

IN THE SUPREME COURT OF NEW ZEALAND
WELLINGTON REGISTRY

D.412/74
IN DIVORCE

BETWEEN [REDACTED] SIMPSON formerly
of [REDACTED] but now of [REDACTED]

Petitioner

AND [REDACTED] SIMPSON of [REDACTED]

Respondent

Hearing: 1 May 1975

Counsel: F.B.N. Fox for respondent (in support)
F.J. Kember for petitioner (to oppose)

Judgment: 2 May 1975

RESERVED JUDGMENT OF WHITE J.

I reserved judgment in this application in order to read the judgment in Ette v. Ette (1965) 1 All E.R. 341, which was referred to, and to consider the effect of the updating of the affidavit evidence. I do not propose to state the facts in any detail, nor is it necessary to state the principles which I must apply.

Maintenance has been paid since the separation of the parties on 29 June 1972 at the rate of \$30 a week - \$20 for the wife and \$5 for each of the two children of the marriage who are in her custody. Despite the breakdown of the marriage, it is clear that the parties have approached matters reasonably and that the husband as well as the wife have both endeavoured to see that the children have the continuing attention of both parties.

It must be accepted, of course, that when a separation takes place, the cost of two households is greater than one. In this case, the wife attempted to maintain herself but the strain on her health was such that she had to curtail her activities and apply for a Social Welfare benefit. That she has done all she can to contribute by working there is no question. On the other hand, while not in receipt of a high salary, the husband has had some increase since the proceedings were issued. He has been able to

No Special
Consideration

NO.

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improve his accommodation where he is living in a de facto relationship with a woman who is working. While that may not be a permanent relationship she contributes, and has done so for some time, to the household but only to the extent of a share in the expenses for food.

In my view, in the present circumstances there should be a moderate increase in the maintenance to \$35 a week, the wife's maintenance being increased to \$23 and each child to \$6. I am not unmindful of the doubts as to the wife's state of health and the position may have to be reconsidered in the future having regard to that factor.

The applicant wife is entitled to an allowance for costs, which I fix at \$30.00.

Solicitors:

F. John Kember Esq., Wellington, for the petitioner
Brandon, Ward, Macandrew & Co., Wellington, for the
respondent