

**IN THE SUPREME COURT OF SEYCHELLES**

**Civil Side: MA233/2018**

**(Arising in DC161/2018)**

**[2018] SCSC 1009**

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**CELLA THERESE AZUBUIKE**

Petitioner

versus

**SPENCER EMEKA AZUBUIKE**

Respondent

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Counsel:                      Petitioner – Present / Unrepresented  
   Respondent – Absent / Unrepresented

Delivered:                      17<sup>th</sup> October 2018

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**ORDER ON MOTION**

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**B. Adeline, Master**

[1] By way of a Petition dated 20<sup>th</sup> September 2018 filed in Court as DC161 of 2018 (hereinafter referred to as the “main case”) the Petitioner, Cella Therese Azubuike, prays to this Court for Judgment in her favour to have her marriage to the Respondent, Spencer Emeka Azubuike dissolved.

- [2] The Petitioner, Cella Therese Azubuiké, now files this application by way of Notice of Motion, as MA 233/18 pursuant to Section 47 (1) read with Section 47 (3) of the Seychelles Code of Civil Procedure for leave of this Court for service of notice of the Petition in the main case on the Respondent, Spencer Emeka Azubuiké out of the jurisdiction. The Notice of Motion is supported by an Affidavit sworn by the Petitioner.
- [3] As per the Affidavit evidence in support of the motion, the reason set forth for the respondent to be served out of the jurisdiction is that the Respondent has left the country and resides at, or can be effectively served with notice at Obudu Agwa, Oguta Government Local Area 97480 Saint Joseph, IMO State, Nigeria.
- [4] On the basis of the Affidavit evidence in support of the motion, I am satisfied, that service outside the jurisdiction is absolutely necessary for this Court to determine the Petition in respect of the main case.
- [5] In accordance with Rule 9 of the Matrimonial Causes Rules read with Section 47 (3) and 50 of the Seychelles Code of Civil Procedure, I order that notice together with copy of the Petition be served on the Respondent, namely, Spencer, Emeka Azubuiké out of the Jurisdiction at the address referred to in paragraph 3 of this Order with returnable date not later than the 7<sup>th</sup> February 2019.

Signed, dated and delivered at Ile du Port on 17<sup>th</sup> October 2018.

B. Adeline  
**Master of the Supreme Court**