

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: DC 76/2014

[2014] SCSC 342

MRS. MARIE-CLAIRE CHETTY NEE DAMOO

Petitioner

versus

MR. KISNAN JOHN CHETTY

Respondent

Heard: 18 September 2014

Counsel: Mr. R. Durup for petitioner

Respondent – Not Available

Delivered: 18 September 2014

JUDGMENT

D. Karunakaran Acting CJ

[1] This is a petition for divorce. The Petitioner Marie-Claire Chetty nee Damoo has applied to this Court for a dissolution of her marriage on the ground that the marriage has irretrievably broken down since the parties have lived apart for a continuous period of more than one year immediately preceding the presentation of the petition and the Respondent has consented to the grant of divorce. The Respondent who was duly served

with a notice of the petition defaulted appearance. Hence, the Court granted leave for the Petitioner to proceed with an ex-parte hearing in this matter.

[2] In a nutshell the Petitioner testified that she was lawfully married to the Respondent in Seychelles on the 11th of October 2000 as per Exhibit P1. After the marriage they lived at Belvedere, Mahe. The Petitioner is working as a Corporate Assistant at Apollo Business Solutions whereas the Respondent is self-employed. Both parties are Seychellois nationals, domiciled and resident in Seychelles. There is one child born of the said marriage namely, Natasha Shannon Cecile Chetty born on the 20th of March 2000 as per Exhibit P2. The Petitioner testified there is no other case pending before any other Court in Seychelles concerning the marriage. The Petitioner further testified that the marriage has irretrievably broken down because the parties have lived apart for a continuous period of more than one year prior to the filing of the case. Further she stated that they have been living apart for the past four years. All attempts at reconciliation have failed. In the circumstances, the Petitioner seeks this Court for a dissolution of her marriage.

[3] 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 that there is no possibility of settlement or reconciliation between the parties. In the circumstances, I find it just and necessary that the marriage should be dissolved. Accordingly I do so.

[4] 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.

[5] The petition is granted accordingly. The file is closed.

Signed, dated and delivered at Ile du Port on 18 September 2014

D Karunakaran
Acting Chief Justice