

**ELMAH GOODHEW -V- STEVEN JAMES GOODHEW**

In the High Court of Solomon Islands  
(Faukona, J)

Civil Case No. 272 of 2007

**Dates of Hearing:** 30<sup>th</sup> September and 5<sup>th</sup> October 2007  
**Date of Ruling:** 5<sup>th</sup> October 2007

*For Petitioner:* Mr Squaer  
*For Respondent:* Mrs. M. Bird

**RULING**

1. **FAUKONA J:** This is an application by Mrs. Maelyn Bird on behalf of the Respondent pending suit. Summons in regard to this application was filed on 2<sup>nd</sup> September 2007 and supported by an affidavit filed on the same date, and deposed by Mrs. Bird.

The summons contain two basic interim orders sought.

1. That the Petitioner be ordered to return the keys to MV Lalae to the Respondent forthwith.
2. That the Petitioner be restrained from gaining access to MV Lalae and be further restrained from entering and or removing anything that is of value therein.

Apart from the orders sought, Mrs Maelyn has also orally submitted supported by affidavit with annexures the third order sought which directly relate to variation of Order 2 originally made by this court on the 28<sup>th</sup> September 2007. That submission will be considered and a ruling made to that effect on a later date.

For now the affidavit in support of the application has on paragraph 2 that the Petitioner on 9<sup>th</sup> September 2007, boarded the MV Lalae and removed bottles of alcohol from the ship without knowledge and consent of the Respondent.

And on paragraph 4, the Petitioner on Sunday 23<sup>rd</sup> September 2007 gain access to MV Lalae and had removed the boat keys.

The Respondent had reported the matter to police but the Petitioner still refuse to return the keys. It is submitted and on paragraph 6, the Respondent has reason to believe that the Petitioner would re-enter MV Lalae again, and remove further items without the Respondents knowledge and consent, therefore Respondent seeks orders sought in the summons.

In response Mr Squaer for the Petitioner objected to the grant of such orders. He submitted to be fair to both parties each should have a separate set of keys because of their marriage. He further submitted there is no final determination of the matrimonial properties as yet, and does not mean the property belong to the Respondent alone; both have interest to the vessel, therefore the Petitioner should allow access to the boat.

Having heard the submissions made by the counsels on behalf of the parties, and having read the affidavit in support of the application, this court therefore decided on the following reasons.

1. Following the filing of a divorce petition on 23<sup>rd</sup> July 2007, a decree nisi was pronounced by this court on 28<sup>th</sup> September 2007, eventually it is contemplated a decree absolute will be made, should nothing change within the next three months.
2. Since separation the parties have been living separately from each other. It would be inappropriate and not in the best interest of the parties to be allowed to meet at one accessible venue, noting their relationship had been deteriorating ever since. To do so is creating further anxiety, frustration and problem to them.
3. Matrimonial problem is a very sensitive issue with physical confrontation, abuse and continue of demeaning of one another. It is just that the parties should not be allowed to confront each other or meet at an access point. That will absolutely hasten the relationship which had deteriorating since separation. It is in the best interest of parties to stay away from one another whilst the issue of matrimonial properties are sorted out.

With these reasons I therefore grant the orders sought.

1. That the Petitioner to return the keys to the MV Lalae to the Respondent forthwith.
2. That the Petitioner be restrained from gaining access to MV Lalae, in whatever nature, and be restrain from entering and or removing anything that is of value therein.

3. These interim orders be ceased when the issue of matrimonial properties is finally determined.

A handwritten signature in black ink, consisting of a large, stylized 'S' or 'J' shape with a horizontal line extending to the right, and a small 'C' at the end.

**THE COURT**