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IN THE SUPREME COURT OF SEYCHELLES

MRS. R P B nee D

Petitioner

VS.

MR. F A B

Respondent

Divorce Side No. 97 of 2006

Petitioner – Self-represented

JUDGMENT

Gaswaga, J

Mrs. R P B nee D, 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 the Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent the particulars being that the Respondent has abandoned the Petitioner and has left the matrimonial home and the jurisdiction without any notice, warning or explanation.

In his action the Petitioner testified that she was lawfully married to the Respondent at the Civil Status Office, Victoria, Mahe, Seychelles on the 15th April, 2005 as per Exhibit P1 being the marriage certificate. The Petitioner is domiciled and resident in Seychelles and the Respondent is a Kenyan national domiciled and resident in Kenya. After the marriage they cohabited at Majoie. There are no children born of the said marriage. The Petitioner was a Loans Assistant Officer with the Seychelles Credit Union bank. Currently a fashion design student following a course in the same field in Italy and is

therefore unemployed.

The Petitioner has also averred that the Respondent has been financially irresponsible and left the Petitioner penniless and in debt and has refused to assist the Petitioner by any means and in any manner whatsoever. Further, the Respondent has told the Petitioner that he has no inclination to return to the jurisdiction or to make the marriage work. The Petitioner has categorically testified that all attempts at reconciliation have not been successful. There has been no previous proceeding in the Court of Seychelles regarding the said marriage. Hence, the Petitioner has sought this court for the dissolution of the marriage.

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 has irretrievably broken down with no possibility of reconciliation. I therefore find that it is just and necessary for the marriage to be dissolved.

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. GASWAGA
JUDGE

Dated this 12th day of October, 2006