

IN THE SUPREME COURT OF SEYCHELLES

MRS. DENISE THERESA PAYET nee HOAREAU

Petitioner

VS.

MR. ANTOINE ROLLY PAYET

Respondent

Divorce Side No. 51 of 2004

Mr. Bonte for the Petitioner

JUDGMENT

Gaswaga, J

The Petitioner in this matter, Mrs. Denise Payet, has applied to this Court for the dissolution of her marriage with the Respondent, Mr. Antoine Payet on the ground that the Respondent has behaved in such a way that the Petitioner and the Respondent cannot be reasonably expected to live together.

In this action the Petitioner testified that she was lawfully married to the Respondent on the 19th February, 1980 at Victoria, Mahe, Seychelles as per Exhibit P1 being marriage certificate. There are four children born of the said marriage namely Sandra Jean D'Arc Payet born on the 30th June, 1980, Hazel Theresa Payet born on the 20th March, 1984, Antoine Rolly Sady Payet born on the 3rd day of July 1987 and Shiryn Catherine Danise Payet born on the 30th March 1994 (See birth certificates

collectively admitted as P2). Both parties are Seychellois nationals, resident and domiciled in Seychelles. The Petitioner has averred that the marriage has irretrievably broken down and that all attempts at reconciliation have failed. That the Respondent has an aggressive attitude and has been violent towards 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 after the Family Tribunal has entertained issues of the relevant children.

D. GASWAGA

JUDGE

Dated this 27th day of March, 2008.