

THE REPUBLIC OF TRINIDAD AND TOBAGO

IN THE HIGH COURT OF JUSTICE

Claim No. CV2018-00857

BETWEEN

ANAND MATADEEN

Claimant

AND

RAYMOND MARK

1st Defendant

SALON II BY MARK LTD

2nd Defendant

SALON BY MARK LIMITED

3rd Defendant

SALON III BY MARK LIMITED

4th Defendant

FOREVER YOUNG MED SPA AND SALON LTD

5th Defendant

Before the Honourable Mr. Justice Frank Seepersad

Appearances:

1. Ms. N. Khan for the Claimant
2. Mr. R. Kwalsingh instructed by Mr. S. Panday for the Defendant

Date of Delivery: 28th June, 2018

The claimant herein filed a claim which required the court to determine inter alia the manner in which property acquired during the relationship which they shared should be distributed. The court feels compelled to point out that this matter demonstrates the inequitable, unfair and oppressive nature of existing laws the instant litigants need to be congratulated for the consensus that they achieved which resulted in a Consent order. Had they not done so, the court would have been charged with the mandate of using the law of trusts and may have had to adopt innovative and or radical applications, so as to ensure that the common law is developed, in order to determine whether upon the dissolution of a same Sex Union, real and personal property could be distributed between the former partners. In this Republic, same sex couples have no statutory protection with respect to proprietary and inheritance matters. Equality of treatment before the law ought to be a cornerstone of any democratic society but for many citizens, the law deprives them of basic protection, as they are denied the requisite degree of statutory protection which is afforded to heterosexual partners. There exists an urgent need for this untenable state of affairs to

be rectified. The society must engage in introspective reflection and determine whether those who feel compelled to deny same sex partners equality of treatment operate under such heightened levels of insecurity that for them, there is no room for tolerance and the apodictic entitlement to equality of treatment should only be applied to heterosexual persons. Discrimination, in any form should be categorically rejected and in this Republic equality of treatment before the law must prevail.

The consent position advanced by the parties is approved by this court and the court hereby orders as follows:

1. The Defendants shall pay to the Claimant \$30,000.00 and shall transfer ownership of the older laser machine and a weight-loss machine together with all parts and accessories to the Claimant in full and final settlement of the claimant's interest in the 2nd, 3rd, 4th and 5th Defendants within 7 days of the date of this order. The Claimant shall be responsible for collecting the said machines upon giving the Defendants' attorneys 48 hours' notice of his intention to attend the premises;
2. The Claimant shall transfer to the 1st Defendant all his shares and/or interest in the 2nd, 3rd 4th and 5th Defendants within 30 days of this order;
3. The Defendants shall pay by way of manager's cheque made payable to the Claimant's mother Sumintra Matadeen the sum of \$60,000.00 within 14 days of the date of the entry of this order;
4. The Claimant to return all the client files in his possession within 7 days of the date of entry of this order;
5. The 1st Defendant shall assume responsibility for all liabilities of the 2nd, 3rd, 4th and 5th Defendants incurred and or accruing after the date of the entry of this order;
6. The interim injunction to be immediately discharged;
7. The Claimant undertakes not to attend the business of the Defendants except for the time to be agreed between the parties for the collection of the equipment, not to solicit clients of the Defendants and both the Claimant and the 1st Defendant undertake not to molest or interfere with each other;
8. There shall be liberty to apply;
9. Each party shall bear his or her own costs.

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FRANK SEEPERSAD
JUDGE