



Neutral Citation Number: [2025] EWHC 276 (Fam)

Case No: 1650 8851 1718 1029

IN THE FAMILY COURT

Sitting at the Preston County Court

4 February 2025

Before :

Mr Justice Trowell

Between :

Ms Z

Applicant

- and -

Mr Z

Respondent

Miss Natasha Khalique instructed on a direct access basis for the **Applicant**

Mr Ravi Sethi instructed on a direct access basis for the **Respondent**

Hearing dates: 20 to 23 January 2025

Judgment Approved by the court

This judgment was delivered in private. The judge has given leave for this anonymised version of the judgment to be published. Nobody may be identified by name or location. The anonymity of everyone other than the lawyers must be strictly preserved. All persons, including representatives of the media and legal bloggers, must ensure that this condition is strictly complied with. Failure to do so may be a contempt of court.

Mr Justice Trowell :

1. This matter was listed before me on the 20 January 2025 for four days to determine whether or not the parties were married in a civil ceremony X Registry Office on the 14 December 2009. It comes before me following an appeal, allowed by Henke J on the 15 May 2024, setting aside the decision of DJ Buckley, which was handed down on the 18 January 2024.
2. This judgment is handed down in writing in draft on the 27 January 2025 and in final form on 4 February 2025.
3. The applicant (in the sense of being the applicant in the suit) is Ms Z. She has been represented by Ms Khalique of counsel. The respondent (in the same sense) is Mr Z. He has been represented by Mr Sethi of counsel (who also appeared before DJ Buckley). Both counsel are direct access counsel. I am very grateful to them for the work that they have done in preparing and presenting the case to me.
4. Through no fault of counsel the bundles in this case are a mess. I have received bundles referred to as Core and Supplementary from Ms Z. I have received and have looked at a Children Act Bundle and a Divorce Bundle from Mr Sethi. The latter two bundles were before DJ Buckley. Mr Sethi rightly took the view that the Core and Supplementary Bundle did not provide all the information I needed. I see nothing to be gained in apportioning blame for this. Both parties were acting in person; Ms Z put in the work of assembling bundles but to comply with court-imposed page restrictions documents were broken up; Mr Z did not respond to requests to indicate what he wanted in the supplementary bundle. As a consequence, there is much repetition between the bundles I have had and rather than read them from cover to cover I have focussed on the passages which counsel have asked me to read, or to which they have drawn my attention in the course of submissions and examination.

Background

5. The parties were married according to the customs of Islam but not according to the law of England and Wales on the 4 August 1999. They are first cousins. At that time

Mr Z had had a civil and Islamic marriage to and divorce from another person. Ms Z had similarly had a civil and Islamic marriage to another person. I understand that she had had an Islamic divorce but she did not obtain a civil divorce until 2005. Mr Z says that he did not know that Ms Z was not divorced, according to English law, at the time of the Islamic marriage.

6. Ms Z contends that they had a civil marriage ceremony at X Registry Office on the 14 December 2009 and there is a marriage certificate with what appears to be Mr Z's signature which confirms that they did. Mr Z says he was not there and he has never had a civil marriage to Ms Z.
7. The parties had two children: Child A, who is now an adult, and Child B, who is now 14. Child B, was born in February 2010, some two months after the civil marriage.
8. The parties separated in 2013, though it is clear that the marriage had very significant ups and downs before then. Indeed, Mr Z had married a second wife Ms Y by an Islamic ceremony in 2009. There is an obvious overlap of the two marriages. His relationship to Ms Y continues to this day.
9. In September 2020, Mr Z filed an application for a Child Arrangements Order and a Prohibited Steps Order. In July 2021 Ms Z made an application for a Non-Molestation Order. The Children Act proceedings reached a fact-finding hearing before DJ Wylie in June 2022. She delivered a substantial reserved judgment in August 2022. I shall return to that shortly. She delivered a final order in the Children Act proceedings in July 2023, when she refused Mr Z's Prohibited Steps Order, ordered that Child B should live with Ms Z (as she had been doing) and made an order for indirect contact between Child B and Mr Z. She made a section 91(14) order against both parents. The non-molestation application was compromised between the parties, I am told, without a contested court hearing.
10. In April 2022 there was an Islamic divorce between the parties.
11. In June 2022 Ms Z made an application for a divorce in relation to the civil marriage of the 14 December 2009. Mr Z in his response to the divorce application of the 12

July 2022 says that he had an Islamic Nikah to Ms Z, but says he did not have a registered marriage to her in December 2009.

