



Neutral Citation Number: [2025] EWFC 473

Case No: 1732-8790-2905-2859

IN THE FAMILY COURT
SITTING IN ROYAL COURTS OF JUSTICE

Royal Courts of Justice
Strand, London, WC2A 2LL

Date: 22/11/2025

Before :

THE HONOURABLE MR JUSTICE CUSWORTH

Between :

LP
- and -
MP

Applicant

Respondent

Katie Cowton KC (instructed by **Gumersalls**) for the **Applicant**
The **Respondent** appeared in person

Hearing dates: 10-12 November 2025

Cusworth J :

1. This judgment follows the conclusion of the final hearing in financial remedy proceedings between the applicant husband, aged 72, and the respondent wife, who turned 60 on the day following the conclusion of the hearing before me. I have heard evidence and submissions from the parties over three days. On the first day, the husband was fully cross-examined by a Qualified Legal Representative (Ms Obi-Ezekpazu), required in the circumstances which I will set out below. The wife has represented herself. On the second and third day the wife was cross-examined by Ms Cowton KC, who has acted for the husband. The wife had submitted some written closing submissions overnight, and did not wish to add to them. Ms Cowton then closed the case for the husband. I am entirely satisfied that the wife has been able to effectively participate in the hearing.

2. Although I have only heard oral evidence from the parties, I have also received witness statements from three additional witnesses for the husband, whom the wife indicated that she did not wish to cross-examine. She has been assisted throughout by a McKenzie friend, who has accompanied her at court on each day. I was satisfied that the wife completely understood that, by not challenging the evidence of those witnesses as she could have, their evidence went in unchallenged. I have also been able to consider no less than three judgments handed down by Mrs Justice Theis in Children Act 1989 proceedings between the parties which concerned their daughter X, who is now aged 11, having been born in 2014. I will explain the relevance and context of those judgments later. The Judgments are reported as Re X (No 1: Fact Finding) [2024] EWFC 224, Re X (No 2: Parental Order and Child Arrangements) [2024] EWFC 225, and Re X (No 3) [2025] EWFC 59.
3. It is also worth explaining, before setting out the relevant but unusual background to this case, that the wife had disengaged completely from the Children Act proceedings after November 2023, which meant that she never gave any oral evidence to Theis J. Further, she failed to attend any of the hearings in these financial proceedings until she attended at the final hearing before me, which meant that the oral evidence which I heard from her was the first time she had appeared and been cross-examined in either set of proceedings. I am satisfied that this was entirely through her own choice.
4. **Background.** The parties married in August 2011, and separated in January 2023. Their relationship before marriage was not a long one, and the marital relationship between them I am satisfied was one of less than 12 years. It is the husband's case that he was vulnerable when the parties had first met in 2010, as his then spouse was dying from cancer. He now believes that the wife homed in on his vulnerability, and presented herself to him as someone who was very different from her true personality. He says that she told him that she was on a fast track to becoming a High Court Judge, that she was a friend and colleague to legal or political luminaries such as Baroness Hale of Richmond, Lord Wilson of Culworth, Sir James Munby and Sir Tony Blair. She told him that she regularly had to travel as part of her career, the husband added, to advise and to attend conferences. She also, he said, told him that, in order for her to commence her career in the judiciary, she really had to be married before the beginning of the new legal year. Thus, the husband says, he was gulled into marrying her in some haste at the end of August in the year that their relationship began.
5. It is certainly the case that, when they married, the wife's profession recorded on the marriage certificate was that of High Court Judge. She accepted in cross-examination that she was not then, and has never been, a member of the judiciary, nor does she have any rudimentary legal training, or even a first degree. In her oral evidence, she said that the responsibility for the entry on the certificate was the husband's, who physically poked and prodded her and convinced her to change what she had initially recorded. She maintained that it was his desire for his wife to have ostensible status which led him to do this, but also so that he could later hold the untruth over her, and cajole her into doing his bidding in the marriage. This was the first time that she has

made out this case, and I reject it completely. I am quite satisfied that she did tell the husband in the summer of 2011 that she was about to become a Judge, and that a swift wedding would be helpful for her in her career, as the husband says.

