

IN THE SUPREME COURT OF SEYCHELLES

MRS. GRETA THOMAS nee MARCEL

Petitioner

VS.

MR. JAMES ALLEN THOMAS

Respondent

Divorce Side No. 34 of 2005

Mr. Bonte for the Petitioner

JUDGMENT

Gaswaga, J

The Petitioner in this matter, Mrs. Greta Thomas, has applied to this Court for the dissolution of her marriage with the Respondent, Mr. James Thomas 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 and the parties have lived separate and apart for a continuous period of more than one year immediately preceding the presentation of this petition.

In this action the Petitioner testified that she was lawfully married to the Respondent on the 18th November, 1993 at Victoria, Mahe, Seychelles as per Exhibit P1 being marriage certificate and that there are no children born of the said marriage. Both parties are Seychellois nationals, resident and domiciled in Seychelles. The Petitioner has also testified that the petition has not been presented in collusion with the Respondent.

The Petitioner has averred that she is a labourer and the Respondent is unemployed. The Petitioner further avers that there have been no previous matrimonial proceedings in respect of this marriage in any court in Seychelles and that all attempts at reconciliation have failed. The Petitioner has also averred that the marriage has irretrievably broken down and that the Respondent displays aggressive behavior and makes violent threats to her. That the Respondent cannot control his temper and has affairs with other women therefore making life unbearable for the Petitioner.

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 children.

D. GASWAGA

JUDGE

Dated this 31st day of March, 2008.