

Voidable  
marriage.

- (e) either of the parties is not of marriageable age under the law of the place where the marriage takes place.
- (3) a marriage, not being a marriage that is void, is voidable, where, at the time of the marriage
- (a) either party to the marriage is incapable of consummating the marriage, if the court satisfied that the incapacity to consummate the marriage also existed at the time when the hearing of the petition commenced and that
- (i) the incapacity is not curable, or
- (ii) the respondent refuses to submit to such medical examination as the court considers necessary for the purpose of determining whether the incapacity is curable, or
- (iii) the respondent refuses to submit to proper treatment for the purpose of curing the incapacity,
- except that a decree of nullity of marriage shall not be made on this ground where the court is of opinion that by reason of the petitioner's knowledge of the incapacity at the time of the marriage, or the conduct of the petitioner since the marriage, or the lapse of time, or for any other reason, it would, in the particular circumstances of the case, be harsh and oppressive to the respondent, or contrary to the public interest, to make a decree;
- (b) either party to the marriage is
- (i) of unsound mind;
- (ii) a mental defective;
- (iii) subject to recurrent attacks of insanity or epilepsy; or
- (c) either party to the marriage is suffering from a venereal disease in a communicable form; or
- (d) the wife is pregnant by a person other than the husband; except that a decree of nullity of marriage shall not be made by virtue of paragraph (b), (c), or (d) unless the court is satisfied that
- (i) the petitioner was, at the time of the marriage, ignorant of the facts constituting the ground;
- (ii) the petition was filed not later than twelve months after the date of the marriage; and
- (iii) marital intercourse has not taken place with the consent of the petitioner since the petitioner discovered the existence of the facts constituting the ground.

Reconciliation.

9. (1) It is the duty of the court in which a matrimonial cause has been instituted to give consideration, from time to time, to the possibility of a reconciliation of the parties to the marriage (unless the proceedings are of such a nature