

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: DC 110/2014

[2014] SCSC 403

SAMANTHA RENEE JULY NODDYN – BRISTOL

Petitioner

versus

HUBERT ROLAND RANDOLPH NODDYN - BRISTOL

Respondent

Heard: 15th October 2014

Counsel: Mr. Ally for petitioner

Respondent – Unrepresented/Present

Delivered: 15th October 2014

JUDGMENT

D. Karunkaran, Acting Chief Justice

[1] This is a petition for divorce. The petitioner Samantha Renee July Noddyn-Bristol has applied to this court for a dissolution of her marriage. On the ground that the marriage has irretrievably broken down since the parties has 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.

- [2] The respondent who was duly served with a 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.
- [3] In a nutshell, the petitioner testified that she lawfully married the respondent in Seychelles on the 12th of February 2005 as per exhibit P1. After the marriage the parties lived and co-habited in Seychelles. Both parties are Seychellois national, domiciled and resident in Seychelles. There is two children born of the said marriage :
- (i) Matthieu Gareth Noddyn-Bristol born on the 30th of May 2005, and
 - (ii) Cheyenne Gabrielle Noddyn –Bristol born on the 19th of August 2008.
- [4] The petitioner categorically testified that her marriage with respondent has broken down irretrievably because the parties have lived apart and separate for a continuous period of more than one year prior to the filing of this petition. Moreover, the petitioner testified that all attempts to reconciled the parties have not proved successfully. Also the petitioner testified that there has been not previous matrimonial proceedings in any court either in Seychelles or elsewhere. In the circumstances, the petitioner seeks this court for a dissolution of her marriage.
- [5] On the strength of the uncontroverted evidences adduced by the petitioner ex-parte in this matter I am satisfied more than a balance of probabilities that the marriage in question has irretrievably broken down. I am equally satisfied that there is not possibility of reconciliation between the parties.
- [6] Therefore, I find it just and necessary that the marriage should be dissolved. Accordingly, I do so.

[7] Therefore, I hereby dissolve the marriage of the parties and grant a conditional order of divorce, which may be made absolute after the expiry of 6 weeks of the date hereof.

The petition is granted accordingly. File closed.

Signed, dated and delivered at Ile du Port on 15th October 2014.

D Karunakaran
Acting Chief Justice