

IN THE SUPREME COURT OF SEYCHELLES

MRS. MIRENDA ESPARON nee HOAREAU

Petitioner

VS.

MR. FRANCOIS EDISON ESPARON

Respondent

Divorce Side No. 144 of 2007

Mrs. Antao for the Petitioner

JUDGMENT

Gaswaga, J

The Petitioner in this matter, Mrs. Mirenda Esparon, has applied to this Court for the dissolution of her marriage with the Respondent, Mr. Francois Esparon on the ground that the parties have lived 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 grant of the divorce.

In this action the Petitioner testified that she was lawfully married to the Respondent on the 12th February, 1983 at Les Canelles, Mahe, Seychelles as per Exhibit P1 being marriage certificate. There is one child born of the said marriage namely Steven Francois Corry Esparon born on the 2nd May, 1983 and he is of age. Both parties are Seychellois nationals, resident and domiciled in Seychelles.

The Petitioner has categorically testified that at the time of the marriage she was a spinster and the respondent was a bachelor. The petitioner has also testified that there have been previous proceedings in respect of this marriage when she sought a judicial separation in CS 2 of 2004 and was granted a non-cohabitation order. The Petitioner has further testified that the marriage has irretrievably broken down and all attempts of reconciliation have failed.

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 16th day of January, 2008.