

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: DC 154/2014

[2015] SCSC 35

KENNY BARBE

Petitioner

versus

RAWLINE DEBRA BARBE (nee Ragain)

Respondent

Heard: 4 February 2015

Counsel: Petitioner - Present

Respondent - Present

Delivered: 4 February 2015

JUDGMENT

D. Karunakaran, Ag Chief Justice

[1] This is a petition for divorce. The Petitioner Kenny Remick Barbe has applied to this Court for a dissolution of his marriage on the ground that the marriage has irretrievably broken down because the parties have 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 petition

appeared in Court and confirmed that she 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 he lawfully married the Respondent in Seychelles on the 10th September 2006 at the Central Civil Status Office, Victoria, Mahe, Seychelles. After the marriage the parties lived and cohabited at Cascade, Mahe, Seychelles. Both parties are Seychellois nationals, domiciled and resident in Seychelles. One child was born of the marriage namely, Rahil Calvin Barbe born on the 10th February 2009. The Petitioner further testified that there is no previous Court proceeding in respect of the marriage of the parties. The Petitioner categorically that the marriage with the Respondent has broken down irretrievably and they have lived apart for a continuous period of more than one year prior to the filing of the petition. He also stated that the Respondent has consented to the grant of divorce. Moreover, the Petitioner testified there is no possibility of reconciliation between the parties. In the circumstances, the Petitioner seeks this Court for a dissolution of his marriage.

[3] On the strength of the uncontroverted evidence adduced by the Petitioner ex-parte in this matter, I am satisfied more than on a balance of probabilities that the marriage in question has irretrievably broken down. I am equally satisfied there is no possibility of reconciliation. In the circumstances, I find it just and necessary that the marriage should be dissolved and I do so accordingly.

[4] WHEREFORE, 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.

Signed, dated and delivered at Ile du Port on 4 February 2015

D Karunakaran
Acting Chief Justice