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## **IN THE SUPREME COURT OF SEYCHELLS**

DTL (NEE R)            PETITIONER

VERSUS

RL                      RESPONDENT

Divorce Side No 133 of 2004

Mr. W. Lucas for the Petitioner  
Respondent absent/unrepresented

### **JUDGMENT**

#### **B. Renaud**

The Petitioner seeks dissolution of her marriage and an order of divorce because her marriage has irretrievably broken down on the ground that she and the Respondent have been living separate and apart for a continuous period of one year immediately preceding the presentation of his Petition and secondly, that the Respondent has deserted the matrimonial home for a continuous period of over two years immediately preceding this Petition. The Respondent has consented in writing to the granting of the divorce.

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The Respondent was duly served with the Petition and Notice to Appear and he failed to appear, did not present any excuse to the Court for his non-appearance and in any event did not file any answer to the Petition. The Petitioner sought leave of the Court for the matter to be heard ex-parte. The Court granted leave accordingly.

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The Petitioner, Mrs. DTLajoie born R of BL, M, testified that she was married to the Respondent Mr. RLR, M on the 26<sup>th</sup> February, 1992at the Anse Royale Civil Status Office, M. She produced the marriage certificate which was admitted as Exhibit P1. After the marriage the

parties lived and cohabited at Anse Soleil, Mahe until their separation in the year 2000. There are two children that were born of this marriage, namely, DA born on 30<sup>th</sup> August, 1989 and JC born on 1<sup>st</sup> May, 1993. She produced their respective birth certificates which were admitted and marked as Exhibit P2 and P3. Both parties are Seychellois nationals and are domiciled and resident in Seychelles. She stated that there has been a previous proceeding in 2000 in the Magistrate's Court affecting the said marriage, where the Learned Magistrate granted her a non-cohabitation order, but could not obtain a copy thereof as the Court record could not be found. The Petitioner further testified that the marriage has now irretrievably broken down for the reason that the Respondent deserted the matrimonial home for a continuous period of over two years immediately preceding this Petition and that there is no possibility of reconciliation. She testified that in fact the Respondent left her over 10 years ago following an argument between them when he left.

On the basis of the uncontradicted evidence adduced by the Petitioner, I am satisfied that the marriage in issue has irretrievably broken down, hence I hereby dissolve the said marriage and grant a conditional order of divorce.

This conditional order of divorce may be made absolute upon the application of the Petitioner six weeks from today. As there are children involved, I direct the registrar to refer this matter to the Family Tribunal.

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B.RENAUD

**JUDGE**

Dated this 9<sup>th</sup> day of June 2005