



## CARIBBEAN COURT OF JUSTICE

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**MEDIA RELEASE**  
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### **CCJ AWARDS INTERESTS TO COMMON LAW WIFE**

**Port of Spain, Trinidad and Tobago.** On 13 December 2024, the Caribbean Court of Justice (CCJ) delivered its judgment in *BZCV2024/001 Gulab Lalchand v Rutilia Olivia Supall*. The CCJ upheld the decision of the High Court and the majority in the Court of Appeal of Belize.

Mr Gulab Lalchand and Ms Rutilia Supall were in a common-law union for eight years during which time they entered into a cohabitational agreement providing for the division of assets. The relationship continued for four years after the agreement was made. After separation, Ms Supall claimed in the High Court an interest in the shares of a company in whose name the couple had conducted business and in a property in which they had resided. The shares were originally in Mr Lalchand's name but were transferred to his children and the title to the property was in the name of a third party. The High Court ruled that the agreement was valid; that it did not prevent Ms Supall from claiming an interest in the properties; but that she did not have an interest in either property. The court went on to declare that Mr Lalchand had a beneficial interest in these assets, despite the legal titles being in the names of third parties. The court then proceeded to make an order, called an alteration of property order, as the law conferred power to do, awarding Ms Supall 35% of Mr Lalchand's beneficial interests in these assets, amounting to BZ \$240,000. The majority of judges in the Court of Appeal agreed with the High Court's findings.

The CCJ affirmed that the court has the jurisdiction to make declarations regarding property rights and interests, and rejected the argument that it should have declined to exercise jurisdiction because the third parties who held legal title were not made parties to the claim. In this regard, the legal owners of the assets had fully participated in the proceedings, and they had an opportunity to be heard by the court. The court then could properly decide on the ownership and interests in the shares and the property. Additionally, the CCJ held that the existence of a cohabitational agreement did not preclude the court from making an order to alter property rights and interests.

The CCJ dismissed the appeal and ordered Mr Lalchand to pay legal costs to Ms Supall.

The matter was heard by the Honourable Justices Anderson, Rajnauth-Lee, Barrow, Burgess, and Jamadar. Ms Magali Marin Young SC and Mr Allister Tre Jenkins appeared for Mr Lalchand and Ms Nazira Uc Myles appeared for Ms Supall.

The CCJ's full decision is available via [www.ccj.org](http://www.ccj.org).

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#### About the Caribbean Court of Justice

The Caribbean Court of Justice (CCJ) was inaugurated in Port of Spain, Republic of Trinidad and Tobago on 16 April 2005 and presently has a Bench of seven judges presided over by CCJ President, the Honourable Mr Justice Adrian Saunders. The CCJ has an Original and an Appellate Jurisdiction and is effectively, therefore, two courts in one. In its Original Jurisdiction, it is an international court with exclusive jurisdiction to interpret and apply the rules set out in the Revised Treaty of Chaguaramas (RTC) and to decide disputes arising under it. The RTC established the Caribbean Community (CARICOM) and the CARICOM Single Market and Economy (CSME). In its Original Jurisdiction, the CCJ is critical to the CSME and all 12 Member States which belong to the CSME (including their citizens, businesses, and governments) can access the Court's Original Jurisdiction to protect their rights under the RTC. In its Appellate Jurisdiction, the CCJ is the final court of appeal for criminal and civil matters for those countries in the Caribbean that alter their national Constitutions to enable the CCJ to perform that role. At present, five states access the Court in its Appellate Jurisdiction, these being Barbados, Belize, Dominica, Guyana, and Saint Lucia. However, by signing and ratifying the Agreement Establishing the Caribbean Court of Justice, Member States of the Community have demonstrated a commitment to making the CCJ their final court of appeal. The Court is the realisation of a vision of our ancestors, an expression of independence and a signal of the region's coming of age.

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