Selected Issues in Family Law

Editor
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PRE-MARITAL GIFT AND ITS POSITION AFTER DIVORCE

By

Norliah Ibrahim

Introduction

Is gift a matrimonial property? The question frequently arise in court in the context of division of matrimonial property between a husband and wife in the course of divorce where couples may fight about these very gifts that were once given in love.¹ A literal reading from the provisions, which emphasize very much on the effort of the parties, would suggest that it may exclude gifts since they are not acquired by the spouses’ own efforts.² In other words, the use of the words ‘efforts’ seems inappropriate to include gifts in a division of matrimonial property upon divorce.³ However, some judges argued that gifts may subject to division upon divorce if it has been substantially improved

¹ http://www.riversidefamily-divorceclawyer.com/what-are-inter-spousal-gifts: