

BETWEEN

Teo Seah Chea

..... Petitioner

AND

Lim Siok Chin

..... Respondent

**(High Court of Brunei Darussalam)
(Petition No. 50 of 2017)**

Hj Abdullah Soefri bin POKSM DSP Hj Abidin, J.C.
20th September 2022

Civil Procedure – Ancillary matters

Ms Melissa Ang of M/S Melissa Ang & Co for Petitioner.
Mr Lim Rui of m/s Ridzlan Lim for Respondent.

JUDGMENT

Hj Abdullah Soefri, JC:

The Decree Nisi entered on 19th July 2018 was made final and absolute on 30th August 2018.

There is one (1) child born from the said marriage namely Nicholas Teo Chen Yee (Nicholas) born on 22nd March 2005.

The issue of custody of Nicholas has been decided upon by virtue of an order dated 29th February 2020.

Before me, the Respondent made an application for ancillary relief. The application by the Respondent against the Petitioner seeks the following ancillary relief:-

- a. Matrimonial home at No.6, Simpang 502-56-24, Kampung Beribi BE1118, Brunei Darussalam;
- b. Monthly maintenance of \$1,100.00 per month for the Respondent;
- c. Claim for maid expenses;
- d. Claim for half share of the Petitioner's shares or interest in the properties described as:-

- i) EDR No.1565 Lot No.1679 containing an area of 0.660 acres, more or less situated at Kampung Sabun, Muara District
- ii) EDR No. MD 03958 Lot No.04966 Kampung Pekan Muara, Mukim Serasa, Muara District

e. Claim for higher education fees to be set aside for the child of the marriage.

As for (a) Matrimonial home, it has been agreed by the Petitioner to give his share of the property to the Respondent after he has fully settled the loan of that house.

Both the Petitioner and Respondent are education officers. The Petitioner earns monthly income about \$4,300 and after deducting monthly expenses, the Petitioner is left with \$1,300 for his own disposable income.

The Respondent earns a monthly salary of \$3,770 and after deduction, her salary is \$3,496.

Part of the Petitioner's expenses is to pay the sum of \$900 per month as maintenance. \$400 towards payment for her car loan and \$500 for Nicholas's living expenses.

Taking into account the situation of both parties and taking into account that the interest and welfare of Nicholas are paramount. I will make the following orders:-

- 1) Monthly maintenance for the Respondent is \$600 to include for maid expenses;
- 2) Higher education fees to be set aside for Nicholas, child of the marriage and they have joint custody. Petitioner to contribute \$500 per month and Respondent to contribute \$500 per month and this money is to be kept in an account holding on trust for Nicholas;
- 3) Since the Petitioner has agreed to give his share of the property which is the matrimonial home to the Respondent after he has fully settled the loan of that house, there will be no order to the claim for the half share of the Petitioner's shares of interest in the properties described as:-
 - i) EDR No.1565 Lot No.1679 containing an area of 0.660 acres, more or less situated at Kampung Sabun, Muara District
 - ii) EDR No. MD 03958 Lot No.04966 Kampung Pekan Muara, Mukim Serasa, Muara District
- 4) Since Nicholas is staying with the Petitioner, the Petitioner will continue to pay for Nicholas' expenses as stated in the table of monthly expenses in the Petitioner's submission paragraph 7.

Summary

1. Maintenance to be paid by Petitioner to the Respondent (to include maid expenses) \$600 per month.
2. Higher education fees to be set aside for the child of the marriage.
Petitioner: \$500 per month
Respondent: \$500 per month

(Money to be kept in an account holding on trust for Nicholas)

3. Property to be transferred to the Respondent.

Half share held by Petitioner to be transferred to the Respondent once after Petitioner has fully settled the loan of the house at No.6, Simpang 502-56-24, Kampung Beribi BE1118, Brunei Darussalam. Once the loan is fully settled by the Petitioner in accordance with the time period as stated in the loan agreement, the title is to be transferred fully to the Respondent.

4. No order as to the claim for half share of the Petitioner's shares of interest in properties described above.
5. Petitioner to continue to pay for Nicholas' expenses as stated in the table of monthly expenses in Petitioner's submission paragraph 7.
6. No order as to costs.

HJ ABDULLAH SOEFRI BIN POKSM DSP HJ ABIDIN
Judicial Commissioner