

**Supreme Court of the State of New York**  
**Appellate Division: Second Judicial Department**

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Argued - December 19, 2011

PETER B. SKELOS, J.P.  
L. PRISCILLA HALL  
LEONARD B. AUSTIN  
ROBERT J. MILLER, JJ.

2010-04851

DECISION & ORDER

Samina Khan, respondent, v Farrukh Khan, appellant.

(Index No. 201830/09)

John G. Bliss, White Plains, N.Y., for appellant.

Sklar & Prusinowski, Hempstead, N.Y. (Amy Sklar of counsel), for respondent.

In an action for an annulment or divorce and ancillary relief, the defendant appeals from a judgment of the Supreme Court, Nassau County (Diamond, J.), entered April 14, 2010, which, upon a decision dated March 10, 2010, made after a nonjury trial, annulled the marriage.

ORDERED that the judgment is affirmed, with costs.

The Supreme Court properly awarded the plaintiff an annulment on the ground of fraud, as its determination was warranted by the evidence adduced at trial (*see* Domestic Relations Law § 140[e]; *Northern Westchester Professional Park Assoc. v Town of Bedford*, 60 NY2d 492, 499; *Kober v Kober*, 16 NY2d 191). The plaintiff demonstrated that her consent to the marriage was procured by material fraud that was of such a nature as to deceive an ordinarily prudent person (*see Murray v Murray*, 271 AD2d 587; *Sabbagh v Copti*, 251 AD2d 149). Furthermore, there was sufficient evidence at trial to prove that the plaintiff did not continue the marital relationship after discovery of the fraud (*see* Domestic Relations Law § 140[e]; *see generally Cohen v Hallmark Cards*, 45 NY2d 493, 499).

January 17, 2012

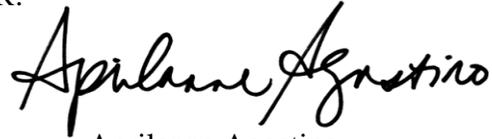
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The parties' remaining contentions either are without merit or need not be reached in light of our determination.

SKELOS, J.P., HALL, AUSTIN and MILLER, JJ., concur.

ENTER:

A handwritten signature in black ink that reads "Aprilanne Agostino". The signature is written in a cursive, flowing style.

Aprilanne Agostino  
Clerk of the Court