

Case No.:32/2019/HNGD-ST

Dated: 06/9/2019

Ref: "Divorce"

**IN THE NAME OF
SOCIALIST REPUBLIC OF VIET NAM**

PEOPLE'S COURT OF SOC TRANG PROVINCE

The participants of Jury in the court of first instance consist of:

The judge - Chairman of the court: Mr. Le Thanh Vu

People's Juror: Mr. Ly Tai The

Mr. Luong Van Hoa

Court Secretary: Ms. Cao Thi My Nhien – Secretary of People's court of Soc Trang Province

On 06-09-2019 at the head office of People's court of Soc Trang Province, the case No.55/2018/TLST-HDGD dated 12-09-2018 about "divorce" according to Case Decision No. 82/2019/QDXXST-HDGD dated 18-7-2019 between partners:

Petitioner: Ms. Huynh Thi Thuy Mai; born on 01-01-1978; Residential Address: No. 56, Nguyen Van Linh Street, Quarter 2, Ward 2, Soc Trang City, Soc Trang Province; Address: No. 868A, Highway 1A, Quarter 7, Ward 2, Soc Trang City, Soc Trang Province. (absent, have application for trial absentee)

Defendant: Mr. Tran Sum Van; born on 01-01-1954; Residential Address: 12642 Kathy Ln Garden Grove CA 92840, USA (absent)

CONTENT OF THE CASE

* According to the petition on 10-09-2018, the petitioner Huynh Thi Thuy Mai presented as follows: In 2010, Ms. Huynh Thi Thuy Mai and Mr. Tran Sum Van voluntarily married, did marriage registration and were issued marriage certificate No. 142 on 24-08-2010 by Soc Trang Province People's Committee. After getting married, they lived together for a few months, then due to frequent separation from each other, leading to conflicts, their feelings increasingly faded, their life was no longer happy. Ms. Mai now realizes that the purpose of building a happy family cannot be achieved, if it lasts longer, it is just a legal bond and causes the suffering towards both of them and currently both of them do not have mutual emotion for each other any more, no longer keep contact to each other, therefore Ms. Mai requests the Court to judge her to be eligible to get divorced from Mr. Tran Sum Van. Ms. Huynh Thi Thuy Mai and Mr. Tran

Sum Van did not have common children, common property and common debt, so Ms. Ms. Mai does not request the court to resolve these problems. At the same time, Ms. Mai does not request the court to resolve on difficult allowances after divorce.

* Mr. Tran Sum Van was summoned by the court to provide testimony, participate in the meeting to check the submission, access, disclosure of evidence and mediation but Mr. Tran Sum Van was absent without reasons, so the court did not collect Tran Sum Van's declaration on the case.

RECOGNIZES:

[1] In terms of the procedure for handling the suing of the petition: On 10/9/2018, the People's Court of Soc Trang province received the suing application on 10/9/2018 of Ms. Huynh Thi Thuy Mai and the attached documents and evidence which are directly submitted by Ms. Mai in the court. After receiving the suing application and accompanying documents and evidence, the court carries out procedures for receiving and handling Ms. Mai's suing application and handling the case in accordance with Articles 191 and 195 of Civil Procedure Code of 2015.

[2] In terms of the jurisdiction to resolve the case: According to the suing application filed on 10/9/2018, Ms. Mai asked the court to settle her to be able to get divorced from Mr. Tran Sum Van who is a US citizen and is currently living in the United States. Based on clause 1 Article 28, point a clause 1 Article 37 and point c clause 1 Article 40 of the 2015 Civil Procedure Code, the Trial Council determines that the People's Court of Soc Trang province handles and settles the case according to the first-instance order is in accordance with the law on jurisdiction to resolve the case.

[3] For the trial of the absence of the concerned partners: The petitioner Ms. Huynh Thi Thuy Mai has an application for the Court to judge with her absence. For the defendant Mr. Tran Sum Van, after handling the case, the Court has implemented the trust procedure to serve the proceeding documents for the defendant Tran Sum Van in accordance with the provisions of Articles 476 and 477 of Civil Procedure Code of 2015, but the defendant was still absent at the second trial without cause. Therefore, the Trial Panel decided that the trial would still be conducted. At the same time, based on article 238 of the 2015 Civil Procedure Code, the Trial Council agreed to conduct the trial procedure in the absence of all participants in the proceedings for the case.

[4] For marriage relationship: Ms. Huynh Thi Thuy Mai, born on 01/01/1978 and Mr. Tran Sum Van, born on 01/01/1954 voluntarily got married, registered for marriage and were issued marriage certificate No. 142 on 24/8/2010 (noted into booklet No. 1, dated 25/8//2010) by Soc Trang Provincial People's Committee, so the marriage relationship between Ms. Mai and Mr. Tran Sum Van is legal. After the marriage, both of them (Ms. Mai and Mr. Tran Sum Van) lived together for a short time, then due to the geographic conditions,

both of them arose conflicts, their emotion was faded and they no longer lived together until now. In the course of resolving the case, the Court informed Mr. Tran Sum Van about Ms. Mai's suing request for divorce by entrusting to serve the Notice of handling the case and posting the translation of the notice of the court on the web portal of the Vietnamese Consulate General in the United States and Portal of the People's Court. However, at the trial today (the second trial) Mr. Tran Sum Van is absent without a reason, without an answer, nor expressed a desire to heal the couple's affection for Ms. Mai's petition. Currently, Ms. Mai is living in Vietnam and Mr. Tran Sum Van is settling in the United States, no longer contacting each other nor fulfilling the obligations of husband and wife. Ms. Mai determined that the affection of husband and wife with Mr. Tran Sum Van was no longer, can not be healed anymore, the actual marriage relationship is only legally binding. Therefore, Ms. Huynh Thi Thuy Mai asked for a divorce with Mr. Tran Sum Van as a basis and in accordance with the provisions of Clause 1, Article 56 of the 2014 Law on Marriage and Family, so the Trial Council accepted.

