

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: DC 44/2014

[2014] SCSC 271

MANUELLA PETULA MARCEL (BORN JUPITER)

Petitioner

versus

KENNETH STEVEN MARCEL

Respondent

Heard: 24 July 2014

Counsel: Mr. G. Ferley for petitioner

Respondent – Not Available

Delivered: 24 July 2014

JUDGMENT

Karunakaran J

[1] This is a petition for divorce. The petitioner namely, Manuella Petula Marcel born Jupiter has applied to this Court for a dissolution of her marriage on the ground that the marriage has irretrievably broken down due to unreasonable behaviour on the part of the

respondent. The respondent who was duly served with a notice of the petition appeared in Court on the 28th of May 2014 and informed that he was not contesting the petition. Therefore, the Court granted leave for the petitioner to proceed with an ex-parte hearing in this matter.

- [2] In brief the petitioner testified that she was lawfully married to the respondent in Seychelles on the 2nd day of June 2011 at the Central Civil Status Office, Victoria, Mahe, Seychelles. After the marriage the parties lived and cohabited at Sans Soucis, Mahe until they separated in November 2013. There is one child born of the said marriage namely, Xavie, Manuelle, Anthony Marcel who was born on the 21st of December 2011. Both parties are Seychellois nationals, domiciled and resident in Seychelles. There has been no previous Court proceedings concerning their marriage either in Seychelles or outside.
- [3] The petitioner categorically testified that her marriage has irretrievably broken down because the respondent treated her with cruelty and even went to the extent of assaulting her. Therefore, the petitioner testified that it is not reasonably possible to continue to live with him. Further the petitioner testified that she attempted reconciliation but of no avail. In the circumstances the petitioner stated that there is no possibility of reconciliation and therefore sought a dissolution of her marriage.
- [4] On the strength of the uncontroverted evidence adduced by the petitioner ex-parte in this matter, I am satisfied more than on a balance of probabilities that the marriage in question has irretrievably broken down. I am equally satisfied there is no possibility of reconciliation between the parties. Therefore, I find it just and necessary that the marriage should be dissolved. Accordingly I do so.
- [5] WHEREFORE, I hereby dissolve the marriage of the parties and grant a conditional order of divorce, which may be made absolute after the expiry of six weeks from the date hereof.
- [6] The petition is granted accordingly. The file is closed.

Signed, dated and delivered at Ile du Port on 24 July 2014

D Karunakaran
Judge of the Supreme Court