The Family Court at Romford

14th January 2025

Neutral Citation Number: [2025] EWFC 286 (B)

Before:

District Judge Shackleton

BETWEEN

G Applicant

-and -

N Respondent

The husband was represented by Mr George Harley (Counsel, instructed by SBP Law)

The wife was not represented

District Judge Shackleton:

1. This is an application for a financial remedies order arising out of the divorce between G (to whom I shall refer to as "the husband") and N (to whom I shall refer to as "the wife").
2. The case proceeded to a final hearing on 14th January 2025.
3. The order sought is that the former marital home currently occupied by the husband be transferred into his sole name. The property is mortgage free. It is the only asset still existing in the parties' marital estate.
4. This is not going to be a lengthy judgment. The full reasons for the decision of the court will become apparent. The court does not need to go through all the facts on this occasion. The most important preliminary point is that the wife is not here today. At significant expense to himself the husband has engaged through his solicitors four process servers since this application started to serve all relevant documents and orders on the wife. They have successfully served all those documents including the documents for the final hearing today.
5. They have had from the wife nothing but silence.
6. In fact, up until yesterday the court too had received no engagement from the wife. But I do note on the portal that the wife got in touch with someone at the central financial remedies court office and it is said on the note that she called and said she would not be in court today due to ill health and she was advised to email the court, she may have done there may be delays within the system but I have not received anything. There was no application for an adjournment, so the matter proceeds today.

7. In the usual course the court would go through the parties' positions, the issues as well as the law and what the court would consider pursuant to section 25 factors. In so far as they are relevant, they have been considered but given the facts of this particular case lie outside the norm, I suggest the factors hold less relevance. Bearing that in mind, I have considered section 25(b), (c), (d) and in particular (f).
8. There are no minors in this application so the court would ordinarily consider the alternative orders sought by parties or substituted by suggestions accepted by court. As the wife has failed to engage this is not a case where these details must be gone into in great depth and I only have the husband's suggested order to consider.
9. The court has considered the above-mentioned factors in conjunction with the husband's section 25 statement and his financial disclosure in Form E in deciding whether to make the orders sought.
10. I have the benefit of a 165-page bundle provided by the husband's solicitors and helpful position statement prepared by Mr. George Harley, counsel for the husband. I am thankful to counsel for his assistance.
11. The husband has been sworn in and his evidence admitted. I did not have any questions for him and the wife is not here to question him thus the evidence he has given is uncontroverted.
12. According to his evidence, the wife left the former marital home nearly 30 years ago, at the time the two children were minors. There is no evidence before me that the wife had any reason to leave other than her own choice. It appears she left to start another family with another man and that is exactly what she did, it has been well over 25 years since she left.
13. At the time she left the mortgage outstanding equated to 90 percent and there was 10 percent equity in the property. Since she left the husband has paid off the entire mortgage and paid for the children's upbringing entirely himself. There was no child maintenance service input, no benefits, no maintenance from the wife. It appears she completely abandoned her family.
14. I understand the parties' son attended the last hearing, and he and his sister have had to deal with the abandonment. The wife has apparently shown no interest in them whatsoever. A sad situation but as Mr. Harley has pointed out the morality of the situation is not something the court considers. This is not a court of morals, and the decisions of this court are based on financial circumstances alone.
15. Conduct has not been raised. This is not something the court would consider but here the conduct had the result that the husband has carried the entire financial can as it were, discharging all finances including children's education over the years.
16. The only asset is the former marital home in which the husband currently occupies. The husband is now seeking, as he is perfectly entitled to, a clean break. There are no previous financial orders so either party are free to make an application for a financial remedies order and to seek for it to be a clean break.
17. What the husband seeks is the transfer of the former marital home from the parties' joint names into his sole and an order that the court signs the TR1 to save further expense to sign with all indications that she has not engaged.

18. Given all the factors I have set out and in particular the wife's abandonment, the husband discharging 90 percent of the mortgage, paying all outgoings whilst the children were growing up, the conclusion that the court must come to is overwhelmingly that the wife has no claim whatsoever and the husband has an undeniable argument that the property be transferred into his sole name. That is the only order he seeks. He does not even make an application for costs, which is an application the court would have been very prepared to entertain.
19. So the order is that the former matrimonial home being 4 Masefield Crescent, RM3 7PL be transferred into the sole name of the husband and there be no other orders and there be a clean break.
20. The court will sign the TR1 21 days from today's date, this being time when the respondent may seek to appeal and the husband can seek signature from court on the TR1 to effect the transfer of the property.
21. That is my judgment.
22. This redacted and anonymised version of judgment has been agreed as suitable for publication.