6. As well as relying on the speed with which the parties married, the husband goes on to maintain that the wife continued this deception throughout the marriage, and that he only started to understand the true extent of her deceit after she was investigated (from 2018), and then pleaded guilty in 2020 and was finally sentenced in 2021, for two offences of fraud and dishonesty in the criminal courts. It is apparent from the transcript of the final sentencing hearing which I have been given that she had also told her tenant (whom she had illegally installed into a property owned by the London Borough of Barnet) that she was a High Court Judge. Again she said in evidence for the first time, and I reject, that she only said this because she was told to by her husband. I find that she used this deceit at least up to the time of her convictions as a convenient way of procuring influence with and compliance from those around her. At the sentencing hearing on 4 February 2021, it is apparent that the wife escaped a custodial sentence principally because the husband provided to her all of the criminal compensation money that she was required to pay, as well as her legal fees.
7. Ms Cowton has pointed out that the criminal judge, HHJ Tregilgas-Davey, highlighted as aggravating factors the sustained period over which the fraud was committed (between 2011 and 2018), her motivations of “*avarice and...greed*”, and the wife’s lack of remorse, which he was driven to find following her resiling completely from an earlier account which she had given in a presentencing report. Before me, the wife refused to accept any responsibility for the commission of this offence, and again said that it was all the fault of the husband who had told her to act as she did. Once more I cannot accept this. Ms Cowton argues, and I accept, that all of this resonates strongly with the wife’s treatment of the husband throughout their marriage, and within these proceedings, as I will identify.
8. During their marriage, it has been the husband’s case that the wife subjected him to coercive and controlling behaviour, verbal and emotional abuse, and from 2019 until the parties’ separation in January 2023, serious physical abuse which included slapping, punching, scratching, ripping his clothes, grabbing his testicles, biting his face, making threats to kill him, and brandishing a knife at him. Furthermore, he says that several of these violent incidents took place in front of X, whom Theis J found in the Children Act proceedings to have suffered serious emotional harm as a result of these and other incidents.
9. All of the husband’s allegations on his detailed Schedule of Allegations in those proceedings were found by Theis J to be truthful. In addition to the above, these included various breaches of a non-molestation order, and a number of occasions of inappropriate behaviour towards X during arranged contact with her post-separation. The wife was also found to have made false allegations against the husband of sexual abuse against X to a parent at her school, and in her Form C1A in those proceedings, where she alleged rape, sexual assault and threats with a knife. These were found by

Theis J to have been made maliciously. As a direct result of the allegations having been made at school, the husband felt compelled to resign as a school Governor, and also as a Trustee of a charity which runs the home where his parents had been cared for in their later years. Whilst I acknowledge that the wife chose not to give any oral evidence in the Children Act Proceedings, I am satisfied that Theis J had more than enough evidence before her to safely come to the findings that she did on the balance of probabilities. Insofar as a number of her findings are relevant to the matters which I have to determine, there is no reason now for me to revisit them.

10. The police have now decided that they will take forward a prosecution of the wife in relation to the allegations of coercive control against the husband. Because the wife did not attend court at the first hearing in those proceedings, in October 2025, this has been adjourned to 19 November. The wife informed me that she intended to plead not guilty, and seek to adduce video evidence to exonerate herself. If this does prove to be the case then the outcome of the prosecution may not be known for some time. I will not therefore delay handing down this judgment, but consider whether the husband's case as to the wife's behaviour has been established to the civil standard.
11. The husband in his written evidence has set out a number of headline allegations about the way that the wife behaved to him in the marriage, which I shall deal with in turn. He describes being disoriented and distressed to have lived a life subjected to the wife's dishonesty, coercive and controlling behaviour, and verbal and physical abuse. He describes the last years as 'like living a nightmare' and sets out that he is engaging in therapy so that he can help X to also deal with the consequences of her mother's behaviour. In considering his case, I do bear in mind that this has not been a short marriage, and that the wife has only latterly properly engaged in the proceedings. I also remind myself, as the husband accepts, that he has been a very successful professional man who made a significant fortune prior to the parties' marriage. He would not therefore fall naturally into the category of one who was vulnerable. I also remind myself that, although the wife was found by Theis J to have made false allegations in the Children Act proceedings, that does not necessarily mean that her case before me is equally unreliable.
12. The first allegation that the husband makes is that the marriage has been one founded on deception and fraud, continuing for much of its duration. Certainly, the husband and two of his witnesses confirm, and I accept, that the wife did maintain that she had become a High Court Judge, and was much engaged on judicial trips and further academic studies. I also accept that she demanded and received significant sums from him to fund these trips and studies, which have then evidently either been retained by her or spent elsewhere. She made excuses when he could not find her name listed in the Royal Courts of Justice, and pretended to him that she had a close protection officer, who when they arranged to meet apparently failed to turn up. I find that he never existed.
13. However, whilst I accept that the wife's deception about her background went to the heart of her relationship with the husband, that cannot and does not negate the fact

that they were married, on any view for more than a decade, and have a child, X, born by surrogate. A second biological child has been adopted by her surrogate mother. Whilst the wife's lies and successful attempts to persuade the husband to provide her with funds on untruthful bases do evidence I am satisfied extreme cynicism on her part, and a completely mercenary approach to their relationship, I nevertheless find that of itself that behaviour does not undermine the fact of their marriage.

14. The second allegation relied by the husband on is coercive, controlling and abusive behaviour by the wife, and frequent financial demands which he says that the wife made. The third of the husband's witnesses, who is the niece of the wife's first husband, gave evidence of the wife's constant bullying, verbal abuse and physical abuse of the husband in 2020 and 2021. She also disclosed the wife's purchase of a flat in India, which the wife had not previously admitted. I am entirely satisfied that the wife has been guilty of such behaviour as I shall explain, on the balance of probabilities. This is of course a quite different standard of proof to that applied in the criminal court.
15. The husband says, and I accept, that from before their marriage, the wife took control of him and his life, by a combination of her manipulations and untruths about who she was, and then by increasing verbal abuse, and later serious physical abuse. Due to her threats the husband says that he became afraid of her, and would simply do what she said when asked. Whilst this might seem unlikely, given his background, having heard and seen both parties giving their evidence to me, I am satisfied that his was an honest account of how he reacted to her behaviour during the marriage. There is also no other believable basis by which to account for the very significant sums that he continued to provide for her as the marriage progressed. He explains that although he had many close friends and family when they first met, the time that the wife agreed to them as a couple spending with those friends reduced significantly over the years. The husband also explains that he started to realise the extent of the wife's dishonesty from 2018, once she was investigated and then prosecuted for housing benefit fraud. He dates the increase in her physical violence towards him from this time, which he says that he felt embarrassed to share with others. This meant that it was several years before he felt strong enough to end the marriage and take court proceedings to protect himself and X. I accept his account.
16. The next allegation which he makes relates to the wife's decision to adopt during the marriage not just the husband's surname, but also his forename, which she convinced him was usual in Indian culture. He points out that she used this name on a number of official documents thereafter, including her passport, her bank account statements and property deeds. Whilst this is not only unusual but also very troubling, given the other history of their relationship, the husband has not yet identified any financial benefit that the wife has actually gained, or sought to gain, from this step, so I can make no finding on the evidence before me that she has used his name fraudulently.
17. A further issue which the husband raises is the fact that the wife continued after their marriage to liaise with and provide accommodation for her second husband, whom

