

**IN THE SUPREME COURT OF SEYCHELLES**

**Civil Side: DC 122/2014**

**[2014] SCSC 345**

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**JULIA SOPHIA BRIAT**

Petitioner

versus

**GWENAEL LOUIS BRIAT**

Respondent

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Heard: 22 September 2014

Counsel: Ms. Domingue for petitioner

Respondent – Present

Delivered: 22 September 2014

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**JUDGMENT**

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**D. Karunakaran Acting Chief Justice**

[1] This is a petition for divorce. The Petitioner namely, Julia Sophia Briat 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 appeared in Court and confirmed that he is not contesting the

petition. Therefore, 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 5<sup>th</sup> of May 2007 at the Civil Status Office, Victoria, Mahe, Seychelles as per Exhibit P1. At the time of the marriage the Petitioner was a spinster whereas the Respondent a bachelor. The Petitioner is employed as a Hairdresser and the Respondent is a Chef at Ephelia Resort. The Petitioner is domiciled and resident in Seychelles and a Seychellois, whereas the Respondent is a French national and resident in Seychelles. There is no child born of the marriage. There has been no previous Court proceeding in respect of the marriage in any Court either in Seychelles or elsewhere. The Petitioner categorically testified that her marriage irretrievably broken down because they have lived apart for a continuous period of more than one year immediately preceding the presentation of the petition. Further, she produced a letter of consent duly signed by the Respondent signifying his consent to the grant of divorce. Further the Petitioner testified that all attempts at reconciliation between the parties were not successful. 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 reconciliation between the parties. In the circumstances, I find it just and necessary that the marriage should be dissolved and I do so accordingly.
- [4] WHEREFORE, I hereby dissolve the marriage of the parties and grant a conditional 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 22 September 2014

D Karunakaran  
**Acting Chief Justice**