

## **IN THE SUPREME COURT OF SEYCHELLES**

**PIERRE VITAL LESPERANCE**

**PETITIONER**

**VERSUS**

**AFISA FRANCISEA LESPERANCE NÉE JAOSILY**

**RESPONDENT**

Divorce Side No 82 of 2007

Mr. C. Lucas for the Petitioner

### **JUDGMENT**

**Perera J**

The petitioner seeks a dissolution of his marriage on the ground that the respondent has behaved in such a way that he cannot reasonably be expected to live with her. The particulars of the alleged “*unreasonable behaviour*”, as averred in paragraph 7 of the petition are as follows-

“The Respondent failed to show love to the Petitioner.

The Respondent failed to care for and do her wifely duties.

The Respondent was a persistent nagger through her cohabitation after the celebration of the marriage.

The Respondent stole SR50,000 from the Petitioner before her departure to Madagascar.

The Respondent left for Madagascar without informing the Petitioner.

The Respondent misappropriated a motor vehicle worth SR38,000 which the Petitioner purchased in Madagascar for business.

The Respondent stole 45 million franc Malgache.

The Respondent left Seychelles in January 2007 never to return save for writing a letter ending relationship dated 10<sup>th</sup> February 2007.

No address, no contact or other particulars for contact were given.

The Petitioner has tried in vain to locate the Respondent for 4 months but to no avail.

The Respondent has informed the Petitioner in her letter that she wanted a divorce but has left no contact or mailing address”.

The Petitioner is a Seychellois, while the Respondent is a Malagasy national. They were married on 2<sup>nd</sup> December 2006.

The Petitioner, by motion dated 24<sup>th</sup> May 2007, moved for leave to proceed with the hearing of the petition under Section 4(3) of the Matrimonial Causes Act on the ground that he was suffered exceptional hardship during the short lived marriage. He also moved that service of the petition on the Respondent be dispensed with in terms of Rule 7(4) of the Matrimonial Causes Rules. The grounds for both motions are set out in a detailed affidavit filed by the Petitioner. The Court being satisfied with those grounds, granted leave to proceed, and also dispensed with notice on the Respondent. Hence the case was heard ex-parte.

The Petitioner in his testimony relied on the grounds set out in paragraph 7 of his petition. He produced a letter dated 10<sup>th</sup> February 2007 sent by the Respondent from Madagascar, wherein she had *inter alia* informed him that she will not return to him, he further stated that the Respondent left Seychelles without informing him and stealing Rs50,000 from him. He also stated that she stole 45 million franc Malagache from his account, and also a motor vehicle in Madagascar. In these circumstances, he maintained that the marriage has broken-down irretrievably and that now there is no hope of reconciliation.

The Court being satisfied that the marriage has broken-down irretrievably, hereby enters a conditional order for divorce. This order will be made absolute after a period of six weeks from the date hereof.

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A.R. PERERA

**JUDGE**

Dated this 15<sup>th</sup> day of June 2007