

IN THE EASTERN CARIBBEAN SUPREME COURT
HIGH COURT OF JUSTICE
FEDERATION OF SAINT CHRISTOPHER AND NEVIS
SAINT CHRISTOPHER CIRCUIT
(CIVIL)

CLAIM NO. SKBHMT2010/0043

BETWEEN:

LENROY CONNOR

Petitioner

And

MURIEL CONNOR

Respondent

Appearances:

Mrs Robin Herbert Thompson for the Petitioner

Mrs Michella Adrien for the Respondent

2011: May 03
2012: April 17

DECISION

- [1] **THOMAS J:** The matter for decision is whether the Respondent, Muriel Connor, should pay costs to the Petitioner Lenroy Connor upon the grant of his petition for divorce.

Evidence

- [2] In his evidence in chief, Lenroy Connor testified that he is a farmer and was involved in an accident which left him unable to farm full time. He also said that he was involved in another vehicular accident as a result of which he suffered frequent spasms.
- [3] In support of the foregoing, the Petitioner put into evidence a MRI Report from Antigua dated 12th May 2000 and a report from Dr Hodge dated 8th May 2006.

- [4] The further evidence is that the Petitioner stopped farming for over a year and re-started to see what he could do about the animals in relation to his farming. According to the Petitioner he had financial difficulties and that after the marriage broke down he went to live with his daughter for about two months as he could not afford to live elsewhere on his own.
- [5] In terms of where he now lives in Newton Ground, Connor gave a full description of the conditions; and with the loss of his farming and his employment as a singer on the scenic train. Also, detailed are the arrears in relation to the house, a small farm tractor and irrigation. According to him the arrears amount to \$45,000.00.
- [6] As far as wife's employment is concerned, the Petitioner testified that she is engaged in cottage industries involving the making of sugar cakes, goat water, souse and cooked food. He went on to give some details of the sales of some of the items.
- [7] In cross examination Lenroy Connor testified that he works at Kittitian Hill for \$4000.00 per month gross with a net of \$3600.00. He also said that he no longer does farming and that he did not receive any benefits from the insurance.
- [8] In re-examination Connor gave evidence that with his net salary of \$3600.00 he cannot save as he has to repay the money owed. He said further that he is receiving treatment for his ear, has no medical insurance and has savings of \$2000.00.
- [9] Concerning his wife Connor said she had an operation between 1999 and 2000 and that up to 2007 she was not suffering.

Conclusion

- [10] This matter is to be judged solely on the evidence of the Petitioner and as such since the Respondent did not give evidence, the rule is that she accepts the evidence of the other side.
- [11] Although the Petitioner is now in receipt of a salary the debts is a result of his accidents which place him in a negative position. In any event the Petitioner has succeeded on his

petition and is entitled to his costs. And based on the evidence as to the Respondent's sources of income, being essentially from food items, the Court accepts that she can pay costs. It is a one-off payment.

[12] The award of costs to the Petitioner to be paid by the Respondent is \$1200.00. Order accordingly.

Errol L Thomas
High Court Judge (Ag)