she also persuaded the husband to employ as a house-sitter and security consultant for their home in London. He is understandably concerned about whether there has been some sort of underlying conspiracy between the two of them, right through the marriage, to defraud him. He points to the fact that she divorced her second husband only in February 2011, after she had known the husband for some months and not long before their marriage; and that when the husband later attempted to contact the gentleman he asserted that he had had a stroke and lost his memory. Whilst I do not have sufficient evidence to make any findings about this, I do record that the wife has provided no credible explanation for why and how she thought it appropriate to involve her ex-husband in this way, especially not having first informed the husband of his true identity.

18. The husband additionally points me to sharply increased insurance premiums which he had to pay in relation to the family properties following the wife's convictions, although he must accept that he made those payments knowing of her convictions, and so there was not the same level of deception involved. His agreement to pay may have been a reflection of the degree of control which she was then exercising over him.
19. Further, the husband cites in support of his allegations of conduct the fact that his purchase of two valuable properties as matrimonial homes – Park Street and North Farm - were made in joint names. He says that this would not have happened had he known of her deceit. Whilst I understand the point made, it seems to me that this is a more nuanced situation. I cannot find that the husband only married the wife at all because she told him that she was a judge, nor should I discount the value or validity of the marriage just because that operative deception was alive through much of its course. Further, I am satisfied that I must assume that the placing of the family homes into joint names was something done at least in part in recognition of the fact that the couple were married, and not solely because of any status that she had asserted to him, and of which he was then accepting. I will deal with the impact of all of the wife's behaviour on the value of her sharing claim later on.
20. However, the husband alleges, and I find, that the wife lied to him about studying for various higher degrees and academic or professional trips, for which she sought significant payments which he routinely made. These included for a Masters in Family Law at UCL between 2012 and 2015, at a time when she told him she was targeting becoming the first Asian Supreme Court Judge. I accept that he paid her £50,000 to fund these studies, which she never undertook. Further he then between 2019 and 2020 paid a further £18,410 towards a PhD for her, and judicial trips to India and to the US, none of which were real.
21. The husband also complains that the wife demanded £60,000 for a treatment at the Priory which she never undertook, and as she has produced no evidence that she ever did undertake such a course, I accept his account. He then explains that she sought further sums from him after X's nanny was sacked, at the wife's instance, following the first incidence of serious domestic violence in the marriage, perpetrated I accept

by the wife on him as the husband says. This took the form of her requiring and his paying to her, broadly, the amount of the salary formerly paid to the nanny, in addition to the prior provision made for her of just under £5,000pcm. He calculates that over a period of 43 months this extra money amounted to as much as £174,900. Whilst this money was in payment, the separate sum of £167,500 was paid over, and forms the subject of the next complaint. This was money that the wife required him to pay her so that she would agree to vacate a property in Long Street which he had brought into the marriage, just before it was due to be sold in July 2020. The husband describes how the wife's assaults on him in relation to this were witnessed by X. I accept his accounts in relation to all of these incidents.

22. I have dealt with the wife's conviction for housing benefit fraud in February 2021. In the 16 months leading up to that moment, the husband calculates that he paid to the wife an additional £311,040 in relation to the costs, charges and fines which she told him that she was incurring in relation to the criminal case. She told him that failure to pay might lead to some enforcement against their family home which had been acquired in joint names. Despite receiving these payments, she refused, I accept, to allow the husband to attend her sentencing, or speak to her probation officer. He was thus not only unaware of the judge's criticisms set out above, but also of the fact that the amounts which the wife was required to repay or had been charged were in fact much less (£74,692) than the sums that she had taken from him for the purpose.
23. Other than in relation to two further sums about which the wife first provided evidence during the trial, and which I will address below, and litigation conduct in these proceedings which I will deal with separately in relation to any costs applications that may be made, the final financial point which the husband raised were the costs which he has incurred in the Children Act proceedings which were before Theis J. His own costs of those proceedings were as much as £809,837, after the wife's disengagement in November 2023 froze hers at £46,203. There are, he adds, additional costs of therapy and supervision, and of dealing with the wife's false allegations to the police. Whilst all this may be the case, I note that Theis J did not make any costs orders in the Children Act proceedings, notwithstanding her findings which entirely upheld the husband's case and rejected that advanced by the wife. So whilst the wife's approach to the litigation generally will be something that I will consider in terms of any costs orders that I am invited to make, these liabilities are not of the same ilk as the sums which the wife has directly suborned from the husband under what amount to false pretences during the marriage.
24. As to the wife's case that she has been the victim of coercion and control by the husband, and that all of her actions were effectively at his instance, and designed to cause her problems, or to secure her compliance, I have no difficulty in rejecting it in its entirety. Not only has this been raised only at the last minute, but it is not supported by any independent or other documentary evidence at all. It is highly significant that she offers no credible explanation for the clearly evidenced payments made to her which cannot have gone for the purposes for which the husband says, and I accept, that they were demanded.

