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IN THE SUPREME COURT OF SEYCHELLES

W N K

Petitioner

VS.

B A A K nee I

Respondent

Divorce Side No. 150 of 2006

Mr. Bonte for the Petitioner

JUDGMENT

Gaswaga, J

Mr. W N K, the Petitioner in this matter, has applied to this court for the dissolution of his marriage to the Respondent on the grounds that the marriage has irretrievably broken down as they have been living separate and apart for a continuous period of more than one year immediately preceding the presentation of this petition and the Respondent has consented to the granting of the divorce (consent exhibited as P2).

In his action the Petitioner testified that he was lawfully married to the Respondent at the Civil Status Office, Victoria, Mahe, Seychelles on the 21st September, 2000 as per Exhibit P4 being the marriage certificate. The Petitioner is a Kenyan national and a temporary resident of Seychelles and the Respondent is a Seychellois national, resident and domiciled in Seychelles. There is one child born of the said marriage namely M M K born of the 1st May, 2001 as per the birth certificate exhibited as P1. 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. The Petitioner further avers that the Respondent has behaved in such a way that the Petitioner and the Respondent cannot be reasonably expected to live together.

It was also deposed by the Petitioner that he was due to return to England, where he currently lives, for good at the end of next week (7th December, 2006) and has therefore implored the Court to shorten the period for making the decree absolute instead of six weeks in terms of Section 6(3) of the Matrimonial Causes Act. He has also presented a copy of a consent judgment dated 30th November, 2006 providing for the custody care and maintenance of the relevant child which is to be filed at the Family Tribunal.

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 which will be made absolute upon application by the Petitioner once the Family Tribunal has received and endorsed the said consent judgment. The petition is granted accordingly.

D. GASWAGA
JUDGE

Dated this 1st day of December, 2006.