

JERSEY / JUDGMENT

Dick v Dick [2000] JRC 111 (23 June 2000)

[2000] JRC 111

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

JUDGMENT

THE BAILIFF: 1. The Saisie on which this case is founded was obtained because of the non-payment of money ordered to be paid to Mrs Dick by a Californian Judge, pendente lite. 2. It is quite true that that matter went to the Court of Appeal on 26 th April, 1993, and to the Supreme Court on 26 th August, 1993. If the information which has been laid before us today by Mr Le Quesne had been before the Judge in California

- that information being that (contrary to the testimony of Mr. Daniels, then before him, and to some extent to the earlier evidence on affidavit of Mrs. Dick) she was receiving money from Mr Daniels
- whether by loan or gift is immaterial - we are unable to say that that is one of the accepted requirements before an order of that sort is made. 3. We do not need to make any further comment on his finding about Mr Dick's ability to pay; we have already expressed ourselves in further hearing. That he has some ability to pay something to his former wife is apparent from the fact that he has paid \$10,000 a month from January of this year - only four payments. 4. We have found that it does not follow that the Judge would have made his order; however, we make no finding, at this stage, as to whether there was fraud or error or a simple mistake made before him. We think it is unnecessary because the very question of fraud is in fact raising the substantive action, and it maybe that the substantive action may now fail or disappear if you get the Saisie . I do not know. There are important matters of principle on appeal, and it may be that the question will not get any further at this stage; that is entirely up to Counsel. 5. As far as we are concerned, we accept Mr Le Quesne's argument that we should lift the Saisie because there is certainly an arguable case that the Plaintiff's claim in Jersey will fail - she has already tried to obtain summary judgment. Therefore, as requested, the Saisie is lifted. We note that \$10,000 should be paid monthly. If that payment ceases before the substantive action or the appeal are heard, for whatever reason, it is of course always open to the Plaintiff to come back to Court for a further Saisie based on the failure to pay; but whether this will happen or not we cannot say. No Authorities Page Last Updated: 19 Aug 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bailii.org/je/cases/UR/2000/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/dick-v-dick-2000-jrc-111-23-june-2000>

Prepared on 26 October 2026 · Esheria