25. So, having made those findings, what then are the assets in the case, and to what extent can they be classed as matrimonial? The husband had retired from his highly successful career in the City by the time the parties met in 2010. He describes how most of his wealth was generated in the five years from 2000-2005. He retired from full time employment in 2007, since when he has managed his own investments. I have been shown a schedule, the accuracy of which is not challenged, summarising the wealth he owned as the parties started cohabiting in May or June 2011, totalling £21.6m.
26. The husband's current total wealth, excluding a little over £2m held for the parties' daughter X, is just over £22m. This means, I accept, that the period of the marriage has not produced any accretion of wealth which might be shared between the parties. In part, this may be due to his having funded all of the family's living costs and his having made to the wife all of the payments which she had demanded. He has also of course had to meet the high costs of the Children Act litigation, for which he cannot be criticised, given the terms of Theis J's judgments. He has to date paid £345,000 towards his costs of these proceedings. The wife brought one property in Leicester to the marriage, which property she still owns, subject to a secured charge to H for a £135,000 loan – with interest now over £208,000. This was a loan made before the marriage in 2011, which she has not repaid. The wife denied that the charge document was genuine, but I find that it is, and that she has been fully aware of it throughout the marriage.
27. However, of the parties' wealth, the two properties which they have used as matrimonial homes – Park Street and North Farm – are both held in joint names. The former has a net value for the purpose of these proceedings of £4,365,000, and the latter £2,910,000 if valued together with its adjacent but rented out farmland, and £1,940,000 without, taking the land at one third of the value of the whole, which is reasonable and in line with an available market appraisal dated 3 October 2024. When the marriage ended after a violent incident on 10 January 2023, the wife was not permitted to return to Park Street, following her arrest. Since then, the husband has continued to live at Park Street with X, and the wife has been based at North Farm. Both properties can fairly be classed as matrimonial homes, albeit properties to which the wife has made no actual financial contribution. I am satisfied that both properties are at least prima facie subject to the sharing principle, before I come to consider the other arguments which have been advanced before me based on the consequences of the findings that I have made.
28. **Sharing.** Before I turn to consider the extent to which the wife's needs may dictate a different award for her, I will first deal with the fair value of her sharing entitlement, bearing in mind always that this has been a marriage of between 11 and 12 years – but that my first consideration must be X. She is not currently having any contact with her mother pursuant to Theis J's orders, so that it is her father who currently shoulders both the financial and emotional responsibility for her welfare. As explained, the parties' other biological child was adopted by her surrogate in the US in 2019, and so has not become a child of this family.

29. How, then, should the sharing principle apply in this case? In *FB v PS* [2015] EWHC 2797 (Fam), Moor J had said this:

77. I was referred in particular to the well-known words of Lord Nicholls in *Miller* at Paragraph 22 of his speech as to the position of the matrimonial home where he says:-

“The parties’ matrimonial home, even if this was brought into the marriage at the outset by one of the parties, usually has a central place in any marriage. So it should normally be treated as matrimonial property for this purpose. As already noted, in principle the entitlement of each party to a share of matrimonial property is the same however long or short the marriage may have been.”

78. I remind myself that, just because an asset is matrimonial property, it does not automatically lead to equal sharing of that asset. At Paragraph 152 of *Miller*, Baroness Hale referred to this saying *“the source of the assets may be taken into account but its importance will diminish over time”*. Mostyn J referred to this at Paragraph 9 of his judgment in *S v AG* [2011] EWHC 2637 (Fam); [2012] 1 FLR 651 where he said that *“even the matrimonial home is not necessarily divided equally under the sharing principle; an unequal division may be justified if unequal contributions to its acquisition can be demonstrated”*.

30. In *Standish v Standish* [2024] EWCA Civ 567, Moylan LJ said from [164] that:

...the court will typically conclude that the former matrimonial home should be shared equally although this is not inevitable as shown by cases such as *FB v PS*...

165. ...Does fairness require or justify the asset being included within the sharing principle?

166. The conclusion that it does,... does not mean that it must be shared equally. The submission by [counsel] that, once an asset is matrimonialised and treated as matrimonial property, it *must* be shared equally is unsupported by any authority and would be contrary to the objective of a fair outcome. This is because, again as Mostyn J said in *JL v SL (No 1)* at [19], it may be that the *“non-matrimonial source of the moneys in question”* remains *“a relevant consideration”*. In its evaluation of all the relevant factors ...it would be perverse if the court could not decide that the non-matrimonial source, in whole or in part, of an asset treated as matrimonial property could not justify an other than equal division.’

31. Of course, I recognise that, when the case of *Standish* went to the Supreme Court - [2025] UKSC 26 - Lord Burrows and Lord Stephens made clear at [50] that:

‘...the sharing of the matrimonial property should normally be on an equal basis. Although there can be justified departures from that, equal sharing is the appropriate and principled starting position. Indeed, once non-matrimonial property is excluded, much of the justification for not applying equality in sharing fades away.’

