

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: DC 109/2018

[2018] SCSC 809

WAHYUNI MORGAN (NEE NUR)
Petitioner

versus

SHADY RAAFAT ZAKI GOERGES MORGAN
Respondent

Heard: 5 September 2018
Counsel: Mr. Leslie Boniface for Petitioner
Respondent - unrepresented
Delivered: 6 September 2018

JUDGMENT

Vidot J

- [1] This is a Petition for divorce in terms with Section 4 (1)(d) of the Matrimonial Causes Act.
- [2] The Respondent having been served through his representative defaulted appearance before Court and therefore the case proceed ex-parte.
- [3] The Petitioner testified that she was married to the Respondent at Victoria, Mahe, Seychelles on the 6th of April 2017 as per marriage certificate (Exhibit P1).

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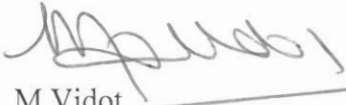
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- [1] This is a Petition for divorce in terms with Section 4 (1)(d) of the Matrimonial Causes Act.
- [2] The Respondent having been served through his representative defaulted appearance before Court and therefore the case proceed ex-parte.
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- [3] The Petitioner testified that she was married to the Respondent at Victoria, Mahe, Seychelles on the 6th of April 2017 as per marriage certificate (Exhibit P1).
- [4] The Petitioner is a therapist employed with the Four Season Hotel and that she is domiciling and residing in the Seychelles.
- [5] The Respondent is unemployed and resides in Giza, Egypt.
- [6] There are no children born out of the marriage.
- [7] The petitioner further averred that there have been no previous matrimonial proceedings in respect of her marriage in Seychelles nor any other jurisdiction.
- [8] The Petitioner testified that after the marriage they co-habited for a week and have not lived together since, especially since the Respondent resides in Egypt and that all attempts at reconciliations have failed.
- [9] It is pleaded and averred that the marriage has broken down irretrievably as the parties have lived apart and separate for more than one year immediately preceding the presentation of the Petition.
- [10] However, the pleading has not fully complied with the requirements of Section 4(1) (d) of the Matrimonial Causes Act in that it failed to aver that the Respondent consented to the grant of divorce. The Petitioner did not either produce any consent document from the Respondent but merely stated that the Respondent has undertaken to make one available to her.
- [11] Therefore, in the absence of consent from the Respondent, this Petition cannot succeed.
- [12] I therefore dismiss the Petition.

Signed, dated and delivered at Ile du Port on 6 September 2018



M Vidot

Judge of the Supreme Court