

IN THE FAMILY DIVISION OF THE HIGH COURT	
CASE NUMBER:	07/LBS/0238 AT LAB ASA
BETWEEN:	DAVEN APPELLANT
AND:	GYATRI RESPONDENT
Appearances:	Appellant in person.
	Respondent in person.
Date/Place of lodgment:	Wednesday, 05 th October, 2011 at Labasa.
Judgment of:	The Hon. Justice Anjala Wati.
Category:	<i>All identifying information in this judgment have been anonymized or removed and pseudonyms have been used for all persons referred to. Any similarities to any persons is purely coincidental.</i>
Anonymised Case Citation:	DAVEN v. GYATRI- Fiji Family High Court Case Number: 07/Lbs/0238.
JUDGMENT OF THE COURT	
<i>APPEAL -property distribution - properties involved tire cattle- appellant not happy that the parties were Given equal distribution of the property of the parties to the marriage - presumption of equal distribution not rebutted - magistrates orders upheld.</i>	

Legislation

Family Law Act No. 18 of 2003.

1. The husband is aggrieved with the orders of his worship where his worship had ordered that the 2 cows and 2 calves were properly of the parties to the marriage and that the parties should get equal distribution of the property.
2. The main point of contention was that the cow was bought by the husband. He testified that he bought a cow and a calf and when he had them at his place, the calf grew up and gave birth and the latest calf gave birth as well making 2 cows and 2 calves. The wife had maintained at all times that the first cow and calf was given to her by her parents to drink milk and that she is entitled to the 2 cows and the 2 calves. The husband objects to the return of the cow and the calf and stated that his family grazed the cow and the calf and they are entitled to all the cattle.
3. I have perused the evidence of the parties and I am of the judgment that his worship was correct that the two cows and the calves are properties of the parties to the marriage whether it was bought in the marriage or acquired in the marriage.
4. The 2 cows and the 2 calves, thus, were in the asset pool and subject to distribution. Neither of the parties, was through their evidence, successfully able to rebut the presumption of equal contribution to the property pursuant to s. 162 (2) of the Family Law Act No. 15 of 2003, and thus, the order of his worship that each party has a cow and a calf each is justified and fair in all the circumstances.
5. There is no merit in the appeal. The order of his worship is affirmed. The husband is ordered to return one cow and a calf to the wife.

Anjala Wati

Judge

05.10.2011

To;

1. The Applicant, DR.
2. The Respondent, GD.
3. Tile: 07/Lbs/0238.