Cohen v Cohen (1929) 42 CLR 91


Facts

- When the Cohens got married, Mr Cohen promised Mrs Cohen an annual dress allowance of 100 pounds.
- Mr Cohen eventually fell 275 pounds behind.
- The Cohens then separated.
- During the divorce, Mrs Cohen claimed the outstanding amount, saying it was a contractual breach.

Issue

- Was there an intention to create legal relations?

Held

- Mrs Cohen failed to rebut the presumption that it was a domestic agreement.
- There seemed to be no objective intention to create legal relations.
- As such, the agreement was unenforceable.

Law case summary from www.lawcasesummaries.com