

**IN THE SUPREME COURT OF SEYCHELLES**

**MRS. MYRTILLE BERNADETTE MARSHALL nee CONSTANCE**

**Petitioner**

**VS.**

**MR. GEORGE ERRINGTON MARSHALL**

**Respondent**

Divorce Side No. 154 of 2005

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Ms. Pool for the Petitioner

**JUDGMENT**

**Gaswaga, J**

The Petitioner in this matter, Mrs. Myrtille Marshall, has applied to this Court for the dissolution of her marriage with the Respondent, Mr. George Marshall on the ground that the marriage has irretrievably broken down in that the parties have been living separate and apart for a period of more than one year immediately preceding the presentation of this petition and the Respondent consents to the grant of the divorce as per Exhibit P2 being the signed consent.

In this action the Petitioner testified that she was lawfully married to the Respondent on the 11<sup>th</sup> June, 2003 in England as per Exhibit P1 being marriage certificate. There are no children born of the said marriage. The Petitioner is a Seychellois national, resident and domiciled in Seychelles and the Respondent domiciled in the United Kingdom. The Petitioner has categorically testified that she is unemployed and the Respondent is a

pensioner. The Petitioner has further averred that all attempts at reconciliation have failed and that there have been no previous matrimonial proceedings in respect of this marriage in any court in Seychelles.

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 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 according to law.

**D. GASWAGA**

**JUDGE**

Dated this 29<sup>th</sup> day of October, 2007.