

# **IN THE SUPREME COURT OF SEYCHELLES**

RITA CAFRINE (NEE ANDRE)                      PETITIONER  
VERSUS  
CHRISTIAN CAFRINE                                      RESPONDENT

Divorce Side No 159 of 2003

Mr. F. Bonte Counsel for the Petitioner

## **JUDGMENT**

### **B.Renaud**

The Petitioner is seeking dissolution of her marriage and an order of divorce because the marriage has broken down irretrievably on the ground that the Respondent has continuously behaved in a way that the Petitioner cannot reasonably be expected to live with the Respondent.

The Respondent appeared in Court on the fixed date when the Petitioner sought time to make up her mind as to whether she will proceed with the matter. The parties appeared before Court again when the Petitioner confirmed that there is no hope of reconciliation despite attempts to do so. The respondent signified before Court that he did not intend to defend the Petition. The Petitioner sought leave of the Court for the matter to be heard *ex-parte*. The Court accordingly granted leave for the matter to be heard *ex-parte*.

The Petitioner, Mrs. Rita Cafrine born Andre who is a Nurse and resides at Majoie, Mahe, Seychelles, testified that she was married to the Respondent Mr. Christian Cafrine on the 21<sup>st</sup> January, 1991 in Victoria, Mahe, Seychelles as per marriage certificate produced as Exhibit P1. She a spinster and the Respondent was a bachelor at the time. One child was born of this marriage, namely, Valerie Sharon Dania Cafrine born on 29<sup>th</sup> January 1992 as per Birth Certificate produced as Exhibits P2. There has not been any previous proceeding in any Court in respect of the said marriage. The Petitioner further

testified that the marriage has now irretrievably broken down for the reason that the Respondent has continuously behaved in such a way that she and the Respondent cannot be expected to live together. The Respondent is living with another woman away from the matrimonial home. The petition is not presented in collusion with the Respondent.

On the basis of uncontroverted evidence adduced before Court, I am satisfied that the marriage of the Petitioner has broken down irretrievably and I hereby dissolved the said marriage and grant a conditional order of divorce to be made absolute upon the application of the Petitioner after six weeks or after the Family Tribunal has determined the issue of the children. The Registrar is directed to refer this matter to the Family Tribunal.

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B.RENAUD

**JUDGE**

Dated this 29<sup>th</sup> day of October 2004