12. That has led through multiple statements from each party, and one from Mr Z's sister, Sister C, and multiple directions hearings to the hearing before DJ Buckley, the appeal before Henke J, and to this hearing before me. (For clarity I should indicate that some of the statements before me, including that of Sister C, were not before the other tribunals.)
13. The issue before me is conceptually a simple one: was Mr Z present at the civil wedding in December 2009 as had been certified on the certificate and the Register or has Ms Z tricked the Registrar by way of an imposter, to whom she has supplied identifying documentation, and who has fraudulently signed Mr Z's name.
14. The resolution of this question will involve a brief consideration of the law, and a longer weighing of the evidence. It is necessary however to first return to the judgment of DJ Wylie and a further chronological point to give enough of the background to this matter to allow this judgment to be properly understood.
15. DJ Wylie concluded her fact finding judgment with paragraphs recording that this was an unhappy and volatile relationship; that she had found two instances where Mr Z assaulted Ms Z one in 2009 and one in 2013; that he had put a list of action points which he intended she should adhere to on the fridge in 2012; that he sent annual reminders to her until 2021 of the date that he was arrested in relation to a complaint of hers and that amounted to harassment ; that he pressurised her to write a letter retracting an allegation of assault in January 2013; and he sent her text messages in which he was careless about the impact the message would have on her. She noted there were no referrals to the Police or other agency between 2013 and 2020 until Mr Z made his application for a Child Arrangements Order. She noted that the application for the Non-Molestation Order was only made in 2021. She declined to make a finding of coercive control. She took care to acknowledge that the assaults she has found must have been frightening and painful experiences for Ms Z.
16. It was shortly after the hearing before DJ Wylie, and before the judgment had been delivered that Ms Z petitioned for divorce. There is virtually no reference to the civil

marriage in her presentation of the relationship between the parties in the earlier proceedings.

17. In brief and in summary the arguments I have had to consider on Mr Z's side to rebut the obvious conclusion from the marriage certificate that there was a marriage are:
 - a. Ms Z can produce no supporting evidence – such as pictures, or receipts, or family members to say the wedding happened.
 - b. Ms Z would have referred to the wedding in the Children Act proceedings if it had truly happened.
 - c. It makes no sense for Ms Z to marry him when she said that at the time of the marriage he was abusing her. And similarly, it makes no sense for him to marry her when he had just entered into an Islamic marriage with Ms Y.

18. The resolution of this point is important for the parties because Ms Z want to bring a claim for financial remedies which she can only do if the parties did have a civil marriage. Mr Z tells me that the financial claim is not one that troubles him. He has allowed Ms Z and the children to continue to live in what had been the family home, without charge, and he will continue to allow that. It is, I am told, his intention to give the house to their children when he dies. He says this case is important to him as a matter of principle. I do not have the information to express any informed view on any financial remedy claim. It does not matter to this decision but it does seem to me highly likely that this litigation is motivated on both sides by a combination of emotional and financial reasons.

The Law

19. There has been little argument about the law. I was referred to *L-K v K (no 3)* [2006] EWHC 3281 (Fam) for the proposition that:

The best evidence certainly of an English civil ceremony, and indeed a religious ceremony, is a certificate which sets out the date, place and parties to the marriage ceremony.

20. I also have in mind, as referred to by Henke J, the case of *Islam v Islam* [2003] EWHC 1298 (Fam) in which Coleridge J found, albeit in circumstances where the purported wife abandoned her case mid-trial, that the purported husband had not attended an English civil marriage ceremony for which there was a certificate and made a declaration that there was no marriage.
21. There was an argument raised by Ms Khalique that even if I found that Mr Z had not attended the ceremony the presumption of marriage would apply given that the parties had cohabited, had children together and held themselves out as husband and wife. I expressed my initial view in closing that such a position was unsustainable if I found that the civil marriage ceremony had involved fraud. In that case, and in circumstances where it was common ground that the parties had cohabited, had a child, and held themselves out as husband and wife pursuant to an Islamic ceremony, the presumption would be rebutted, I suggested. Ms Khalique did not seek to press her argument further.
22. There was a different presentation of the respective evidential burdens in this case on the two sides of the case. The difference may not in reality amount to anything but I shall for the sake of clarity record them and make clear which I find to be right.
23. Ms Khalique said that the evidential burden was on Mr Z because he was alleging fraud, and inevitably he therefore had the burden to establish what he alleged.
24. Mr Sethi referred to the appeal decision of Henke J in which she had supported DJ Buckley and rejected an appeal argument that he had reversed the burden of proof saying that he had rightly to look at the totality of the evidence and had properly reminded himself that the best evidence of a marriage taking place is the marriage certificate. Henke J, in an earlier paragraph of her appeal judgment, had expressed this same sentiment in slightly different terms, namely that the entry in the register is only *prima facie* – not conclusive evidence.
25. I see no substantial difference between the approaches. Both acknowledge that the certificate (or the entry in the register) is the starting point and other evidence will need to be weighed against that. That is to acknowledge that the Registrar will have taken steps to ensure that the ceremony is not a fraudulent ceremony involving

considering who it is who is in front of them. That puts the Registrar in a strong position. Where I differ from the totality approach is that I do consider that where, as here, *prima facie* evidence has been produced in the form of a marriage certificate and that is met by an allegation of fraud, then the burden of proof in making out the fraud allegation is on the party that makes that allegation.