32. I do not take from that expression however that their Lordships intended to move the test away significantly from what had been the established principle enunciated by the Court of Appeal – their use of the word ‘normally’ can surely be equated very closely to Moylan LJ’s use of ‘typically’ in the passage of his judgment cited above. Whilst they were at pains to express at [52] their disagreement with his formulation that the concept of matrimonialisation should only be applied ‘narrowly’, by stating that ‘It is neither narrow nor wide’, there was no suggestion of any correction to other parts of his reasoning.

33. So, taking equal sharing as the principled starting position in this case, are there reasons why the wife’s entitlement to a share in the value of the two properties should be set at less than 50%? I am clear that there are number of reasons why it should be.

a. Firstly, although it is held in joint names, the farmland adjoining North Farm is commercially tenanted and farmed, and does not therefore properly form part of what can be described as the ‘matrimonial home’. Although the wife did express the desire to me in her oral evidence (for the first time) that she would like to farm it – notwithstanding that she was constrained to acknowledge that she had absolutely no relevant experience – I do not consider that this land has ever been properly treated as matrimonial, other than by dint of the fact that it was transferred, together with the rest of the farm, into the parties’ joint names on acquisition. The house itself has thereafter been treated as matrimonial, but I find that the farmland has not. The wife can argue no financial contribution or active engagement with it. Her only real claim is therefore her shared title, and as the Supreme Court confirmed in *Standish* at [47]:

‘It has long been recognised that what is not determinative in deciding what is and what is not matrimonial property is who has title to the property....’

b. Secondly, it is the case that the house at North Farm, and the property at Park Street, are undoubtedly matrimonial, but they are properties to which the wife made no financial contribution whatsoever. Whilst I acknowledge that she has occupied both as matrimonial homes over a significant period of years, the non-matrimonial source of the moneys used in their acquisition is undoubtedly an important consideration. Further, there are real issues between the parties as to the wife’s involvement in the household during the marriage, and the substantial periods that she spent away from the home without making any discernible contribution, although these matters are not sufficient to deny her any entitlement to share in the value of the properties. They do however serve to support the lack of financial contribution from the wife, to suggest that this is not a case for equal sharing. Again, I accept the husband’s evidence on these issues.

- c. The third reason why equality may not be a fair award for the wife in relation to the equity in these properties is the application of s.25(2)(g) of the Matrimonial Causes Act 1973, so whether her conduct has been such that in the court's opinion 'it would be inequitable to disregard it'. I will deal with the application of that section below.

34. **Conduct.** Ms. Cowton has referred me to *OG v AG* [2020] EWFC 52, in which Mostyn J identified 4 scenarios where a party's conduct may become relevant, at paragraphs 34-39:

34. Conduct rears its head in financial remedy cases in four distinct scenarios. First, there is gross and obvious personal misconduct meted out by one party against the other, normally, but not necessarily, during the marriage. The House of Lords in *Miller v Miller* [2006] UKHL 24, [2006] 2 AC 618 confirmed that such conduct will only be taken into account in very rare circumstances. The authorities clearly indicate that such conduct would only be reflected where there is a financial consequence to its impact...

35. The conduct under this head, can extend, obviously, to economic misconduct such as is alleged in this case. If one party economically oppresses the other for selfish or malicious reasons then, provided the high standard of "inequitable to disregard" is met, it may be reflected in the substantive award.

36. Second, there is the "add-back" jurisprudence. This arises where one party has wantonly and recklessly dissipated assets which would otherwise have formed part of the divisible matrimonial property. Again, it will only be in a clear and obvious, and therefore rare, case that this principle is applied....

38. Third, there is litigation misconduct. Where proved, this should be severely penalised in costs. However, it is very difficult to conceive of any circumstances where litigation misconduct should affect the substantive disposition.

39. Fourth, there is the evidential technique of drawing inferences as to the existence of assets from a party's conduct in failing to give full and frank disclosure. The taking of account of such conduct is part of the process of computation rather than distribution...

35. In this case, the husband does not contend for any add-back, but is asking me to consider elements of the way that the wife has behaved under each of the other three heads mentioned by Mostyn J. It is of course important not to blur the different elements, and so risk penalising the wife twice for the same transgression. Insofar as I am asked to draw inferences about the existence of assets overseas, that will affect computation, and not the extent to which any sharing of the matrimonial assets should be treated as either equal or in some different proportion. Litigation misconduct, if found, will only be relevant usually if there is an application for costs at the conclusion of the proceedings. I am now therefore dealing only with what Mostyn J

described as ‘*gross and obvious personal misconduct meted out by one party against the other*’.

