

IN THE SUPREME COURT OF SEYCHELLES

MR. DONALD REGIS CELESTINE

Petitioner

VS.

MRS. MARIE JOSEPHINE CELESTINE nee VOLAMIARINA Respondent

Divorce Side No. 55 of 2006

Mr. Ally for the Petitioner

JUDGMENT

Gaswaga, J

The Petitioner in this matter, Mr. Donald Celestine, has applied to this Court for the dissolution of his marriage with the Respondent, Mrs. Marie Celestine on the ground that the Respondent has deserted the matrimonial home and him, the Petitioner, without giving good cause.

In this action the Petitioner testified that he was lawfully married to the Respondent on the 4th October, 1997 in Seychelles as per Exhibit P1 being marriage certificate. The Petitioner is a Seychellois national, resident and domiciled in Seychelles and the Respondent is a Malagasy national, resident and domiciled in Madagascar. The Petitioner has categorically testified that he and the petitioner co-habited in the Seychelles after the marriage and that there are no children born of the said marriage. The Petitioner has averred that since the Respondent has left she has not returned to the

matrimonial home or contacted the Petitioner. The Petitioner has also averred that he has in no manner condoned or promoted the desertion and that all attempts at reconciliation have failed. The Petitioner added that there have been no previous matrimonial proceedings in respect of this marriage in any court in Seychelles and that the petition is 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.

D. GASWAGA

JUDGE

Dated this 15th day of November, 2007.