26. I expressed this preliminary view at the start of the hearing and asked whether Mr Z wanted to present his case first as effectively the applicant. Mr Sethi and Ms Khalique agreed between themselves that Ms Khalique would present her oral evidence first, and then they agreed that Ms Khalique would close first, giving Mr Sethi the last word. I did not interfere with their agreement.
27. There is no question but that the standard of proof is the balance of probabilities.

Written Evidence

28. I will not here rehearse the evidence in the parties' statements. I will consider that below in the context of their oral evidence, though of course their evidence in chief was given in writing. I do intend however to set out what I was shown from the Registrar and briefly the Police. And to deal with a number of other miscellaneous points.
29. AB, the Superintendent Registrar for X Registry Office has been asked to provide information by the court. I have seen her set out by email that prior to the ceremony there would have been a meeting in which the Superintendent Registrar 'would need to be satisfied as to the name, age, nationality, residence and marital status of the person who was giving notice to marry'. In the handbook from 2009 the registration officer is instructed to request documentary evidence from the person giving notice. The types of evidence 'included a UK issued birth certificate, a British passport, National ID card, or if the person were born abroad, a valid passport or Home Office travel document.'
30. I note that the documentary evidence requires documents with a photograph.

31. AB sets out that the ceremony needs to take place in the building specified in the notice of intended marriage, which I assume is issued after the meeting referred to above. In 2009 the marriage register was completed by the couple, the witnesses and the official (s) present all signing the register in the presence of each other.
32. AB has sent to the court a scanned copy of the marriage entry in the marriage register.
33. The certificate in this case appears to have signatures from both parties, the officials, (AB and CD) and two witnesses. The names of those witnesses appear to be EF (though this is not clear) and GH.
34. I record at this stage that I have not heard from the officials present. Neither party has chosen to call them and it is difficult to see what they might have been able to contribute. More notably I have not heard from the witnesses to the ceremony. This is a point that I will explore below in considering the parties' evidence.
35. As to written evidence from the Police, I have been shown records that demonstrate that Mr Z and Ms Z have reported the marriage ceremony as a fraud of which Mr Z is the victim. This was initially referred to Action Fraud, the Police's national unit for investigating fraud, and then referred to the W Police when Action Fraud had decided to take no further action in the investigation. The W Police have reached a similar decision. That has not been accepted by Mr Z and Ms Y. They have asked the W Police to take some further steps such as interviewing Ms Z or trying to trace the witnesses.
36. Ms Khalique suggests that I should be influenced by the decisions of the police. I do not consider that those decisions guide me either way. I need to decide the case on the evidence before me.
37. There is hidden as exhibit 42 to the statement of Ms Z dated the 9 September 2023 (not included in the bundle provided by Ms Z but in that provided by Mr Sethi) a statement from the parties' child, Child A. It only has an electronic signature. It was not referred to by either party during the course of submissions and I have not heard from Child A. I can see from the judgment of DJ Buckley that there was an issue as to whether Ms Z had permission to rely on it. Given that it was not referred to before me

by either counsel and I have heard no argument on it, and I have not heard from Child A, I attach no weight to that statement.

38. I do note that a difficulty arising from the history and presentation of the case is that parties may feel concerned on reading this judgment that there is something somewhere

in the papers that I have not considered. I make clear that what I set out here is the arguments that I consider need to be dealt with having heard the case presented in court by counsel and read what I have set out above.

39. At the beginning of the hearing before me Mr Sethi produced several documents which he wished me to look at. These included a Land Registry document showing that in July 2011 Ms Z applied for the registration of a home rights charge in respect of X address (where she lives, but held in Mr Z's name). Mr Z relied on that to make the point that Ms Z applied using the surname V – which fitted with an argument I will turn to later that Ms Z had said that one of Mr Z's reasons to get married was he wanted her to use his name. I enquired in opening whether it was evidence that Ms Z considered herself married by law because it was my understanding that she was only entitled to the notice if she were married. (This would not be a 'game changing' development because it was after the civil ceremony, whether faked or real, but it would have some weight in this case where one of the points raised by Mr Z is that Ms Z had not indicated there had been a marriage until after the fact finding Children Act hearing.) My understanding of the law was accepted by the parties in closing. Mr Sethi did say that Mr Z had not received any correspondence in 2011 relating to the charge and speculated that it had been sent to him at X address and Ms Z had not passed it on.

Witness evidence

40. Ms Z had produced three witness statements: two of which were before DJ Buckley and one since. She has also prepared various position statements for the various hearings. I have read the witness statements.

