

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: DC 107/2014

[2014] SCSC 410

JOSEPH BENOIT KURSLEY POUURET

Petitioner

versus

ENID POUURET NEE MARIE-THERE

Respondent

Heard: 15th October 2014

Counsel: Mr. Gabriel for petitioner

Delivered: 15th 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 his 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 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 defaulted appearances. Hence, the court granted leave for the petitioner to proceed with an ex-parte hearing in this matter.

- [2] The petitioner testified that he lawfully married the respondent in Seychelles on the 9th of November 2010 as per Exhibit P1. After the marriage the parties lived and co-habited at La Bati, Mahe, Seychelles. The Petitioner is a Plumber & Aircondition Technician whereas the respondent is a Supervisor at Mauritius Commercial Bank of Seychelles. The petitioner testified that the marriage has irretrievably broken down since the parties has lived apart for a continuous period of more than one year prior to the filing of the petition. Both parties are Seychellois national domiciled and resident in Seychelles. There has been no previous court proceeding in respect of the said marriage. Moreover the petitioner testified that there are no possibilities of reconciliation between the parties. Therefore, he seeks this court for dissolution of his marriage.
- [3] On the strength of the uncontrovertibly evidence adduced by the petitioner I am satisfied 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.
- [4] 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.
- [5] The petition is granted accordingly. File closed.

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

D Karunakaran
Acting Chief Justice