

44 Divorce actions and annulment of marriages

RS 22, 2023, D1 Rule 44-1

(1) A process in which is claimed a decree of divorce or nullity of a marriage must be served personally on the person against whom the relief is sought, unless service other than personal service is authorised by the court.

(2) When an undefended divorce action or an undefended claim for declaration of nullity of a marriage is postponed, the proceedings may be continued before another court notwithstanding that evidence has been given.

[Rule 44 substituted by GN R2164 of 2 October 1987, by GN R2642 of 27 November 1987 and by GN R781 of 31 August 2015.]

Commentary

General. Subrule (2) obviates the problems sometimes occasioned by postponement of unopposed part-heard matters.¹

¹ See *P Lorillard Co v Rembrandt Tobacco Co (Overseas) Ltd* [1967 \(4\) SA 353 \(T\)](#) at 354–5.