41. Ms Z gave oral evidence on the second day of the hearing. She was emotional at various points during her evidence, but declined offers that she might take a break. The process of having her case challenged by Mr Sethi was one she found hard, in particular when he took her to the allegations that she had made of domestic abuse on the part of Mr Z. Mr Sethi put to me in closing that her evidence was emotional so as to influence me. He took me to part of the judgment of DJ Wylie in which she expressed criticism of Ms Z's evidence. I do consider that Ms Z was keen to demonstrate to me the awfulness of Mr Z. I do think that she did this because she thought that it would influence my decision on the issue of who to believe. It did have the effect that various developments in the case would be seen by her as an opportunity to demonstrate that Mr Z had behaved badly towards her rather than focus on the issue I needed to decide. To the extent that this was irritating I need to put that on one side and focus on the evidence on the issues before me.
42. I will set out below the significant areas on which she was cross examined and the answers she gave and my impression of her response, taking into account any further response on re-examination and her written evidence. I make clear that this is not a full note of her cross-examination but an evaluation of her evidence on the issues argued before me which I consider I need to determine.
43. Ms Z was pressed on what steps she had taken to try and find the two formal witnesses to her wedding. Her response was that she had not taken any. She had not known the witnesses either before or after the ceremony - they were, she said, friends of Mr Z. I do note that there was no address given for the witnesses and other than their names (one of which was unclear) there was no obvious means of identifying who they were. It might have been thought that notwithstanding this Ms Z might have made some attempt to locate the witnesses.
44. She was asked about a meal which she said was held by Mr Z to celebrate their marriage shortly after it in December 2009. She had said in her written evidence some 30 people had attended the meal. It was noted that none of them had been produced by her to confirm that they celebrated the wedding, but Mr Z's sister, at whose house the meal was said to have been hosted had prepared a statement saying that there was no such event.

45. Ms Z said that she had not attended the meal. It was a male only event. It might, she speculated, have been that Mr Z told her that the meal would have been a celebratory meal for the wedding but it was in fact, as he said now, only a prayer meeting. It was notable that she did not appear to have taken any steps to speak to the people who had attended the meal to try and establish whether there was reference to the wedding. Those that attended this meeting did appear to be members of the family of Mr Z and therefore of her. It was not clear to me why she had not approached them at least to establish if Mr Z had mentioned the wedding.
46. She was pressed why she had not mentioned her civil marriage in the course of her contested Children Act proceedings with Mr Z. These had generated I was told some 1000 pages of evidence. As I have set out they had reached a significant fact finding hearing on Ms Z's allegations of domestic abuse in June 2022, which led to a reserved judgment of DJ Wylie in August 2022. And, it was following that hearing (but before the handing down of the reserved judgment) that Ms Z brought her petition for divorce.
47. The questioning was broken down into different limbs: it was noted that the civil marriage was not mentioned on the various chronologies provided in the Children Act proceedings, or in the various narrative accounts and it was asked:
- a. how the civil marriage could conceivably have taken place given the domestic abuse that was alleged both shortly before and after December 2009; and
 - b. how it could have been right not to inform the judge that the parties had had a civil as well as an Islamic marriage.
48. Ms Z's response was that she had said that she had had a civil marriage to her direct access counsel at the time. That counsel had not considered that it was a point that needed to feature on the Scott Schedule, the chronology, or in her presentation of the case to the court. Ms Z was able to make that good by producing an attendance note of her conference with counsel on 14 June 2021 which expressly records that she had told counsel that she had a civil marriage, though it does not give the date of the marriage. (It should be noted that the attendance note also records that Ms Z was

advised that she could apply for a divorce on the basis of 5 years separation but that she says she did not want to do that because Mr Z will ‘take it out on their daughter’.)

49. Ms Z also said that there was in the course of a hearing a question put to Mr Z about whether or not there was a civil marriage – and this was evidenced by a note made by DJ Wylie, which I was shown. I record here that Mr Z’s response, as recorded in that note, was to deny there was a civil marriage.
50. Ms Z set out that the Islamic marriage was what mattered, not the civil marriage. The Islamic marriage was a matter of her faith. She had considered herself as married from 1999 when she had entered into the religious marriage so she did not consider that civil ceremony changed her relationship fundamentally with Mr Z. It was not therefore something in the forefront of her mind in the presentation of the Children Act case.
51. Her response as to why she chose to enter into the marriage with a man who she said was abusing her was convincing. She said he was a Jekyll and Hyde character. She had loved him. She had thought it was her destiny to be with him. She was going to have their second child and referred to a lovely holiday they had that summer in the lake district. His suggestion that they marry was one of the kind things (a Dr Jekyll thing) that he did. She said she looked back and could see she should have separated from him long ago, but that at the time she did not see things that way.
52. I note that the presentation of Mr Z in Ms Z’s statements for the Children Act proceedings concentrated on his bad qualities (the Mr Hyde side). Ms Z may then not have questioned the fact that her counsel did not foreground the civil marriage however lamentable it might be that the judge was not presented with (if it be the case that there was a civil marriage) a full explanation as to the fact and the detail of the marriage.
53. Despite these responses from Ms Z and my observation above it is remarkable that the civil marriage has no reference in the written material prepared for the Children Act proceedings and only one reference in the course of an oral exchange in the fact-finding hearing. I will in due course need to ask myself where this takes me.

