

**IN THE SUPREME COURT OF SEYCHELLES**

**Civil Side: DC 118/2014**

**[2014] SCSC 367**

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**JESSY DORIS MICHEL (BORN VIDOT)**

Petitioner

versus

**PAUL MICHEL**

Respondent

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Heard: 25 September 2014

Counsel: Mr. F. Ally for petitioner

Respondent – Present

Delivered: 25 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, Jessy Doris Michel born Vidot has applied to this Court for a dissolution of her marriage on the ground that her 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 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 a nutshell the Petitioner testified that she was lawfully married to the Respondent in Seychelles on the 23<sup>rd</sup> December 1997 as per Exhibit P1. After the marriage the parties lived and cohabited in Seychelles. There are no relevant children of the marriage. The Petitioner was domiciled and presently residing in Italy, whereas the Respondent is presently residing in Seychelles. However both of them are Seychellois nationals. There has been no previous Court proceeding in respect of the said marriage between parties either in Seychelles or elsewhere. The Petitioner categorically testified that her marriage has irretrievably broken down since she has lived apart for a continuous period of more than 9 years. Moreover, she testified that there is no possibility of reconciliation between the parties. In the circumstances, she seeks this Court for a dissolution of her marriage.
- [3] On the strength of the uncontroverted evidence adduced by the Petitioner in this matter, I am satisfied that the marriage has irretrievably broken. I am equally satisfied there is no possibility of reconciliation between the parties. Therefore, I find it just and necessary that the marriage ought to be dissolved and I do so accordingly.
- [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.

Signed, dated and delivered at Ile du Port on 25 September 2014

D Karunakaran  
**Acting Chief Justice**