to live. They contacted each other by phone for a short time, until the end of 2013. Ms. Truong Roussel came back to Vietnam to visit him, from here, they arose conflicts, different viewpoint and can't live in harmony with each other. Ms. Truong Roussel returned to Canada and no longer communicated with each other since then until now. Now considering that spousal love ended, marriage purposes could not be achieved, so he asked to get divorced with Ms. Truong Roussel. For common children, common assets and debts: none, he did not request the Court to settle.

* Defendant Ms. Truong Roussel was made proceedings judicial authorization by People's Court of Kien Giang province, the notice on the electronic portal of representative agency of Vietnam and the Court in accordance with the law to serve notice of handling the case, notice of the time opening mediation meeting and trial, but until now, Ms. Truong Roussel has no written responses expressed her opinions on the request for divorce of Mr. Vu.

At the hearing, the representative of People's Procuratorate of Kien Giang province has opinions on the observance of the procedural law of the judge, the trial panel, Secretary of the trial and the litigant has to abide provisions of the Code of Civil Procedures. Toward resolution of the case is recommended that the trial panel accepted the divorce request of the petitioner, Tran Thanh Vu.

JUDGMENT OF THE COURT:

[1] For the proceedings: The defendant, Ms. Truong Roussel was made proceedings judicial authorization by People's Court of Kien Giang province to the competent authority of Canada as stipulated at the Joint Circular No.12/2016 /TTLT-BTP- BNG-TANDTC dated October 19, 2016 of the Ministry of Justice, Ministry of Foreign Affairs and the Supreme People's Court stipulated on the process, procedures for mutual legal assistance in civil field; carried notification on electronic portal of representative agency of Vietnam in foreign countries and the Court. For Ms. Truong Roussel had no written responses expressed her opinions on the request for divorce of Mr. Vu, also not presenting at the hearing. Therefore, the trial panel based on Point c Clause 6 Article 477 of Civil Procedure Code to conduct trial with Ms. Truong Roussel's absence.

[2] For relation marriage: The marriage between Mr. Vu and Ms. Truong Roussel was in compliance with the conditions of marriage, registered their marriage and were issued a marriage certificate dated December 17, 2012 by the People's Committee of Kien Giang Province, so their marriage was legal under the provisions of Articles 8 and 9 of the Law on marriage and family in 2014.

According to Mr. Vu, the cause of divorce was due to understand each other for a short time, the husband and wife had lived for about 02 months, the husband and wife disagreed about life viewpoints and generated many conflicts that could not heal. Since the end of 2013, Ms. Truong Roussel went to Canada and no longer communicated with each other ever since until now, he decided to divorce with Ms. Truong Roussel so that every one had a private life. For Ms. Truong Roussel didn't express her opinions on the request for divorce of Mr. Vu. Whereas, the marriage between Mr. Vu and Ms. Truong Roussel has no cohesion, the love of the husband and wife ends, can not continue to build a happy family, marriage purposes are not

achieved; further more, now Mr. Vu is living in Vietnam, Ms. Truong Roussel is living in Canada, between the husband and wife do not have any contacts with each other, so they have no ability to reunite. Therefore, in discussion and deliberation, the Trial Panel agreed to accept the proposal opinions of the Prosecutor and the petition of Mr. Vu, agreed for Mr. Vu to be divorced with Ms. Truong Roussel.

3] About common children, common property, common debt: Mr. Vu determined none, not asking the Court to resolve, so the Trial Panel did not consider.

[4] For the court fees of first-instance marriage: Mr. Vu must bear VND 300,000, was deducted from the advanced amount of court fees paid.

[5] For Judicial trust expenses:

Applied Clause 3, Article 153 of the Civil Procedure Code, Mr. Vu must pay the cost of judicial entrustment abroad, including a fee of 200,000 VND which was deducted from the advanced amount paid.

Mr. Vu must bear the actual the cost of judicial entrustment of 100 Canadian dollars, and Mr. Vu has already done for the competent authority.

Because of the above reasons,

DECIDES:

Applied Clause 1 Article 28, Clause 1 Article 37, Article 153, Point d, Clause 1 Article 469, Article 477, Clause 2, Article 479 of the Civil Procedure Code;

Applied Clause 1 Article 56 of the Law on Marriage and Family; Article 27 Resolution No. 326/2016/UBTVQH14 dated December 30, 2016 of the Standing Committee of the National Assembly stipulating the levels of collection, exemption, reduction, remittance, management and use of court fees and court fees;

Judged: Accept Mr. Tran Thanh Vu's request for divorce.

1. For marriage relation: Allow the divorce between Mr. Tran Thanh Vu and Ms. Truong Roussel.

2. For common children: None, not asking the Court for settlement.

3. For common assets and debts: none, not asking the Court for settlement.

4. About the first-instance marriage fees: Mr. Vu must pay VND 300,000 which was deducted from VND 300,000 of the advanced amount of court fees paid under the receipt No. 0009232 dated October 27, 2017 (paid by Tran Thanh Liem) of Department of Civil Judgment Execution of Kien Giang Province.

5. For judicial trust expenses:

- Mr. Vu must pay VND 200,000 for the cost of judicial entrustment abroad which was deducted from the advanced amount of VND 200,000 of judicial entrustment fees paid under the receipt No. 0031008 dated November 24, 2017 (paid by Pham Tri Thuat) of Department of Civil Judgment Execution of Kien Giang Province.

Mr. Vu must bear the actual the cost of judicial entrustment of 100 Canadian dollars, and Mr.

Vu has already done for the competent authority.

Notifying Mr. Vu of the right to appeal this judgment within 15 days from the date of pronouncement of the judgment; Ms Truong Roussel has the right to appeal this judgment within 12 months, from the date this judgment is served or listed properly in accordance with the law.

Where the judgment or decision is executed according to the provisions of Article 2 of the Law on Civil Judgment Execution, the person is entitled to civil judgment execution, the civil judgment enforcer shall have the right to agree on judgment execution, the right to request the execution of judgment, voluntary execution of judgment or enforcement of judgment according to the provisions of Articles 6, 7, 7a and 9 of the Law on Civil Judgment Execution; The time limit for judgment execution shall comply with the provisions of Article 30 of the Law on Civil Judgment Execution./.

*** Recipients:**

- People's Procuracy of Kien Giang province;
- Department of Civil Judgment Execution of Kien Giang Province
- People's Committee of Kien Giang Province;
- Litigants;
- Filed: Archive, case documents.

FOR THE FIRST INSTANCE TRIAL PANEL
Judge- Chairman of trial
(Signed and sealed)

Nguyen Thi Nhien