54. Mr Sethi pressed Ms Z with the fact that she did not mention in the Children Act proceedings, but did in these proceedings, that by an incident of the 4 December 2009 her camera was broken. The 4 December incident is mentioned in the Children Act proceedings to the extent of describing an assault and saying that Ms Z's hospital bag was emptied over her – but with no reference to the camera being broken. DJ Wylie did not hear evidence on this specific allegation and did not make a finding that the assault occurred. The fact that the camera was broken is relied on by Ms Z now to explain why she had no pictures of the wedding. Ms Z accepted she had not mentioned the camera breaking before. It is difficult to see the omission of the breaking of the camera, if it were to stand on its own, as more than a point of detail that got overlooked in a mass of other detail in the presentation of Ms Z's case in the Children Act proceedings.
55. Further, before DJ Buckley, Ms Z said that the cause of the 4 December incident was that Mr Z had been cross when she was asked to postpone the civil wedding ceremony – because she was uncomfortably big. Mr Sethi wanted to know if that was the case why she had not in the fact-finding part of the Children Act proceedings further alleged that Mr Z had attempted to coerce her to marry him. Her answer was that she could have done. I can see some force in the point that Mr Sethi thereby makes but I can readily see that the statement already had very many allegations, and this was unlikely to be an incident which would be a strong one given that Ms Z's case is that she wanted to marry Mr Z.
56. Ms Z was pressed on why she was unable to produce, any documents, save for one referred to below, to provide support for her case as to the civil marriage. (This question was put in the context that she could find a range of historical documentation on other issues.) It was suggested that she might have produced:
- a. A parking ticket from the trip to the Register Office
 - b. A bank statement showing the payment of the costs of the Register Office
 - c. Photos of the wedding
 - d. Receipts for jewellery or clothes for the wedding

e. Screenshots of messages between her and Mr Z relating to the wedding.

57. Her response was that this was all a long time ago. In relation to bills they would have been paid by Mr Z, so she would not have had the evidence in the first place. In relation to photos, there were none, and here she raised that her camera was broken. She did not provide an answer to why there were no screenshots of conversations relating to the wedding in her evidence. I asked for her response on the point in closing, having been shown by that time many old text messages that she had kept. I was told that there were no text messages in relation to the marriage because that was something about which they were getting on. It was when they were not getting on and apart that they communicated by text. She was confident that there was more information that Mr Z could have produced if he had wanted. There is some obvious truth in the assertion that to find documents from 2013 will be hard but the dearth here, when other old documents can be found and produced is striking.
58. Ms Z did produce a sheet demonstrating Mr Z's holiday entitlement which she said she had found which showed, she said that Mr Z had taken a day off on the 14 December 2009 – the day of the wedding. It was said on Mr Z's behalf that this was a tampered document, and that before the tampering it would have shown that he took the 4 December off – not the 14th. The original had been requested and not provided. Ms Z said she had produced it but faced with the evidence that DJ Buckley had said it was not produced to him, she said that it must have gone missing.
59. Further, the 4th December is the date on which the alleged assault causing the camera to be broken occurred. Her allegation had been that after the assault he left the house for a weekend away. So, it is suggested by Mr Sethi that the holiday was really on the 4th. I note that the 4th was a Friday and Ms Z alleged he went to the hotel for the weekend.
60. In closing I was told by Ms Khaliq that the confusion arose because the 'original' holiday entitlement document which her client had found at her home was in fact a photocopy. So, she had handed in what was for her the 'original' even though what she handed in was a copy.

