

IN CHAMBERS

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
HOLDEN AT GEORGE TOWN, GRAND CAYMAN  
CAUSE NO. D 124/95

BETWEEN: OSBALDO NARANJO PETITIONER  
AND: OLGA NARANJO RESPONDENT

Appearances

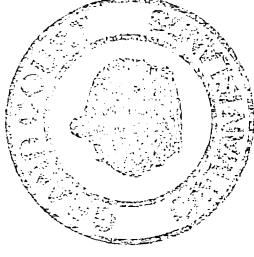
Mrs. N. Nervik for the petitioner  
Mr. C. Allen for the respondent

BEFORE DOUGLAS J

RULING

Before me is an application on behalf of the petitioner for the final determination of ancillary matters. It has already been determined that the respondent will continue to have custody, care and control of the two children with reasonable access to the petitioner. An order has also been made regarding the maintenance of the children. The parties now seek an order as to the disposition of the matrimonial property.

The matrimonial property consist of the former matrimonial home located at Registration Section West Bay North West Block 4C Parcel 345 and is valued at \$80,000.00. There is a cafeteria style restaurant, and in which the parties carried on business. There are also three properties in Honduras which although two are in the sole



5/11/97

name of the respondent. The petitioner claims to have assisted in completing a house on one of the properties. These will play no vital roll in the determination of this issue as the petitioner already relinquished any claim he may have entertained in this regard. In the course of the hearing it was agreed that the respondent would retain the matrimonial home as sole owner and the petitioner the cafeteria. Problems have arisen due to the difference in value between the two properties. The petitioner contends that this should be paid to him by the respondent in order to facilitate a settlement. The respondent by affidavit has deponed that between January 1991 and October 1993 the cafeteria brought in a gross income of nearly half a million dollars. This figure was not seriously challenged by the petitioner, nor was the claim that it enabled them to pay off the mortgage on both properties. At present the respondent is employed at Kirk Freeport and has a salary of \$1,000.00 per month. Her affidavit shows that she is barely able to make two ends meet.

The petitioner in his affidavit of 3rd April 1991 deponed that he is a taxi driver with a seven seater bus earning \$1,600.00 per month, that is less the \$400.00 a week. I find it very hard to believe that a tourist oriented Island such as this with a vehicle of that size such a figure could be realistic. Be this as it may, as a father he has an obligation and a duty to both house, and support his children. At present he is paying a nominal amount of \$75.00 per week for each. This may go towards their food and upkeep, but certainly not their housing. From the circumstances of the case it is clear to me that the petitioner is now mindful of the fact that whoever gets the cafeteria, with a small investment will be able to derive a reasonable income, if not a very comfortable one. It is also obvious that should the respondent be ordered to pay the differences requested, it would undoubtedly endanger her welfare and security and that of the children. I am of the opinion that the petitioner with sole ownership of the cafeteria is the only party who will make every profit of every consideration in the foreseeable future.

Accordingly it is ordered that the property registered as West Bay

North West Bay Block 4E Parcel 569 be transferred into the sole name of the petitioner. That the property registered as West Bay North West Block 4C parcel 345 be transferred in the sole name of the respondent.



Kipling Douglas  
Judge of the Grand Court

5th November 1997

