

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: DC 113/2014

[2014] SCSC 416

SYLVIANNE LINDA POOL NEE ROSE

Petitioner

versus

DANNY RALPH POOL

Respondent

Heard: 22nd October 2014

Counsel: Miss. Benoiton standing in
Mr. Ally for petitioner

Delivered: 22nd October 2014

JUDGMENT

D. Karunakaran, Acting Chief Justice

[1] This is a petition for divorce. The petitioner Sylvianne Linda Pool 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.

- [2] The respondent having received the notice of the petition appeared in court and informed that he was not contesting the petition. Hence, the court granted leave for the petitioner to proceed with an ex-parte hearing in this matter.
- [3] The petitioner testified that she lawfully married the respondent in Seychelles on the 26th of February 2005 at the Civil Status office, Victoria, Mahe, Seychelles. After the marriage the parties lived and co-habited in Seychelles. There is one child born of the marriage namely :
- (i) Daniel Jean-Luc Danny Pool born on the 26th of November 1999.
- [4] Both parties are Seychellois national, domiciled and resident in Seychelles. There has been no previous court proceeding in respect of the said marriage in any court either in Seychelles or outside Seychelles. The petitioner testified that the marriage with the respondent has broken down irretrievably and they have lived separate and apart for a continuous period of more than one year prior to the filing of the petition before the court. All attempts of reconciliation have failed. In the circumstances, the petitioner seeks this court for the dissolution of her marriage.
- [5] 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 dissolved.
- [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 22nd October 2014.

D Karunakaran
Acting Chief Justice