

**IN THE SUPREME COURT OF SEYCHELLES**

**RANDOLPH KHAN**

**Petitioner**

**VS.**

**SABRINA MARIE-MICHELLE KHAN nee VICTOR**

**Respondent**

Divorce Side No. 123 of 2005

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Mr. Bonte for the Petitioner

**JUDGMENT**

**Gaswaga, J**

The Petitioner in this matter, Mr. Randolph Khan, has applied to this Court for the dissolution of his marriage with the Respondent, Mrs. Sabrina Khan on the grounds that the marriage has irretrievably broken down as he and the Respondent have lived apart for a continuous period of more than one year immediately preceding the presentation of the petition.

In this action the Petitioner testified that he was lawfully married to the Respondent on the 22<sup>nd</sup> August, 2004 at Victoria, Mahe, Seychelles as per Exhibit P1 being marriage certificate. There is one child born of the said marriage namely a daughter Danielle Grace Joy Khan born on the 27<sup>th</sup> May, 2006 (See birth certificate Exhibit P2). Both parties are Seychellois nationals, resident and domiciled in Seychelles. The Petitioner has categorically testified that all attempts at reconciliation have failed and further that

the Respondent has behaved in such a way that the Petitioner and Respondent cannot be reasonably expected to live together. In addition the Petitioner avers that since the celebration of their marriage the Respondent has never lived in the same house with him for a period of more than five days and that this petition was not presented in collusion with the Respondent.

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, after the Family Tribunal adjudicates over the custody and maintenance of the relevant child.

**D. GASWAGA**

**JUDGE**

Dated this 9<sup>th</sup> day of November, 2007.