36. I am as explained aware that the wife pleaded guilty to two criminal counts of financial fraud in November 2020, relating to a property owned by the London Borough of Barnet (which was committed over a continuing period between June 2011 and February 2018). I accept the husband’s case that he was entirely unaware of this until 2018, and reject the wife’s claim made during the trial that he was always fully aware of what was going on. In February 2021 the wife received a 2-year suspended sentence, 250 hours of unpaid work, and a probation order, escaping a full custodial sentence after the husband provided her with funds to pay the compensation order, fine and costs in full. I am not however satisfied that this fraud, of itself, is sufficient to justify any recalibration of the wife’s award.
37. However, I also have to consider the facts which underlie the position that the wife has been charged with the criminal offence of “*engaging in controlling/coercive behaviour in an intimate/family relationship*” as a result of her alleged abusive behaviour towards the husband. This charge includes economic and financial abuse. As explained, she did not attend the first hearing at the Magistrates’ Court on 22 October 2025, which meant that the plea hearing was adjourned to 19 November 2025. I have no doubt that this absence was deliberately contrived by the wife to avoid her having to plead before the conclusion of these proceedings, just as her failure to engage in the financial remedy proceedings until just before the trial was quite deliberate on her part.
38. The wife’s case, advanced only just before this hearing, has been that the husband has somehow manipulated the criminal justice system to bring this charge. I reject that. Having read and heard his evidence, as well as hers at the time of the trial, I am quite satisfied that his evidence about her behaviour towards him during the marriage is accurate and truthful, and that her case is simply contrived to seek to avoid responsibility for her earlier actions. Of course, I make these findings only to the civil standard, and without regard to any untruths that she may have been found to have told on any other subject. Whilst the police have investigated and have interviewed the parties, and the CPS have decided that this charge is merited, the wife may yet avoid a conviction if findings cannot be made to the criminal standard, if she chooses to plead not guilty. That will make no difference to the findings which I have made in these proceedings.
39. I am satisfied that the wife did commence her relationship with the husband at a time that he was vulnerable, and told him extensive untruths about having a background and career in the law which no doubt played a significant part in his perception of her. I accept that he agreed to marry her in August 2011 in some significant part because she told him that this would be a help to her legal career. What I cannot find is that he would not ever have married her but for the lies – theirs has been a real relationship, albeit one underpinned by her deceit. However, the influence which she established over him, for the purposes of these proceedings, did I am satisfied amount to coercive

control. Once the husband's trust in the wife began to wane following her fraud conviction, I am satisfied that she then used physical and emotional abuse to continue to bind him into the marriage, whilst at the same time taking every opportunity to seek to take money from him and then either transfer it abroad or invest it in items for herself here which could be considered her separate property, such as her houseboat.

40. In *Tsvetkov v Khayrova* [2023] EWFC 130, I remind myself that Peel J set out that:

43. A party asserting conduct must, in my judgment, prove:

i) the facts relied upon;

ii) if established, that those facts meet the conduct threshold, which has consistently been set at a high or exceptional level; and

iii) that there is an identifiable (even if not always easily measurable) negative financial impact upon the parties which has been generated by the alleged wrongdoing. A causative link between act/omission and financial loss is required. Sometimes the loss can be precisely quantified, sometimes it may require a broader evaluation. But I doubt very much that the quantification of loss can or should range beyond the financial consequences caused by the pleaded grounds.

41. I also must have regard to the judgement of the Court of Appeal in *Goddard-Watts v Goddard-Watts* [2023] EWCA Civ 115, where Macur LJ analysed the position thus:

71. In summary, the principle and accepted view ...is that the misconduct envisaged by section 25(2)(g) must necessarily be quantifiable in monetary terms rather than seen as a penalty to be imposed against the errant partner, and that the 'orthodox approach' to litigation misconduct is to be met by an award of costs...

73. ...The wife makes clear that 'conduct' as such is not the foundation of her case but draws our attention to Coleridge J's judgment in *H v H* [2006] 1 FLR 990 that "the proper way to have regard to the conduct is as a potentially magnifying factor when considering the wife's position under the other subsections and criteria. It is the glass through which the other factors are considered"; at [44]. Further, although there are "numerous cases decided in relation to conduct" in the end they are so fact specific to provide very little guidance. The provisions of Section 25 "rules the day".

74. I agree with the husband that there is no direct financial consequence to his fraudulent misconduct so as to enable its monetary evaluation. However, I take the view that the husband's fraud is 'conduct' for the purpose of subsection 2(g) in that it provides 'the glass' through which to address the unnecessary delay in achieving finality of the wife's overall claim, including her unanticipated contribution to the welfare of the family post 2010. I make clear that I do not suggest that this necessarily means that she will receive an increased award, whether on the basis of a 'sharing' or 'needs' approach, but that she is entitled to seek to make her case on a blank page approach.

42. Subsequently, in *N v J* [2024] EWFC 184, Peel J reflected on this passage and determined that:

37. I tentatively take the view that the words at para 74 of *Goddard-Watts* do not in fact represent a new departure from the traditional view (endorsed by the Court of Appeal at paras 70 and 71) that financial consequence is invariably a necessary ingredient for conduct to be reflected in the award. In my judgment, there should be an identifiable financial impact even if it is not always easily measurable. And as I said in *Tsvetkov v Khayrova* there must be a causative link between the conduct and the financial consequence.

38. ...iv) It is not for the financial remedies court to impose a fine, a penalty, or damages upon a party for conduct...

