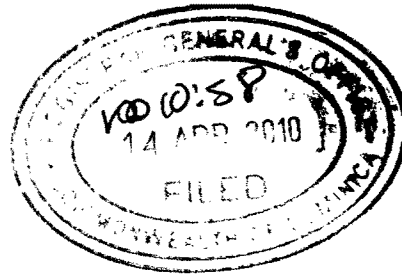


**COMMONWEALTH OF DOMINICA  
IN THE HIGH COURT OF JUSTICE  
DOMHMT2008/0063**



**BETWEEN:**

**CUTHBERT PROSPER**

**Petitioner**

**and**

**GLORA PROSPER**

**Respondent**

**Before:**

**The Hon. Justice Brian Cottle**

**Appearances:**

**Mr. B. Mc Donald Christopher for Petitioner**

**Mrs. Singoalla Blomqvist Williams for Respondent**

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2010: January 29  
February 2, 3  
April 14  
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**JUDGMENT**

- [1] COTTLE J; The parties were married in 1992. The decree dissolving the union was made absolute in 2009. The petitioner is now 71 years old and the respondent is 52. The petitioner is retired. He receives pension of £629

monthly. The respondent has two jobs and earns a total net salary of \$944.64. At present both parties reside in the matrimonial home.

- [2] It is the petitioner who brings this application for ancillary relief. At issue is the disposition of the matrimonial home. This is a house located at 130A Victoria Street in Newtown on the outskirts of Roseau. The petitioner says the house is valued at \$172, 520. The Respondent valuer says the home is worth \$313, 440 however this value includes \$25, 000 for an out building and \$ 48, 440 for the land.
- [3] In considering what order to make on this application the court aims to put the parties in the position they would have been had the marriage subsisted and each had met his or her financial obligations and responsibilities to the other. In arriving at the order the court must take all the circumstances of the case into account.
- [4] In this case the petitioner owns the matrimonial home free and clear. He inherited the property before his marriage to the respondent. He constructed the matrimonial home without any significant financial input from the respondent despite the fact that the house was built during the subsistence of the marriage. I find that the respondent made some financial contribution to the outbuilding. The petitioner meets all the costs of running the home. The petitioner says that his income is fully committed. He has savings amounting to \$ 22, 978. The respondent says her savings amount only to \$ 3, 490.45
- [5] Had the marriage subsisted, the petitioner would have continued to provide a home for the respondent wife. He would have continued to meet the household expenses. She too would have applied her income to their joint benefit. The petitioner now says that he is unable to remain under the same roof with the respondent. So be it. I am content to accede to his request.
- [6] The respondent will pay to the petitioner a sum of \$70, 000 which I calculate as approximately one third of the value of the house taking into account the different values given in evidence. This sum will be a full satisfaction of all matters of ancillary relief between the parties. Upon payment to her of this sum the Respondent will vacate the matrimonial home .The payment is to be made within six (6) months. Each party will bear his or her own costs.

  
Brian Cottle  
High Court Judge