

ROYAL COURT  
(Samedi Division)

28th July, 1997

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Before: Sir Peter Crill, K.B.E., Commissioner,  
and Jurats Myles and Quérée

Between:	B (Mrs)	Plaintiff
And:	B (Mr)	Defendant

Application by the Plaintiff for an Order:

- (1) requiring the Defendant immediately to vacate the matrimonial home;
- (2) restraining the Defendant from entering, damaging or despoiling the matrimonial home in any way, or attempting to do so; and
- (3) that the costs of the above application be paid by the Defendant on a full indemnity basis.

Advocate R.C.S. Fielding for the Plaintiff.  
The Defendant *en défaut*.

JUDGMENT

THE COMMISSIONER: The Court has had regard to the long history of ill-treatment and assault by the husband, the husband's failure to maintain his wife and child properly, and the lack of interest that the husband has shown in the fact that his wife is pregnant.

5 According to the evidence of the plaintiff's sister the defendant's behaviour has deteriorated and since then the plaintiff's distress has increased. In view of this we think that it would be fair, just and reasonable to make an exclusion order or an ouster order and this we will do. I have touched on the

10 behaviour of the husband; the behaviour of the wife has not been impugned.

We have heard evidence from Mr. McCready, the form-master of

15 O aged nine. He is quite clear in his own mind what has happened to O who does not now appear to trust adults after listening to rows between his parents. It is obviously in O's interests that these rows cease. This can only be achieved by removing the defendant from the house. As far as the defendant is concerned, he can always live with his father or find

somewhere else. There certainly seems to be a likelihood of further injury to the plaintiff if the defendant returned to the matrimonial home.

5           Accordingly, having considered these matters, we make the exclusion Order as it is fair, just and reasonable to do so. We also order the defendant to pay the costs of this application on a full indemnity basis.

Authorities

Rennell -v- Le Mière (28th July, 1995) Jersey Unreported.