

Case Brief #1: TMC 2026-001 - Davis v Davis [2019]

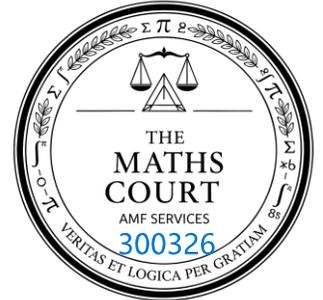
Reference:

Court: *The Eastern Caribbean Supreme Court, High Court of Justice, Antigua and Barbuda.*

Judge: *Justice Clare Henry.*

Parties: *Anestericia Davis (Petitioner/Applicant) and Zenworth Davis (Respondent).*

Claim Number: *ANUHMT2017/0073*



1. Case Overview

- **Parties:** The case involved an application by Anestericia Davis (the Petitioner) against Zenworth Davis (the Respondent).
- **Legal Basis:** The application was made for spousal maintenance following the breakdown of their marriage, governed by the **Divorce Act 1997** of Antigua and Barbuda.
- **The Marriage:** The parties married in 2004 and separated in 2010, eventually leading to divorce proceedings in 2017.

2. Key Arguments

- **The Petitioner's Claim:** She argued that the end of the marriage left her at a significant economic disadvantage. She cited her retirement, health issues requiring international travel, and outstanding loan obligations as reasons she could no longer be self-sufficient.
- **The Respondent's Defence:** He opposed the maintenance request, arguing that the couple had always maintained "separate financial lives," separate homes, and separate bank accounts throughout the marriage. He also claimed his own health issues and the responsibility of caring for his elderly mother limited his ability to pay.

3. The Court's Findings

- **Economic Self-Sufficiency:** The Court focused on the legal principle that spousal support should promote independence within a reasonable timeframe rather than creating permanent dependency.

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- **Standard of Living:** The Judge noted that while the parties were self-sufficient at the start of the marriage, the Petitioner now faced a deficit specifically due to debts incurred during the transition to retirement.
- **Medical Mitigation:** The Court pointed out that the Petitioner had not fully utilized available public health benefits to manage her medical costs locally before seeking international travel support.

4. Final Ruling

- **The Bridge:** The Judge determined that the Respondent should provide monthly support, but only for a fixed duration of **four years**.
- **The Goal:** This time limit was specifically chosen to act as a "bridge" to cover the Petitioner until her current financial obligations were cleared, at which point she was expected to be fully self-sufficient.
- **Legal Fees:** The Respondent was also ordered to pay the Petitioner's legal costs for the application.

