

EDITORIAL NOTE: CHANGES MADE TO THIS JUDGMENT APPEAR IN
[SQUARE BRACKETS].

**NOTE: PURSUANT TO S 169 OF THE FAMILY PROCEEDINGS ACT 1980,
ANY REPORT OF THIS PROCEEDING MUST COMPLY WITH SS 11B, 11C
AND 11D OF THE FAMILY COURT ACT 1980. FOR FURTHER
INFORMATION, PLEASE SEE**

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**IN THE FAMILY COURT
AT WELLINGTON**

**I TE KŌTI WHĀNAU
KI TE WHANGANUI-A-TARA**

**FAM-2023-095-005695
[2024] NZFC 10519**

IN THE MATTER OF	THE FAMILY PROCEEDINGS ACT 1980
BETWEEN	[CHANDRA TIPANIS] Applicant
AND	[ASHIA GOYAL] Respondent

Appearances: C Leathart for the Applicant
Respondent Appears in Person

Judgment: 16 August 2024

**RESERVED JUDGMENT OF JUDGE T M BLACK
[Dissolution]**

[1] The parties were married in India on [date deleted] April 2019. They separated on 13 May 2020. There are no children of the marriage.

[2] Mr [Tipanis] lives in New Zealand. Ms [Goyal] is currently studying in London. She left New Zealand for India at the time of separation and then moved to London to study.

[3] Mr [Tipanis] filed an application for dissolution in August 2023. The respondent was served by email pursuant to an order for substituted service made by the Registrar.

[4] A defence was filed.

[5] I directed a conference.

[6] The defence filed did not and does not establish a defence in law to the dissolution application.

[7] What was pleaded and accepted is that there are proceedings on foot between the parties, instituted by Ms [Goyal] in the Indian courts.

[8] I directed the appointment of lawyer to assist the Court with a brief to make inquiries and advise the Court as to whether the making of a dissolution order in the New Zealand Court would have any material impact on the progression of the proceedings which are on foot in India.

[9] Ms Henderson was appointed and has reported.

[10] In accordance with my directions Ms Leathart has filed submissions.

[11] Ms [Goyal] has filed further material which is not submissions in relation to the forum issue. That material should be removed from the Court file.

[12] The ground for a dissolution order is established in law if the Court is satisfied that the parties to the marriage or civil union are living apart and have been living apart for the period of two years immediately preceding the filing of the application for the order... and no proof of any other matter shall be required to establish the ground.¹ That ground is clearly established.

¹ Family Proceeding Act 1980, s 39(2)

[13] The only civil proceeding on foot is a petition filed by Ms [Goyal] for the restitution of conjugal rights which I observe is inconsistent with her assertion that she was subjected to physical and psychological abuse by Mr [Tipanis].

[14] As set out at the report of Ms Fischer commissioned by Ms Henderson, the Indian Court may “interfere” with an order made by a foreign court if there are extenuating circumstances or reasons to do so.

[15] In terms of the possible forum argument, therefore, making of the dissolution order in New Zealand will not materially affect the Indian proceedings and there is no reason not to make an order for dissolution

[16] I make an order dissolving the marriage between the parties which was solemnized at Hyderabad, India, on [date deleted] April 2019.

[17] Mr [Tipanis] is entitled to an award of costs. Mr [Tipanis] seeks an award of costs in the amount of \$6,619.40 which represent his actual costs, those costs being said to be less than 2B scale costs of \$6,780.50.

[18] That 2B calculation is, in my view, overly generous. That is on the basis that an award of costs (absent an order for increased or indemnity costs) is intended to represent a contribution to costs of between one-third and one-half of costs incurred.

[19] In the circumstances of this case I make an award of costs in the amount of \$3,300.

Judge TM Black
Family Court Judge | Kaiwhakawā o te Kōti Whānau
Date of authentication | Rā motuhēhēnga: 16/08/2024