

Re SK (2005)

**(2006) 1 WLR 81 : (2005) 3 All ER 421 : (2005) 2 FLR 230 ;
[2004] EWHC 3202 (Fam)**

03/02/2005

Barristers

Teertha Gupta KC

Court

Family Division

Summary

The court had inherent jurisdiction to give declaratory relief where there were concerns that a competent adult was being forced into marriage against her will.

Facts

The applicant (S), a competent adult and British citizen, applied for declaratory relief through her litigation friend. The application was made without notice, S knowing nothing of the proposed action, in circumstances where there was concern that S was being forced into marriage against her will. S was abroad and there was concern that she was being forcibly prevented from returning to the United Kingdom.

Held

HELD: The court had inherent jurisdiction to grant declaratory relief in respect of competent adults who were deprived of the capacity to make their own decisions. Notwithstanding that S was abroad, the court could make orders and give directions, including injunctive relief, designed to ascertain whether she had been allowed to exercise free will in decisions concerning her civil status and country of residence.

Permission

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