43. In my judgment, where a party has been found responsible for coercive controlling behaviour within a marriage, especially when that behaviour includes a significant element of violence, the negative financial impact may well not be easily measurable, and any loss will only usually be capable of a very broad evaluation at best. That does not however mean that such an impact will not be present. Whilst the statutory test – that the conduct must be such that it is ‘inequitable to disregard’ – really means no more in ordinary language than that the behaviour should be taken into account if it would be unfair to ignore it, Peel J is right that the higher courts have set the threshold for applying s.25(2)(g) at a very high level. Nonetheless, I consider that there is a real risk of unfairness to victims of violent or coercive controlling behaviour, if the lack of readily quantifiable financial loss prevents the courts from even considering the fairness of taking their assailant’s behaviour into account in determining the outcome of a financial remedy application. Such behaviour may well have hard-to-predict but potentially far-reaching consequences, in some cases for the victim’s prospects of achieving self-sufficiency, in others for a fair financial outcome in all of the circumstances. That does not mean that the fact of such behaviour will inevitably lead to a different award, but in the right case, it clearly should do.

44. In the majority of such cases, of course, the victim of the abuse will be the weaker financial party, whose need for a fair outcome may be urgent. Here, very unusually, the victim is the generator of the wealth, whose needs will remain comfortably met at whatever reasonable level he meets the wife’s claim. Is it however equitable, or fair, to disregard the wife’s treatment of the husband in the marriage in considering whether she should be entitled to a full 50% share of the equity in the properties, as she seeks? In the comparable case of *Clark v Clark* (1999) EWCA Civ 1349, the Court had been able to more readily identify significant financial loss to the family flowing directly from the wife’s behaviour.

45. Here, I acknowledge that the two houses in question are properties which the husband placed into joint names in the marriage, and were used by the couple as matrimonial homes. I remind myself that whilst the husband’s wealth has not increased during the marriage, neither has it dramatically reduced. It also remains possible to take into

account the funds that the wife has transferred to other jurisdictions when I come to consider whether inferences should be drawn. In his evidence, the husband further identified the principal reason for his not having as much time to focus on his investments being the time which he has needed to devote to X's care, and not the wife's behaviour. Notwithstanding all of that, however, I am satisfied that the wife's conduct during this marriage as I have found it to have been has been egregious, and so passes the 'obvious and gross' test set by the authorities. Save where identified above, I have broadly accepted the allegations of conduct which the husband has made in his schedule of allegations, other than in relation to litigation misconduct (and I will consider such allegations within these proceedings under the aegis of costs if any application follows). Consequently I will consider whether and if so how that conduct, placed alongside to her lack of financial contribution to the marriage, and in particular to the acquisition of the properties, should have an impact upon the proportion in which the family homes are shared, even if conduct is considered only as 'the glass' through which to assess fairness.

46. Finally on the question of sharing, I have taken the view that the fairest way to treat the wife's remaining property in Leicester, which she owned prior to the marriage and which is currently tenanted through to March 2026, is to treat it as a matrimonial asset which is subject to the sharing principle. This is because the husband as explained, just prior to the parties' marriage, on 21 July 2011, provided the wife with a documented loan to enable her to pay off the then mortgage on the property, interest free for the first 5 years. The wife has denied that the charge ever existed, but accepts that the copy of the deed which I have seen bears her signature. The current value of the charge, originally £135,000, is some £208,257 as no interest has ever been paid. This equates to some 60% of the gross value which I have accepted should be taken for the value of the property, which is £350,000. I therefore consider it fair to both of them if this property is also treated as part of the matrimonial assets to be divided.
47. **Conclusion on sharing.** Overall, I am satisfied that the wife's headline entitlement may be set out as follows, before I come to compute *the value* of the wife's sharing claim, and the amounts which I should decide that she should be treated as already having available to her, and so which can properly be considered as having been taken by her on account of that claim. The properties are: North Farm, less its farmland which I am taking at one third of its value, so that the matrimonial net value is £1,940,000; Park Street - £4,365,000; and the Leicester property - £339,500. Whilst these have a combined value of £6,644,500, I am satisfied that a fair outcome for both parties is that 40% of the wife's prima facie entitlement is deducted on account of her complete lack of contribution, the absence of which is rendered significantly more acute when considered through the glass of her deplorable conduct. This leaves her with 60% of her notional half-share, and so 30% of the combined value of the properties as a whole. This would be £1,993,350.
48. **Whether inferences can be drawn.** The next element of the case that requires determination is the extent to which the wife should fairly be treated as already having taken a series of sums, without the husband's informed consent, and placed them

overseas during the course of the marriage. In the absence of full updating disclosure from the wife, or indeed any disclosure which she does not feel will assist the position that she has taken before the court, I am left with no option save to seek to draw inferences about the existence and availability to her of the funds which she has taken. Very often, these funds will have originally been given to her by the husband, but for reasons offered by her which with the passage of time have proved to have been untrue. Specifically, as identified above, whilst the wife paid only £74,692 towards the costs and fines levied as the result of her 2021 fraud conviction, the husband has paid her £311,040 toward that liability, a deficit of £236,349. There has also been the £167,500 demanded by the wife to accept that she would vacate the property in Long Street, to which she was not entitled, and the £50,000 informal loan which was provided for the wife's later sold property at West Road in April 2018. This was another loan the existence of which she denied, despite a handwritten note bearing her signature which I have found to have been genuine. Finally, there was £60,000 paid for a trip to the Priory in 2019 which apparently never took place, and the various funds provided for assorted other courses, trips and occasions.

