

**IN THE SUPREME COURT OF SEYCHELLES**

**Civil Side: DC 02/2015**

**[2015] SCSC 37**

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**TANIA CONSTANCE BORN SICOBO**

Petitioner versus

**RICHARD CONSTANCE**

Respondent

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Heard: 12<sup>th</sup> February 2015

Counsel: Mr. Belle for petitioner

Delivered: 12<sup>th</sup> February 2015

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**JUDGMENT**

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**D. Karunakaran, Acting Chief Justice**

[1] This is a petition for divorce. The petitioner Tania Constance born Sicobo has applied to this Court for dissolution of her marriage on the ground that the marriage has irretrievably broken down since 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 had duly served with a notice of the petition appeared in court and informed 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 petition testified that she was lawfully married to the respondent in Seychelles on the 21<sup>st</sup> of May 2012 as per Exhibit P1. After the marriage the parties lived and co-habited at Mont Buxton, Mahe, Seychelles. At the time of the marriage the petitioner was a spinster whereas the respondent a bachelor. Both parties are Seychellois nationals, domicile and resident in Seychelles. There are one child born of the marriage namely :

(i) Abiya Joel Azariah Constance born on the 9<sup>th</sup> of January 2014

[3] And also the custody of the child has been granted to the mother, the petitioner herein by the Family Tribunal. There has been no previous court proceeding in respect of the said marriage. The petitioner categorically testified that the marriage has irretrievably broken down because the parties have lived apart for a continuous period of more than one year prior to the filing of the petition. And also she produced the consent duly signed by the respondent agreeing to give divorce to the petitioner. The petitioner further testified that all attempt of reconciliation have failed in the circumstances 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 that 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.

Signed, dated and delivered at Ile du Port on 12<sup>th</sup> February 2015.

D Karunakaran

## **Acting Chief Justice**