61. It is difficult in circumstances where the original has not been obtained for me to attach much weight to this holiday entitlement sheet. On the face of it, it appears to confirm that the day was taken off, but given the challenge to its authenticity and the original going missing (or the alternative explanation not having been given clearly from the start). I must treat it with some scepticism.
62. Ms Z—was asked about the signature of Mr Z on the marriage certificate compared with other documents. This was a futile exercise as she is not a handwriting expert. The topic however is one to which I will need to return.
63. Mr Z—had prepared 4 statements as well as position statements. I have read his statements. He gave his evidence at the end of the second day and for much of the third day. He was a calmer witness than Ms Z. His evidence often took me down unhelpful routes. In part this was because of what he wanted to tell me, in larger part however it was because he was asked questions which led away from the issues I needed to decide.
64. It was consistently his position that he was not present at the civil marriage on the 14 December 2009 and he did not know about the allegation that he was civilly married until Ms Z brought her petition for divorce. When meeting the allegation head on he insisted he was not at the Register Office, and that he was at work. He said he was unable to obtain records from work because they have been destroyed. He said that Ms Z has deliberately delayed bringing her claim for a civil divorce to try and beat the system because all the evidence that he might find has been destroyed.
65. The impact of his oral evidence was in essence only to inform my view of whether he was an honest witness. As I have already said the questions he was asked and the answers he gave expanded far beyond that topic, including such issues as to whether the Islamic marriage was in fact void because Ms Z was already married, whether he was harassing Ms Z by employing an investigator to report on her affairs, whether he resisted giving Ms Z an Islamic divorce, and positions taken in various attempt to compromise the issues between the parties. I shall not detail all that in this judgment. Those issues do not assist me in dealing with the issue I have to determine.

66. He was asked about a document recording an Islamic divorce that he had apparently drawn up divorcing Ms Y in September 2013. He readily acknowledged that the document was false. It was, he said, drawn up because following an incident between him and Ms Z he was threatened with losing his job unless he could persuade Ms Z to speak to his employers on his behalf. She was only prepared to do so if he divorced Ms Y. This document was created to meet that demand. He had no intention of divorcing Ms Y.
67. From this I draw two points: one that Ms Z did want to maintain her relationship with Mr Z notwithstanding his treatment of her; second that Mr Z is prepared to lie to try and get his own way. He described this false document as ‘playing the game’. I shall of course have to consider the impact of this, subject to the caveats that it is necessary to hold in mind in relation to lies, further below.
68. He was asked about a conviction for perverting the course of justice in 1994 when he was 27, for which he had received a 12-month conditional discharge and a fine of £200.

He said in his written evidence that he had pleaded guilty. From a newspaper report it emerged that he had not. He was convicted by a jury. The allegation, according to the report, was that he had been pretending to be a taxi driver and had asked a passenger, when pulled over by the police, to say he was a friend driving her home. In court his defence was that the witness was confusing him with another Asian man. In his evidence before me Mr Z said he could not remember the incident in any detail. He did at one stage appear to say that he had lied to the Police but when I asked for clarification he said he had not lied, but had just left them to investigate matters. It was put to him that his ‘defence’ to Ms Z’s case that they had married was very similar – in that he was saying she had attended the ceremony with another Asian man. He denied that.

69. I must weigh up when considering who I am to believe that, albeit a long time ago and in different circumstances, that Mr Z has attempted to pervert the course of justice.

70. He was asked about a meeting between Ms Y and Ms Z of which there was a transcript – prepared by Ms Z from a secret recording in June 2008 and I note not agreed by Mr Z. It was put to him that he was misleading both women and stringing both along with the false information that he had separated from the other. He denied that. I do not consider it necessary to set out the detail of the exchanges, but I do want to record comments made by Mr Z to me about the possibility of a Muslim man having more than one wife. He said that was allowed but would be too onerous. He would be required to do to the second wife exactly what he had done to the first wife. The particular example he gave was striking, namely if he had a civil marriage to one he would need to have a civil marriage to the other – and that would be impossible.
71. I draw from this two points: it gives a reason for Mr Z not to have a civil marriage to Ms Z when he is maintaining a relationship with Ms Y; it also presents a reason for Mr Z to want to keep a civil marriage (if there were one) with Ms Z secret and to deny it. The problem it would cause him would be in his overlapping relationship with Ms F.
72. I heard from Mr Z's sister, Sister C, at the end of the third day. She confirmed to me, as set out in her written evidence, that there was no meal to celebrate the civil wedding of Mr and Ms Z. The meeting that took place in December 2009 was a prayer meeting to commemorate their grandfather. She said the meal was on the 22 December and it was on that day that they learned of the death of Ms Z's father. That differed from Ms Z's account. She had not said the meeting was on the same day as her father's death. Indeed she said it was on the 18 – 21. That is relied on by Mr Sethi as evidence that Ms Z's account is unreliable. She would, he says, have remembered the meeting was the day of her father's death, even though it was some years ago. I must reflect that this reduces the reliability of Ms Z's evidence even if it is simply a mistake.
73. Sister C did in her oral evidence say two other things of note. First, she made a mistake as to the number of times Mr Z had got married. She said twice, to Ms Z and Ms Y. Only under re-examination did she recall he had in fact had an earlier marriage, and even then she made a mistake in that she said that the first marriage was only Islamic when it was also civil. It should be remembered that she was young when the first marriage took place, and it did not last long. Second, in re-examination

she responded to Mr Sethi, after having gone through a list of occasions which are not celebrated in her family, to say that if there had been a civil marriage she would have known, and ‘no one celebrates a civil marriage’.

