

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: DC 104/2014

[2014] SCSC 407

JEVA AGATHINE

Petitioner

versus

DERRICK GEORGES AGATHINE

Respondent

Heard: 1st October 2014

Counsel: Mr. Camille for petitioner

Mr. Gabriel for respondent

Delivered: 1st 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 this

morning 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 22nd of December 1996 at the Central Civil Status Office as per Exhibit P1. The petitioner is a Day Care Operator whereas the respondent is a Representative. At the time of the marriage the petitioner was a spinster and the respondent was a bachelor.

[3] There are three children born of the marriage namely :

(i) Keron Calvin Agathine born on the 26th July 1993,

(ii) Keshia Julie Rebecca Agathine born on the 7th November 1994, and

(iii) Kaisy-Jane Karine Agathine born on the 23rd September 1999.

[4] The petitioner and the respondent both are Seychellois national domiciled and resident in Seychelles. The petitioner categorically testified that the marriage has irretrievably broken down since the parties have lived apart for a continuous period of more than two years immediately preceding the presentation of the petition and the respondent has consented to the grant of divorce. In fact the respondent this morning categorically stated that he had no objection to the grant of divorce. Moreover, the petitioner testified that all attempts of reconciliation have failed. In the circumstance, the petitioner seeks this Court for a dissolution of her marriage.

[5] On the strength of the uncontrovertibly evidence 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. Therefore I find it just and necessary that the marriage should be dissolve. Accordingly, I dissolved the marriage.

[6] 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.

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

Signed, dated and delivered at Ile du Port on 1st October 2014.

D Karunakaran
Acting Chief Justice