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**IN THE SUPREME COURT OF SEYCHELLES**

**I P**

**Petitioner**

**VS.**

**L P**

**Respondent**

Divorce Side No. 145 of 2005

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Ms. Domingue for the Petitioner

**ORDER**

The Petitioner in this matter has applied to this court for the dissolution of her marriage on the grounds that the marriage has irretrievably broken down as she and her husband has lived apart for a continuous period of more than one year immediately preceding the presentation of the petition and the Respondent consents to the grant of divorce. The Respondent who was duly served with a notice of the petition appeared before the Master on **Tuesday 18<sup>th</sup> July, 2006** and informed the court that he was not contesting the divorce. In the circumstances, the Master accordingly granted leave for the Petitioner to proceed exparte in this matter.

In her action the Petitioner testified that she was lawfully married to the Respondent at the Civil Status Office in Germany on the 23 September, 1994 as per Exhibit P1. At the time of the marriage the Petitioner was a divorcee and the Respondent was also a divorcee. The petitioner is employed as a tourist guide in Seychelles and the Respondent is unemployed. Both parties are domiciled and resident in Seychelles. There are no children born of the said marriage. The Petitioner categorically testified that the marriage in question have irretrievably broken down in that the Petitioner and the Respondent have lived apart for a continuous period of more than one year immediately preceding the presentation of the petition. Further the Petitioner has testified that the Respondent has duly signed the consent to the grant of divorce which she produced as evidence and marked as Exhibit P2. Moreover, the Petitioner testified that there is not possibility of reconciliation. Hence, the petitioner sought this court for the dissolution of the marriage and for a decree of divorce.

On the strength of the uncontroverted evidence adduced by the Petitioner in this matter, I am satisfied more than on a balance of probability that the marriage in question have irretrievably broken down with no possibility of reconciliation. I therefore find that it is just and necessary for the marriage to be dissolved and I do so accordingly.

Therefore, I hereby dissolve the marriage of the parties and grant a conditional order of divorce for now which can be made absolute after a period of six weeks from the date thereof. The petition is granted accordingly.

**D. KARUNAKARAN**

**JUDGE**

Dated this 27<sup>th</sup> day of July, 2006