

IN THE FAMILY COURT AT MIDDLESBROUGH

Russell Street
Middlesbrough

Before HER HONOUR JUDGE MORETON

IN THE MATTER OF

SANDRA OZTURK (Applicant)

-v-

YILMAZ OZTURK (Respondent)

MR SPROSTON appeared on behalf of the Applicant
THE RESPONDENT appeared in person

JUDGMENT
7 OCTOBER 2025
(AS APPROVED)

WARNING: This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of the children and members of their family must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

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JUDGE MORETON:

1. A Notice to Show Cause was issued by the applicant wife in this matter in July 2025, which is an application essentially inviting the court to send the respondent husband, Mr Ozturk, to prison for 28 days, that being the sentence that was imposed upon him at a hearing on 8 May 2025 but that sentence having been suspended upon him complying with the order of that date, namely that he should file his form E with supporting financial documentation within 28 days of service of that order. The order was personally served upon Mr Ozturk on 20 May 2025 and consequently, he was due to comply with the requirement to file his form E with supporting documentation no later than 17 June 2025.

2. It is Mrs Ozturk's position that he has not complied with that order and her position is set out in her second affidavit, dated 22 July 2025. It is with a heavy heart, but Mrs Ozturk's position is that given the history to this matter, the only way in which she believes that he may provide the necessary information to the court in relation to his financial circumstances is for him to experience a period of custody and then hopefully reflect upon the same in terms of his attitude towards complying with court orders.

3. The background to this case is set out in my judgment of 8 May 2025, as I was the judge that imposed the original suspended sentence and I therefore do not propose to repeat the same within this judgment, but this judgment should be considered alongside that previous judgment. But the crux of the matter is that Mr Ozturk has not engaged or complied with any court orders to date and save for, complying with a requirement to meet the costs order from that hearing on 8 May 2025, when he paid across the sum of £2,210.40 to Mrs Ozturk's solicitors.

4. It was as a consequence of my assessment that his failure to engage with previous court orders, was a wilful refusal to do so, that led me to take the decision to impose the custodial sentence that I did at that time, albeit suspended to give Mr Ozturk that final opportunity to comply without having to experience prison.

5. I should say Mr Ozturk has attended this hearing, which is different to his previous approach to matters. At the outset of the hearing, I did enquire with him as to whether or not he required an interpreter and he confirmed to the court that he did not require an interpreter and that he had a sufficient understanding of English to proceed with this hearing without the benefit of interpretation.

6. I asked him whether or not he sought an adjournment to enable him to obtain legal advice and if possible, to be legally represented before I proceeded to consider the notice show cause and I explained to him that that meant that he could be represented by a solicitor or barrister. But he indicated that he did not require that advice or support and was content for the hearing to proceed with him being a litigant in person. I also informed him of his right to silence and his right not to self-incriminate. It was on that basis that I proceeded with this committal hearing.

7. Mr Ozturk accepted that he was personally served with the order from 8 May 2025 and he accepted that he had not filed his form E with any supporting documentation and he therefore accepted that he was therefore in breach of that order of 8 May 2025.

8. On that basis, it could be said therefore that the starting point is that the sentence should therefore be activated. So, I therefore proceeded to consider matters in the context of

mitigation and whether or not it is just and fair, appropriate and indeed proportionate for such a sentence to be activated.

9. Mr Ozturk was put on oath and some evidence was heard from him. From my perspective, I asked him on a number of occasions as to why he had not complied with the court order to provide his form E and supporting financial documentation. His initial response and indeed, comments that he made periodically throughout his oral evidence, was that he and Mrs Ozturk were married in Turkey and therefore any divorce proceedings and associated financial matters should be dealt with in Turkey and not in this court. He then went on to tell the court that he did not understand the order from 8 May, as he does not read English.

