

THE JUDICIAL DEPARTMENT, FEDERATION OF MALAYA.

REGISTRAR'S CIRCULAR NO. 5 OF 1955.

DIVORCE AND MATRIMONIAL CAUSES

Attention is drawn to Rule 3(2) of the Divorce and Matrimonial Causes Rules 1953 (L.N.136/53). Sub-rule (2) reads:-

"A petition shall not be filed if there is before the Court another petition by the same petitioner which has not been dismissed or otherwise disposed of by a final order".

2. As the Courts' jurisdiction under the Divorce Ordinance 1952 extends over the whole of the Federation, it follows that a Petition can be filed in any Registry of the High Court and it follows further that either a search in all Registries must be made, on the filing of all petitions, or that some alternative procedure should be laid down.

3. The most convenient solution to the problem is to institute a procedure somewhat similar to that followed in Probate matters, by the "Blud Card" system, though divorce matters being much rarer, do not require a card index system.

4. Will you please fill in and return the form attached, giving particulars of all petitions under the 1952 Ordinance and all pending petitions under previous legislation back to the end of the occupation. If no petitions have been filed under the present Ordinance and there are no prior pending petitions, please send the form back in blank. These forms will constitute the central register of petitions in this office and further entries will be made thereon here, from the particulars to be sent in as mentioned below.

5. In future the following procedure must be followed:-

- (1) Before a petition is accepted for filing, a note of the particulars under columns 1, 2, 3, 4 & 5 of the form must be sent here.
- (2) After search a reply will be sent which will:-
 - (a) Either state that there is no pending petition between the same parties in any other Registry.
 - (b) Or, give particulars of any such pending petition, in which case the petition must be rejected under Rule 3(2).
- (3) If and when a final order is made on a petition, the particulars in columns 6 & 7 of the form must be sent to this office.

NOTE: "Pending" means that no final order has been made.
"Final Order" means a decree absolute or an order dismissing the petition.

6. Please enter a reference to this circular against

Rule 3 of all copies of the Rules in your Registry and also have a copy of this circular kept in the Divorce and Matrimonial Cause Register.


(D.H. SHACKLES)
REGISTRAR

The Federal Registry,
Supreme Court,
Federation of Malaya,
Kuala Lumpur, 21st May, 1955.
(RSC.39/54: RSC.223/52: DHS/AJS)

Distribution:

To all Senior Assistant Registrars and
Assistant Registrars, Supreme Court.