

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: DC 116/2014

[2014] SCSC 406

GENEVIEVE GISELLE LEOPOLD BORN HOAREAU

Petitioner

versus

CURTIS LUKE LEOPOLD

Respondent

Heard: 22nd October 2014

Counsel: Mr. Vidot for petitioner

Respondent- Unrepresented/ Present

Delivered: 22nd October 2014

JUDGMENT

D. Karunakaran, Acting Chief Justice

[1] This is a petition for divorce. The petitioner has applied to this Court for dissolution of her marriage on the ground that the marriage has irretrievably broken down since the parties had lived apart for a continuous period of more than one year immediately proceeding the presentation of the petition and the respondent has consented to the grant

of divorce. The respondent was duly served with the petition appeared in court and informed the court 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 4th of June 2009 as per Exhibit P1. At the time of the marriage the petitioner was a spinster whereas the respondent was a bachelor. After the marriage the parties lived and co-habited at Belombre, Mahe, Seychelles. Both parties are Seychellois national domiciled and resident in Seychelles. There has been one born of the marriage namely :

(i) Ember Irene Yolanda Leopold born on the 14th of July 2013 as per Exhibit P1.

[3] There has been no previous court proceeding in respect of the said marriage in any court either in Seychelles or elsewhere. The petitioner categorically testified that the marriage has irretrievably broken down since the parties have lived apart and separate for more than a year prior to the filing of this petition. Moreover she testified that all attempts of reconciliation have failed. In the circumstance, the petitioner seeks this Court for a dissolution of her marriage.

[4] On the strength of the uncontrovertibly evidence adduced by the petitioner I am satisfied more than 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 dissolve and I do so accordingly.

[5] 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 six weeks from the date hereof.

[6] The petition is granted accordingly. File closed.

Signed, dated and delivered at Ile du Port on 22nd October 2014.

D Karunakaran
Acting Chief Justice