[5] In terms of common children, common property, common debts and difficulty allowances after divorce: Ms. Huynh Thi Thuy Mai did not have and did not request the Court to settle, so the Trial Council did not set out to consider.

[6] Regarding court fees: Pursuant to Clause 4, Article 147 of the 2015 Civil Procedure Code, Clause 2, Article 27 of Resolution No. 326/2016/UBTVQH14 dated 30/12/2016 of the Standing Committee of the National Assembly, stipulating the rates of collection, exemption, reduction, collection, payment, management and use of Court fees and charges, Huynh Thi Thuy Mai, the petitioner, had to pay a first-instance civil fee for a divorce case of 300,000 VND

[7] Regarding the costs of judicial delegation abroad: Pursuant to Clause 3, Article 153 of the 2015 Civil Procedure Code, Huynh Thi Thuy Mai, the petitioner, is subject to a judicial delegation fee of 200,000 VND and the actual cost of carrying out a judicial delegation abroad is 95 US dollars.

[8] Regarding the right to appeal judgments: Pursuant to Article 271, Clause 1, Article 273 and Clause 2, Article 479 of the 2015 Civil Procedure Code, the petitioner has the right to appeal this judgment within 15 (Fifteen) days and the defendant has the right to appeal this judgment within 01 (one) month, from the date the court receives the judgment or the date the Court properly serves the person.

Due to the above reasons,

DECIDES:

* Pursuant to: Clause 1, Article 28, Point a, Clause 1, Article 37, Point c, Clause 1, Article 40, Clause 4, Article 147, Clause 3, Article 153, Article 238, Article 271, Clause 1, Article 273, Point c, Clause 6, Article 477 and Clause 2,

H. L. N.
Đ. N. G.
P. H. Á.
- T. S. O.

Article 479 of the 2015 Civil Procedure Code; Clause 1, Article 56 of the 2014 Law on Marriage and Family; Point a, Clause 5, Article 27 of Resolution No. 326/2016/UBTVQH14 dated 30/12/2016 of the National Assembly Standing Committee, regulations on rates of collection, exemption, reduction, payment, management and use of Court fees and charges.

To judge:

1. Regarding marriage relation: Ms. Huynh Thi Thuy Mai and Mr. Tran Sum Van are eligible to get divorced from each other. Marital relationship between Ms. Huynh Thi Thuy Mai and Mr. Tran Sum Van according to the Marriage Certificate No. 142 issued by the People's Committee of Soc Trang Province on 24-08-2010 terminates since the effective date of this judgment.

2. Regarding common children, common property, common debt, subsidize of hard in divorce: The involved parties have no request for settlement, so the Trial Panel does not set out to consider.

3. Regarding the first-instance civil court fee: Ms. Huynh Thi Thuy Mai is liable to the first-instance civil court fee is VND 300,000 (three hundred thousand dong), but deducted from the amount of the court fee advance paid is: VND 300,000 (three hundred thousand dong) according to the receipt of the advance on court fees and charges No. 0004449 dated 12/9/2018 of the Civil Judgment Execution Department of Soc Trang Province. Mr. Tran Sum Van is not liable for the first-instance civil court fee.

4. Regarding the costs of judicial mandate to foreign countries: Huynh Thi Thuy Mai is subject to a legal mandate fee of 200,000 VND (Two hundred thousand VND), deducted from the advance payment amount of 200,000 VND (Two hundred thousand dong) according to the receipt of fees and charges No. 0005683 dated 27/9/2018 of Soc Trang Civil Judgment Execution Bureau. In addition, Ms. Huynh Thi Thuy Mai also has to pay the actual cost of carrying out the judicial delegation abroad with the amount of US\$ 95 (ninety-five US dollars) and has done it. Thus, Ms. Huynh Thi Thuy Mai has paid all expenses for judicial delegation abroad.

5. Regarding the right to appeal the verdict: The plaintiff has the right to appeal this judgment within 15 (fifteen) days and the defendant has the right to appeal this judgment within 01 (one) month from the date of receipt of the judgment or the date when the court transfers the Decision to the concerned partners reasonably.

Recipients:

- The concerned parties; (2)
- High-level People's Court in Ho Chi Minh City; (1)
- People's Procuracy of Soc Trang Province; (1)
- Department of Justice of Soc Trang Province; (1)
- Civil judgment enforcement Department of Soc Trang province; (1)
- Save (lawsuit file). (2)

**ON BEHALF OF THE FIRST-
INSTANCE TRIAL COUNCIL FOR A
CIVIL CASE**

Judge-Chief of the Court meeting

Signed and Wet Seal

Le Thanh Vu