

SAINT LUCIA

IN THE COURT OF APPEAL

CIVIL APPEAL NO. 1 OF 1998

BETWEEN:

MICHEL TOHME

Appellant

and

MARIA TOHME

Respondent

Before:

The Hon. Mr. Satrohan Singh

Justice of Appeal

The Hon. Mr. Albert Redhead

Justice of Appeal

The Hon. Mr. Albert Matthew

Justice of Appeal [Ag.]

Appearances:

Mr. Kenneth Foster, Q.C. , Miss Isabella Shillingford
with him for the Appellant

Mr. Michael Gordon for the Respondent

1998: October 29.

JUDGMENT

SATROHAN SINGH J.A.

This appeal arose from a decision given by Farara J. on an application made by the Respondent for Ancillary Relief based upon a maintenance agreement made between the appellant and the respondent on 21st July, 1995 and registered on 26th July, 1995 in Vol. 148A No. 172535.

The Appellant appealed to us from that decision.

We considered arguments from Queen's Counsel, Mr. Kenneth Foster for the appellant and Mr. Michael Gordon for the respondent. We

are satisfied that there is no merit in any of the arguments of the learned Queen's Counsel.

We accept the Judge's finding that this was a maintenance agreement as defined by Section 35[2] of the Divorce Act. We are only powered to interfere with such an agreement in accordance with the provisions of Section 36 of the said Act. In the context of this case, only if the appellant has proved changed circumstances since the execution of the aforementioned agreement.

On the evidence on record, we accept the Judge's finding that there were no changed circumstances. In any event, there was no application by the appellant to vary the said agreement.

For these reasons we see no merit in the appeal. We affirm the Judge's order and dismiss the appeal with costs to the respondent to be taxed, if not agreed.

SATROHAN SINGH
Justice of Appeal

I Concur

ALBERT J. REDHEAD
Justice of Appeal

I Concur

ALBERT N.J. MATTHEW
Justice of Appeal [Ag.]