

Mubarak-v-Mubarik

[2007] 2 FLR 364

12/01/2007

Barristers

Private: David Williams QC

Court

High Court

Summary

The Wife issued a number of applications seeking to enforce a lump sum order of £4.875m together with arrears of maintenance. Amongst these applications she sought to set aside the creation of a family trust or in the alternative to vary it to make payment to her of the sums owed. She also sought, if necessary to amend the original order under the slip rule. The Husband opposed all her applications. The children of the family, both adult and minor, were joined to the proceedings. The minor children were represented by a litigation friend. The trustees of the family trust which was based in Jersey were also joined but did not participate. Mr Justice Holman allowed the Wife's application to vary the trust holding that on its proper construction the original order had not been a once and for all order and thus it was open to the Wife to make a further application under section 24 MCA 1973 for the variation of the post nuptial settlement that was the family trust.