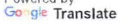


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Tacarigua woman wins property dispute against stepdaughters

by  Yesterday



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A woman from Tacarigua scored victory in her legal dispute over a move by her now-deceased husband to transfer his share in their property to two daughters, whom he fathered outside their marriage.

Delivering a judgment last week, Appellate Judges Charmaine Pemberton, Gillian Lucky and Mira Dean-Armorer, upheld an appeal brought by Parbatie Siewnarine, her sister Rosabelle Heeralal and her niece Sattie Huggins against her stepdaughters Diana and Victoria Siewnarine.

According to the evidence in the case, Parbatie married Jewan Siewnarine in 1972, and almost three years later, they acquired the property Village in Tacarigua.

In 2007, Jewan was diagnosed with cancer.

Almost one month before he eventually died in December 2012, Jewan executed a Memorandum of Transfer purporting to transfer his interest in the property to his daughters, Diana and Victoria.

In 2013, Jewan's death was endorsed by the Certificate of Title for the property.

Diana and Victoria filed the case after Parbatie sought to include her sister and niece on the title, essentially excluding their claim to half of the property.

Their case was upheld by a High Court Judge, who found that the Jewan's unregistered transfer severed the joint tenancy held by him and over the land.

The judge also found that Parbatie's right of survivorship as Jewan's spouse was extinguished by the purported transfer.

The judge found that Parbatie's actions in seeking to include her sister and niece did constitute fraud.

In deciding the appeal, Justice Pemberton, who delivered the panel's judgment, found that the judge did make the errors identified by Parbatie's lawyers Ronald Dowlal and Melissa Ramdial.

She took issue with the fact that Diana and Victoria failed to register the transfer after being informed of it by their father.

Justice Pemberton also ruled that the judge was wrong to reject Parbatie's survivorship claim.

"After the deceased's death was endorsed on the certificate of title, Parbatie Siewnarine was the sole proprietor of the said property and she dealt with the said property as she saw fit," she said.

Dealing with the fraud allegations, Justice Pemberton noted that Parbatie's conduct could not be criticised even if she was aware of her husband's transfer when she registered hers.

Referring to the provisions of the Real Property Act (RPA), Justice Pemberton said: "Section 141 of the RPA makes clear that knowledge of a vested interest is not enough to establish fraud."

As part of their decision, the appeal panel ordered the sisters to pay their stepmother's legal costs for the lawsuit.

The sisters were represented by Blaine Sobrian and Brittany Kassianath.

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