

# Contemporary Issues on Matrimonial Property

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Edited by:  
Zuhairah Ariff Abd Ghadas  
Norliah Ibrahim

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# **CONTEMPORARY ISSUES ON MATRIMONIAL PROPERTY**

*Edited by:*

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## CHAPTER 10

# LEGAL JUSTIFICATION IN DIVIDING MATRIMONIAL PROPERTY DURING MARRIAGE

*Wan Nur Aini Wan Ahmad Affandi & Nora Abdul Hak*

### 10.0 INTRODUCTION

Fundamentally, in every marriage there will be a joint effort of the spouses, whether overt or covert, in the accumulation of assets or; which are commonly called as matrimonial properties. These matrimonial properties may stand in the name of the husband or the wife, or in their joint names. In the English case of *Wachtel vs Wachtel*, Lord Denning M.R. said that:<sup>1</sup>

“the phrase ‘family assets’ is a convenient short way of expressing an important concept. It refers to those things which are acquired by one or other or both of the parties, with the intention that they should be continuing provision for them and their children during their joint lives, and used for the benefit of the family as a whole.”

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<sup>1</sup> [1973] 1 All ER, 829.