

SM v PM

[2023] EWHC 3446 (Fam)

13/02/2024

Barristers

Charles Hale KC
Julia Townend
Teertha Gupta KC

Practice Areas

International Children Law

Charles Hale KC, leading Julia Townend for the Mother, Teertha Gupta KC for the Father, all 4PB counsel, were involved in the case SM v PM [2023] EWHC 3446 (Fam) in which the High Court's approach to the most serious allegations of domestic violence where the mother fled the jurisdiction to be met with an abduction claim by the father, was seminal.

In this case unusually, the mother remained in India and the proceedings were conducted as a hybrid hearing. Following findings against the father including rape. Following the FFH judgment, Arbuthnot J made an indemnity costs order against the father for the entire costs of the proceedings including hearings where he failed to attend, finding that the abuse had continued during the litigation as "lawfare" against an already abused mother.

Permission

