

IN THE HIGH COURT OF JUSTICE

(CIVIL)
A.D. 1996

Suit No.254 of 1996

Between:

JOELLA YARDE

VS

MARSHALL AMEDEE



Plaintiff

Defendant

Mrs. S. Lewis for Plaintiff

Mrs. B Downes for Defendant

1996: July 17 and 19

JUDGMENT

MATTHEW, J. (In Chambers)

On March 22, 1996 the Plaintiff filed a writ of summons indorsed with statement of claim asking for division of property and other relief arising from a common-law relationship.

On the same day the Plaintiff took out a summons asking for certain interlocutory relief in respect of the house in which the Parties lived and a shop and that the Plaintiff's minor sister be permitted to reside with the Plaintiff.

Before the hearing learned Counsel for the Plaintiff intimated that the Plaintiff was no longer asking for relief with respect to the shop.

In support of the Plaintiff's affidavit was a lengthy affidavit filed on the said March 22, 1996 and the Defendant replied by one almost as long on June 4, 1996.

YARDE
JOELLA
V
MARSHALL

Each Party denied the allegation of the other. The Parties have three (3) children aged 8, 5 and 2 and the Plaintiff's 12 year old sister resided with them.

On the facts, I am satisfied that they both live in the house. The cohabitation period appears to be from either 1991 or 1992. It cannot be right that a man should inflict upon his partner, three young children and then try to restrict her use of the dwelling in which they have been living together.

If as learned Counsel for the Defendant submits there is a total breakdown of the relationship, at the convenient time a permanent decision will be made with respect to the sharing of the property. In the meantime the Plaintiff shall have full access to the house.

My order is that upon the Plaintiff giving the usual undertaking as to damages I order that the Defendant be restrained and an order of injunction is granted restraining the Defendant from interfering with the Plaintiff's use and occupation of the house situate at Citrus Grove, Laborie, until further order.

I specifically order the Defendant to make available to the Plaintiff a full set of keys and that he ceases from locking the door so that the Plaintiff cannot enter therein.

I also order the Defendant to permit the child, Glorian Yarde to reside with the Plaintiff until further order.

The Defendant shall pay the Plaintiff's cost in the sum of \$300.

A.N.J. MATTHEW
PUISNE JUDGE