74. That she considers no one celebrates a civil marriage might perhaps offer an insight into why there was no celebration in this case, if, as Ms Z contends, there was a civil marriage.

Other relevant matter raised

75. As I have said, I cannot hope to cover all of the different points that have been given some form of expression during the course of this litigation. I will here focus on those raised before me which I consider might have some relevance.

76. Mr Sethi argues for Mr Z that his signature has changed over time. He has produced different documents signed at different times. There is his passport issued in 2000, and one in 2010 and his current passport, and he has produced his signature on the marriage document to Ms Y. He argues that the signature on his marriage certificate which I am concerned with looks like his old passport (the 2000 one) rather than the signature he was signing in 2009 and 2010. He reasons that suggests someone

was copying from his old passport. Further I, in the face of opposition from Ms Z, was shown the originals of the passports. I can see some differences between the various signatures. I can see that the signature on the marriage certificate looks like a signature of Mr Z. I made clear throughout that it is a matter of expert evidence to express a view whether the signature is a fake, and whether it is a fake modelled on an old style. Experts have the knowledge to discern what is a lookalike and what is the same person’s signature changing over time. There might be occasions when handwriting cries out as obviously different to a non-expert. This is not such an occasion.

77. Mr Z did consider bringing an application for a handwriting expert. He did not proceed with that, he tells me, because he could not find sufficient contemporary signatures for them to say that this was a chronologically wrong signature. I cannot

supply that expertise myself. I must proceed on the basis there is no expert evidence to help me on the signature.

78. Mr Z makes an argument from the fact that Ms Z says that a reason he wanted to marry her was because he wanted everyone to use his surname. I was then taken through the various times she has used her maiden surname, V, to argue that the parties could not have got married because she was, after the alleged marriage, continuing to use her maiden name. This argument is obviously weak. The short response would be that Ms Z did not do what Mr Z wanted. That might be for all sorts of reasons perhaps on some occasions because they were not getting on very well. It does not mean that they did not get married. Her point was that it was part of his motivation to marry, not that she resolutely honoured it thereafter.
79. In fact, she says she did get a new passport with the surname Z a few years after the marriage. Her only way of doing this was by using the marriage certificate. I was not shown the passport, but I was told that Mr Z had seen it for a holiday. And this was not challenged save to the extent that Mr Z did not know that it was necessary to have a marriage certificate to change one's name. Counsel reminded me that this could have happened by deed poll – but there was no suggestion that it had happened by deed poll in this case.
80. I asked Ms Khalique in closing why I had not heard from any member of Ms Z's family. I had thought she might have told at least her mother of the civil ceremony at or around the time it took place. I was told she had not told her mother. She was private about her marriage, in particular because of the domestic abuse. Mr Sethi said to me, with some force, that it was not likely if there had been a marriage that Ms Z had not even told her mother.
81. Mr Sethi drew to my attention that Ms Z was intelligent – she has a master's degree from Oxford University – and financially competent. She bought and sold a property during the marriage. That he suggests means that she would be capable of bringing about the fraudulent marriage Mr Z alleges. While I can gather that she is capable and am certainly not going to decide this case on the basis she was not up to managing this fraud (if that is what it is), I do think that I should hold in mind that she was heavily

pregnant at this time which would have made it harder for her than usual to manage any fraud.

82. Mr Sethi drew to my attention adverts that Mr Z had placed in the press to try and find the witnesses to the ceremony. This he urged on me was indicative of his client telling the truth. I do not accept that. It could equally be performative – done to show me, or even Ms Z that he was trying to find the witnesses to prove his case. Further, Mr Sethi drew to my attention the steps which Mr Z and Ms Y had taken to try and get the police to pursue an action for fraud against Ms Z. This he said would be very risky if Mr Z had been at the wedding. The level of interest that the police have so far shown in what has happened does appear to indicate that the risk is not very high. Again, it might be for the purposes of demonstrating to me and Ms Y that he did not marry Ms Z.

My reasoning

83. I remind myself that I must not read across from a finding that a person has lied on one occasion so as to conclude thereby that they have lied on others. There are many reasons to lie and that someone had lied on one issue does not mean that they are lying on another.
84. I start the evaluative exercise from the marriage certificate and the fact that the marriage was recorded in the register. This gives me very good reason to believe the marriage took place. The attack on the certificate suggested by Mr Z, namely that it does not bear his signature is weak. I have no evidence to say it is not his signature. It looks like his signature. That his signature might have changed somewhat over time is not, without expert evidence, a reason for me to be sceptical of a signature that looks like his.
85. Further the fact that there has been a preceding meeting at which identification material was produced, which included photographic identification strongly suggests that Mr Z was part of this wedding. His counter position must be that Ms A had found an imposter who looked sufficiently like him to take in a Registrar. I consider

that highly unlikely. I do note however that I do not consider it beyond Ms Z's capacity to have obtained from the parties' home the necessary documentation.

