

PEOPLE'S COURT OF DISTRICT 1
Ho Chi Minh City
No: 194/2007 /QDST-HNGD -VDS
In re "divorce by mutual consent"

SOCIALIST REPUBLIC OF VIETNAM
Independence - Freedom - Happiness

District 1, August 7th, 2007.

**DECISION ON CIVIL CASE RESOLUTION
PEOPLE'S COURT OF DISTRICT 1, HO CHI MINH CITY**

With components as follows:

Judge – Chair of the Meeting: Mr.

Court Clerk records the minutes of the meeting: Ms.

Representative of People's Procuratorate of District 1 to the meeting:

Ms. - procurator.

The meeting held at 15:00, August 7th, 2007 at the office of the People's Court of District 1, No. 6 Ly Tu Trong, Ben Nghe Ward, District 1 Ho Chi Minh City to resolve the civil case "divorce by mutual consent", filed no. 287/2007/HNGD TLST on July 3rd, 2007 in accordance with the decision to open a meeting no. /QDMPH-HNGD on July 25th, 2007.

Petitioned by:

- Mr., born in 1974

- Mrs., born in 1980

Co-residing at:

(The persons concerned are absent from the meeting)

Pursuant to documents and evidence in the case record.

WHEREAS:

1. About the jurisdiction Court:

Mr. and Mrs. are spousal; they registered marriage on at the People's Committee of, according to the Marriage certificate number Today, Mr. and Mrs. petition the Court to recognize the divorce. Whereas, the persons concerned permanently reside and are residing in District 1, the petition is under the jurisdiction of the People's court of District 1.

2. The petition of the persons concerned:

Mr., and Mrs. are absent from the meeting, but the process of preparing the petition resolution, they have requested as follows:

- Conjugal relations: they petition for a divorce by mutual consent

- Common children: none

- Common assets and liabilities: No common property and debt, so the Court is not petitioned to resolve.

- Advance payment of court fees was paid by Mrs. on

- Legal costs of the first instance voluntarily paid by Mrs. Phuong.

The court proceeded the mediation for a reunification between the persons concerned, but the mediation was failed.

July 25th, 2007, the Court decided to open the meeting to resolve a civil case. After receiving the decision to open the meeting, Mr. and Mrs. apply for an absence from the meeting to resolve the civil case. Whereas, the petition for their absence from the meeting to resolve the civil case to be in line with the legislation, so the petition is approved.

The representative of the People's Procuratorate of District 1 asks the court to recognize the divorce by mutual consent.

The Court found that:

- While living together, the couple has had conflicts, dissent from views of life, the couple often quarreled and they gradually no longer love each other. The couple has took reconciliations to heal their love, but the result cannot be reached, they are not happy to live together anymore. Thus, they decide to divorce by mutual consent to live their own life. Whereas, the purpose of marriage is not satisfied and the petition for a divorce by mutual consent is lawful and reasonable.

- Common children: they declared that they had no common child so the Court is not requested to settle.

- Common property and debt: they declared that they had no common property, debt so the Court is not requested to review and decide.

3. Legal costs:

Legal costs for the first instance of civil case of VND 50,000 voluntarily paid by Phuong is lawful, so it is acceptable; this cost should be deducted from the advance of the legal cost of VND 50,000.

HEREBY DECIDE:

To apply:

- Clause 2 of Article 28; Point b, Clause 2 of Article 33; point h, Clause 2 of Article 35; Clause 3 of Article 128; Clause 4 of Article 131; Article 133; Article 311; Article 313; Articles 315 and 316 of Civil Procedure Code of 2004;

- Article 88; Article 90; Law on marriage and family of 2000;

- Government's Decree 70/CP on June 12th, 1997 regulating about the legal costs and court fees.

1/ Accept the petition for the civil case resolution of Mr. and Mrs.

.....

Recognize the agreement of the persons concerned as follows:

- The conjugal relationship: Mr. and Mrs. are judged for a divorce by mutual consent.

- Legal costs for the first instance of civil case: VND 50,000 paid by Mrs., deducted from the advance payment of legal costs for the civil case of VND 50,000 according to the receipt no. dated of the Civil Enforcement Office of District 1, Ho Chi Minh City. The legal cost for the first instance of civil case has been paid by Mrs. Phuong.

2/ The decision comes into effect immediately.

Distribution:

- *HCMC People's Court;*
- *People's Procuracy of HCMC;*
- *People's Procuracy of District 1;*
- *Enforcement Office of District 1;*
- *The persons concerned;*
- *Office record.*

**PRESIDENT TRIBUNAL
JUDGE**

(Signed and sealed)

.....

THIS IS TO CERTIFY THE TRUE COPY FROM THE ORIGINAL

December 18th, 2011

People's Court District 1

PRESIDENT TRIBUNAL

JUDGE

(Signed and sealed)

.....