

SAINT LUCIA:

**IN THE HIGH COURT OF JUSTICE
(Civil)**

No: 45 of 1993

Between:

CECILIA NARCISSE

Petitioner

.v

JULIAN NARCISSE

Respondent

Appearances:

Mr. Parry Husbands for the Petitioner

Mr. Marcus Foster for the Respondent

1999: March 24 & 26.

DECISION

ALLEN J.

This is an application for Ancillary Relief.

The Petitioner obtained a decree nisi for dissolution of her marriage to the Respondent on the 22nd September 1995 and applied for ancillary relief on March 6, 1996.

It is unclear why this matter did not come on for hearing until 20th March 1999.

The affidavits filed by and on behalf of the Petitioner and the Respondent are hardly sufficient but what I conclude from reading the Petition and supporting exhibits, having done so in order to satisfy the requirements of section 25 of the divorce Act, is that the parties were married in 1985, there is one child of the marriage born to them in 1987 and by 1990 the marriage had broken down.

They were persons of moderate means. The Respondent is a small farmer eking out a livelihood from a two-acre farm which he inherited from his father. He is now 62 years old and the Petitioner is 15 years younger. The affidavit of the Respondent that the Petitioner owns a video rental business and sells ice-cream and other goodies has not been challenged.

The Respondent admits that he owns two properties which, from their description, are both dwelling houses. It is accepted that one was owned before

marriage and therefore is not community property; he explains the use to which they are put and the income he derives from them. His total savings are \$1,400. The facts that the affidavits on which the Court must determine the issues were sworn since 1995, cannot be overlooked; a little research may well have revealed that both of the parties are better off now than they were when the affidavits were sworn and filed. Having read the affidavits, the petition on which the decree of divorce was granted and the provisions of section 22-25 of the Divorce Act, this is the order which I am satisfied will meet the justice of this case.

The order of the Court is:

Custody:

The custody of **Jahan Dison** is hereby granted to the petitioner with reasonable access to the Respondent.

The Respondent is hereby ordered to transfer his half share in the property registered as 0036C87 to the Petitioner thereby enabling her to become absolute owner by 1st June 1999. If for any reason the transfer is not completed by that date, all rental income accruing therefrom after the said date shall be paid to or collected by the petitioner for the use and benefit of herself and the child of the marriage, until such time as the transfer has been completed.

That the Respondent makes monthly payments of \$400.00 to the Petitioner for maintenance of the child of the marriage with effect from 1st May 1999.

That Respondent pays \$500.00 towards the cost of this application.
Liberty to apply.


KENNETH ALLEN Q.C. OBE
High Court Judge (Ag.)