Year: 2026 **Vol:** 01 **Case No:** 67

Categories: uncontested; substituted service; safety order; custody; maintenance arrears

Divorce granted *ex-parte* to wife where husband believed to be abroad

A Circuit Court judge in a regional town granted a decree of divorce to an applicant wife on an *ex parte* basis when she had issued a motion for judgment in default of appearance. There was no appearance by or on behalf of the respondent husband.

The applicant wife was represented by a solicitor. Her solicitor informed the Court that the parties had met in Ireland and their marriage had ended some years previously when the respondent husband had left their rented family home. The wife had obtained a safety order against the husband and she had also been granted sole custody of the parties' school-aged child by the District Court at that stage.

The husband had some access to their child under the District Court order, but he had not taken up this access for some time. There was also a District Court maintenance order in place relating to the parties' child, but maintenance had not been paid for some time and substantial arrears had accrued.

The wife believed that the husband was residing in another country. She had previously been granted leave by the Circuit Court to serve the proceedings on the respondent outside the jurisdiction and leave to serve the proceedings on the husband by email at two different email addresses.

The judge reviewed the affidavit grounding the application for substituted service. The wife's solicitor said that the husband had engaged for a short period in relation to the proceedings but his emails were of a threatening and alarming nature. He had referred to the proceedings in his emails. The judge asked the wife's solicitor if there had been any further interactions from the husband following these emails. The wife's solicitor responded that there had been no correspondence at all from the husband for some time.

The judge noted that there was no maintenance being paid, no joint property, no access and no contact between the parties or their dependent child. The judge reviewed the wife's affidavit of means.

The wife gave her formal evidence. She said that the parties had lived separate and apart for a number of years and there was no prospect of reconciliation between them.

The judge granted a decree of divorce. She extinguished the parties' succession rights pursuant to section 18(10) of the Family Law (Divorce) Act 1996. The judge dispensed with the consent of the respondent which was required to renew the child's passport, and granted liberty to the applicant to bring the child out of the jurisdiction for holidays. The District Court access orders were vacated as the respondent was not availing of the access. The District Court maintenance order remained in place.