

BARBADOS

No. 538 of 2002

IN THE SUPREME COURT OF JUDICATURE

HIGH COURT

FAMILY DIVISION

BETWEEN:

LAURISTONE PARRIS APPLICANT/HUSBAND

AND

SONIA GRETA PARRIS RESPONDENT/WIFE

Before the Honourable Madam Justice Kaye Goodridge, Judge of the High Court

2006: May 2

2007: June 27

Ms. Cicely Chase, Q.C., in association with Ms. Susanna Thompson, Attorneys-at-Law for the Applicant/Husband

Ms. Dawn Shields-Searle, Attorney-at-Law for the Respondent/Wife

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DECISION

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INTRODUCTION

[1] This is an application by the wife for the division of the matrimonial property.

[2] In her Application filed on July 29, 2004 she seeks the following orders.

- (1) That it be declared that the matrimonial home situate at Lot 4, Harmony Hall in the parish of St. Philip in this island is owned by the Applicant and the Respondent in equal shares;
- (2) That the Respondent be ordered to pay the Applicant her one half share and interest in the said property within 3 months of the date of the order of Court and in default thereof the said sum is to attract interest at the rate of 8% per annum from the due date until satisfaction;
- (3) That should the Respondent fail to pay the Applicant for her share and interest in the home within the time ordered by the Court then the house be sold and the proceeds of sale divided equally between the Applicant and the Respondent.

THE FACTUAL BACKGROUND

[2] The parties were married on 30 May, 1981. They had two children, and separated in 2002. The wife vacated the matrimonial home in July 2004 and went to live with her mother where she still resides. The marriage was dissolved on the 3 May 2004. Evidence of the parties was by way of affidavit and neither party was cross-examined.

[3] The land on which the home was constructed was acquired by the husband in November 1981 as evidenced by the Conveyance dated 12 November 1981 for the sum of \$9 750.00. He obtained a loan from the Canadian Imperial Bank of Commerce which he repaid in monthly installments of without any contribution financial or indirect from the wife, according to paragraph 6 of his affidavit.

[4] The matrimonial home was constructed about 1986 after the husband obtained a mortgage from Life of Barbados in the sum of \$64 000. He repaid this sum through monthly direct debits and the mortgage was repaid in full in 2002.

THE LAW

[5] Sections 56 and 57 of the **Family Law Act**, Cap 214 are the sections which enable a court to declare the title or rights and alter the interests of parties in respect of property.

[6] In the case of **Proverbs v Proverbs** Civil Appeal No. 7 of 2001, the Court of Appeal set out the approach which must be taken by a court when exercising its discretion under Section 57. That approach is as follows:

- (1) The net property of the parties must be identified and valued by the Court;
- (2) The respective contributions of the parties within the terms of Section 57(3) must next be considered and evaluated;