86. I do consider that it is factor that when considering the weight to attach to the certificate that I have to bear in mind that the witnesses to the ceremony have not been produced. It is odd that the witnesses on Ms Z's case are people that she did not know. It is conceivable that this flows from the fact that the civil ceremony was not something considered important in her culture, and that it flows from the particular dynamics of the marriage. This however is a point I put in the scales against the marriage being genuine.
87. I turn now to my summary of the arguments against the marriage which I set out at the beginning:
- a. *Ms Z can produce no supporting evidence – such as pictures, or receipts, or family members to say the wedding happened.* I add now that she is able to produce other historical documents. The first response is that 2009 was a long time ago. It is difficult to produce corroborative evidence from then. The main response however is that in the context of their culture, and their marriage, it is much more understandable that there was not a fuss made of the civil wedding and so there would be less evidence. I think of the words of Sister C that I have noted: 'no one celebrates a civil marriage'. There is the third response that the receipts would be in Mr Z's control. And, there is the disputed evidence of Mr Z's holiday entitlement form, to which I must attach less weight than I otherwise would for the reasons set out above. There is the celebratory meal which Ms Z held out as offering evidence but has not in fact offered any and suggests some unreliability on her part. There is nothing from Ms Z's mother – but there is Ms Z's explanation as to why she cannot say anything: that she did not tell her. I do overall consider this argument weighs against the marriage but not with the weight that Mr Z would have it.
 - b. *Ms Z would have referred to the wedding in the Children Act proceedings if it had truly happened.* I have considered this at some length in my discussion of the evidence above. It is, as I have said, remarkable that there is no reference

to the wedding. Ms Z can, however, properly say that she drew the civil wedding to the attention of her counsel. It is then plausible that Ms Z followed her advice as to presentation thereafter. It does very much look from the judicial perspective that it would have been information that it would be appropriate to have. Further, it seems to me I should consider whether, if the civil marriage had happened Mr Z would have relied on it to in response to the allegations of domestic abuse. It is obviously possible to find reasons why he would not want to refer to the marriage – his relationship with Ms Y being the obvious one. I do conclude however that I have to consider this is a point to be weighed, but not heavily, against the marriage.

c. *It makes no sense for Ms Z to marry him when she said that at the time of the marriage he was abusing her. And similarly, it makes no sense for him to marry her when he had just entered into an Islamic marriage Ms Y.* As I have said above I reject the argument that it makes no sense for Ms Z to marry Mr Z. I consider her response that she wanted to stay with him compelling. As to Mr Z's motivations, the marriage with Ms Y cannot bear the weight he puts on it because that took place in 2009 and the parties separated in 2013. It is not likely that he wanted this marriage to be over in 2009 particularly with a new child imminent. It may be that he thought the civil marriage was a way of securing its continuation. I do not consider that I should attach weight to this argument.

88. I turn to consider the issues of credibility. The finding that Mr Z perverted the course of justice in 1994 carries very little weight in my view. I do note that his defence does bear some similarity to this one – it was someone else – but that does not take matters very far.

89. The false Islamic divorce from Ms B in 2013 does carry some weight. It is a calculated decision to carry out a deception of Ms Z for his advantage, namely hanging on to his job. It relates to playing one of his two 'spouses' against the other. I must bear in mind that it is a different level of deceit to what it is alleged he is practicing here, in lying to the court.

90. I hold in mind these points and the other points that I have discussed above in making my evaluation of the evidence. I conclude that whether on a holistic valuation of the evidence, or on a weighing of the evidence of a fraud namely an imposter standing in for Mr Z at the marriage ceremony against the evidence of a marriage provided by the certificate and the register, I find in favour of Ms Z. There are odd features as set out above but they do not outweigh the strong evidence of the ceremony provided by the certificate and entry in the register.

Costs

91. I have been asked by counsel on both sides to make a number of findings in relation to the conduct of the other side. Ms Khalique asks me to find for instance that Mr Z has harassed Ms Z by instructing a private investigator and he has ‘gas lit’ her in relation to the marriage. I decline to do so. My finding is that there is a marriage. My reasoning is as set out above. Any issue of harassment is not an issue before me and it would be inappropriate for me to make findings on that without it being the subject of these proceedings and properly contextualised.

92. I do anticipate there will be a costs application. I have not heard argument on the point. I do see on a preliminary basis, and without having heard argument, force in a costs order against Mr Z, but unless there is agreement between the parties I propose to deal with that issue by way of short written submissions. I am prepared to consider summarily assessing the costs, but I am aware that the starting position would be that they are put over for detailed assessment.

93. I ask counsel to let me know how far any directions in a financial remedy application have got and if they ask me to make any further directions to restart that process. I invite counsel to prepare a draft order for me.

Mr Justice Trowell