10. Mr Ozturk was cross-examined in relation to these issues but also in relation to matters generally. Mr Ozturk was unable to explain why he had not engaged with the court process, why he has not questioned the issue of jurisdiction to date if that was his actual position in terms of why he was reluctant or not prepared to comply with court orders with regard to financial matters. It should be noted that he clearly understood that divorce proceedings had been issued and progressed through the court and that these proceedings were about their financial affairs in the context of the ending of the marriage. He was unable to explain why he was able to understand some aspects of the court order from 8 May 2025, specifically the order for costs sufficiently to actually pay those said costs. However, he was unable to understand the element of the order that related to the filing of a form E. I found his evidence in that regard extremely unsatisfactory.

11. Mr Ozturk was unable to provide satisfactory answers to questions as to why he had not asked friends and family to read court documents to him. And it was also clear to me from the limited evidence that Mr Ozturk did give in relation to general matters, that he operated a pizza business, at least one shop, that he has owned at least at certain points in time, numerous bank accounts and that in terms of his business, he has held a lease on at least one premises and he was able to explain to me that the lease on one shop had come to an end. This would all suggest to me that he has a level of comprehension and understanding of written documents sufficient to enable him to run a business and manage his personal affairs or otherwise have access to people who could support him in this regard.

12. I also consider it noteworthy that at no point has he, during the entirety of these proceedings to date, which have been ongoing for over a year now, contacted either the court or Mrs Ozturk's solicitors to request that documents be interpreted into Turkish. And that not only relates to receiving extensive correspondence from the solicitors with regard to the divorce proceedings and financial matters but also having received numerous court orders direct from the court as well as orders that were personally served upon him, including the order dated 8 May 2025. Indeed, it would seem that he had sufficient understanding to know that he needed to attend court today and as I have said already to pay the cost order from the hearing on 8 May 2025.

13. Again, when considering the context of the evidence that he gave generally regarding financial matters, I found Mr Ozturk's attitude to be that he did not consider that this court had any standing in relation to his divorce and any associated financial matters and I consider that to be relevant in terms of his approach to engaging with this process and the reasoning behind why he is not engaging.

14. From his evidence, it came across that he considered any matrimonial assets, whatever they may be, to be his money and not matrimonial assets or that Mrs Ozturk has any

entitlement to the same, as in his words, “It is my money.” I found Mr Ozturk to be resistant and uncooperative to responding to questions in relation to his financial affairs. The majority of the time, he would deflect or obfuscate in providing answers and responses. And insofar as he has provided some information, the court is still far from clear as to the accuracy or detail in relation to the same.

15. I have given very careful consideration to Mr Ozturk’s suggestion that he did not understand the order from 8 May 2025 in relation to the requirement for him to file a form E and documentary evidence in support. But when considering the evidence as a whole, including the fact that he did understand the cost element of that same order and he complied with the same, that he has never raised any issue in relation to not being able to understand documents sent to him previously, that he has previously run a business and that he has a clear aversion to disclosing details relating to his financial affairs from the witness box and given his overall attitude that he sees what money he has as his, I am satisfied that on a balance of probabilities that Mr Ozturk did and does understand what was required and expected of him in relation to financial disclosure from the outside of these proceedings and he has chosen not to comply with the court orders. And specifically in the context of this hearing, in relation to the breach of the order from 8 May 2025, I am satisfied that he did understand the outcome of that hearing from that date and what was expected from him, that he has wilfully failed to comply with that order and that places him in breach of the order.

16. I have given consideration to whether or not he should be given one final opportunity to comply with the requirement to provide full and frank disclosure with regard to his financial affairs without experiencing prison, but given the evidence I have heard to date, I have no confidence that any further suspension of a period of imprisonment would be likely to result in financial disclosure being forthcoming. Therefore, I have had to conclude that the only way to demonstrate to Mr Ozturk that court orders must be complied with is by way of a period of custody and I therefore order that the sentence of 28 days of imprisonment that I handed down on 8 May 2025 should be activated with immediate effect.

17. My final commentary would be that a transcript of this judgment should be obtained forthwith at public expense and I make it clear within this judgment that Mr Ozturk is on notice that given the nature of the sentence I have imposed, there is no requirement for him to seek permission to appeal this order and that should he be minded to look to appeal the order, then he can make an application without any such permission being requested or obtained.

This transcript has been approved by the Judge