49. The precise total taken by the wife over the years of the marriage will be impossible to establish without her cooperation, and of course some of the sums paid may well have been spent by her on supporting herself or others in the intervening years. What can however clearly be seen are sums which have been transferred by her from the United Kingdom into overseas accounts. Following a payment of £106,222 made on 27 June 2018, which came to light only after a third party disclosure order was made against the wife's English bankers, the wife then made a significant number of such payments between 2020 and 2022, especially around the time of her guilty plea to the fraud charges in November 2020 (over £150,000 in the six weeks following the plea). These payments also were only discovered following the disclosure order, and total a further £433,211.
50. Additionally, between June 2018 and March 2021, the wife made a significant number of payments to third parties ostensibly overseas, who in her evidence she purported not to know, and which payments she made, she said, only at the husband's insistence. I reject her case on that and find that where such payments have not been explained, those funds should be treated as still being available to her. I was very clear with her that, in the absence of any explanation other than to lay blame on the husband, I would have little choice but to treat the money as still available to her, and so I will do so. Those unexplained payments amount to some £85,732, excluding monies paid to her McKenzie friend, and to a Temple as evidence of her charitable nature at the time of her fraud conviction. Finally, the wife accepted that she had taken the sum of £95,000 in cash in a further series of payments between 2018 and 2021, and in relation to which she offered no explanation as to where the money was now located, or how it had otherwise been used. These sums all added together come to £720,165.
51. I accept that insofar as the wife does currently retain or has admitted to assets overseas, they may well have been acquired with some of the funds contained in that

sum – her flat in India, and its furnishings, and her Wells Fargo and Indian bank accounts, so I will not add the notional value of those assets. I should add that there is in any event no safe valuation of the wife's Indian property, as she has only provided a base taxable value. However, I am satisfied that I should add to the sums attributable to her the amount of money which has been spent by the wife on the acquisition in the UK of what seems to be a canal-based houseboat, and the funds which she says that she has spent on it since. Not only is there no proper evidence of the current value of the boat, kept in Bristol, and the purchase of which she only acknowledged just before the start of the trial, but there is no reliable evidence of how the additional amounts have been spent on its upkeep. I am satisfied that the wife has not given a wholly truthful account in relation to the acquisition and value of this asset. She accepted that she has only rarely used it, if indeed she has. The amount which she attributes to funds spent on the boat is some £185,000, and to be fair to the husband I shall treat all of those sums as being available to her. I shall at the same time however write off the other sums paid or loaned to her, as these may have formed part of the sums which she has paid into her overseas accounts. Again, save as identified, I have accepted the further allegations of financial conduct which have become apparent from the later disclosed bank statements.

52. In addition to the sums referred to above, the wife will retain the Leicester property, with its value of £339,500. After deducting £720,165 and £185,000 as treatable fairly as already in the wife's possession, this means that to get to the full amount of her sharing entitlement (£1,993,350) she requires a payment of a further £748,685, which I shall round to £750,000. Subject only to a cross-check around the wife's needs, the husband should pay this to her forthwith upon her vacation of North Farm, which itself should happen within 28 days of the final order being made in these proceedings.
53. **Needs.** As to those needs, I consider that, given the wife's behaviour, there is no obvious reason for their assessment to be performed with generosity. Whilst I acknowledge that she does not have any significant earning capacity, that is part due to her fraud conviction, which would make working for a local authority, her previous employment before the marriage, difficult to return to. However, whilst the standard of living in the marriage has been significantly higher, I am satisfied that in all of the circumstances the wife is not entitled to be maintained at the marital standard any further.
54. The husband has been paying the wife at the rate of £3,000pcm, plus the bills and other expenses on North Farm. It remains possible that the wife has taken from the husband and retained significantly more than she sums which I have attributed to her. However, working on the assumption that she has not, then if at the age of just 60 she has a net wealth of just under £2m, the 'At A Glance' Duxbury Table suggests that she could employ half of that fund over a 24 year term to live at the overall net rate of £55,000pa, and she could then employ the rest as a housing fund. This would be well above and beyond any baseline needs calculation that might be performed. There is consequently no need at this stage to analyse further at this juncture what her

minimum requirement might be. In the event that there is an application for costs of course, the funds which she receives from the husband may yet be further reduced, and further consideration of her needs threshold may be required.

55. **Outcome.** So, after full consideration of all of the factors in s.25(2) of the Matrimonial Causes Act 1973, and in all of the circumstances of the case, including importantly that X is my first consideration, with whom the wife currently has no contact but who will continued to be cared for by her father, I am satisfied that the wife's sharing claim can be fully met by a payment from the husband in the sum of £750,000. This sum is also more than sufficient to enable the wife to meet her needs in light of the background to this case as I have found it to be by this judgment. It should be paid as set out at paragraph 52 above. The operative provisions of my order will therefore be:

- a. Park Street and North Farm are to be transferred to the husband's sole name within 21 days of the final order being made in these proceedings.
- b. The wife is to vacate North Farm within 28 days of the court's order.
- c. The husband is to pay £750,000 to the wife within 7 days of her vacation of North Farm.
- d. The wife will retain the Leicester property, and the other assets currently held in her name, including the Indian apartment and the boat.
- e. The husband will retain all of the assets in his name, including his pensions.
- f. The husband will waive the loans owed by the wife in respect of the Leicester property and West Road, and will release the charge secured against the Leicester property.
- g. The monthly maintenance payments from the husband to the wife will stop forthwith.
- h. There will be a full income and capital clean break upon the implementation in full of these terms.

56. That is my judgment.