NOVA SCOTIA COURT OF APPEAL Cite as: MacCullough v. MacCullough, 1994 NSCA 195

Clarke, C.J.N.S.; Hallett and Chipman, JJ.A.

BETWEEN:

CHRISTINE MARY MACCULLOUC	6H Appellan	´)	W. Kidston for the Appellant
- and - ROBERT BRIAN MACCULLOUGH))	Respondent in person
Re	espondent)))	Appeal Heard: September 14, 1994
)))	Judgment Delivered: September 14, 1994
)	
)	

THE COURT: Appeal allowed per oral reasons for judgment of Hallett, J.A.; Clarke, C.J.N.S. and Chipman, J.A. concurring.

The reasons for judgment of the Court were delivered orally by:

HALLETT, J.A.

This is an appeal from an order for corollary relief under the **Divorce Act**, R.S.C.

1985, and relief under the Matrimonial Property Act, R.S.N.S. 1989, c. 275. The order

was granted in what is referred to as an undefended proceeding pursuant to Civil Procedure

Rule 57. The evidence before the learned trial judge did not support the order made which

granted relief to the respondent under the Matrimonial Property Act. Accordingly, the

appeal is allowed and that part of the corollary relief judgment dealing with the Matrimonial

Property Act matters is set aside. Neither of the parties having sought costs, none will be

ordered.

Hallett, J.A.

Concurred in:

Clarke, C.J.N.S.

Chipman, J.A.

NOVA SCOTIA COURT OF APPEAL

BETWEEN:

CHRISTINE MARY	MACCULLOUG:	H	
- and - FOR	Appellant))	R E A S O N S
BY: ROBERT BRIAN MA	ACCULLOUGH)	HALLETT, J.A. (orally)
	Respondent)	(orally)
)))	