

SUPREME COURT OF SEYCHELLES

Reportable

[2022] SCSC 173

DC120/2021

In the matter between:

JOULA MARIE SUZETTE (NEE GABRIEL)
(Unrepresented)

Petitioner

and

SANDY SANDERS SUZETTE
(Unrepresented)

Respondent

Neutral Citation: *Suzette vs Suzette* (DC120/2021) [2022] SCSC 173 (4 March 2022)

Before: Judge Esparon

Summary: Divorce Petition to dissolve the marriage.

Heard: 20 January 2022

Delivered: 4 March 2022

ORDER

Divorce Petition to dissolve the marriage on the ground that the marriage has irretrievably broken down since the Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent - Article 230 (1) (b) of the Civil Code of Seychelles Act, 2020 - Conditional Order of divorce to dissolve the marriage between the Petitioner and the Respondent is granted, to be made absolute after six weeks from the date of this Judgment in accordance with Article 232 (1) of the Civil Code of Seychelles Act, 2020 read with Article 232 (3) of the same Act.

JUDGMENT

ESPARON J

- [1] This is the Humble Petition of Joula Marie Suzette seeking an Order from this Court that her marriage with the Respondent Sandy Saunders Suzette be dissolved in accordance with Article 230 (1) (b) of the Civil Code of Seychelles Act, 2020.
- [2] On the 26th October 2021 when the matter was called before the Court as first time mention, the Respondent Sandy Saunders Suzette stated in open Court that he has no objections in the Court granting divorce to the Petitioner and as such the Court granted leave to the Petitioner for the matter to proceed Ex-parte and the Court fixed the matter to be heard Ex-parte on the 20th January 2022.
- [3] The Petitioner avers in her Petition that the Parties were married at the Central Civil Status Office on the 24th day of July 2007 and that the Petitioner and the Respondent are Seychellois Nationals, domiciled and residents of Seychelles.
- [4] The Petitioner further avers that the parties have two children born of the said marriage namely, Dean Keven Leon Suzette born on the 18th day of April 2008 and Lana Grace Suzette born on the 12th day of May 2014.
- [5] The Petitioner further avers in the Petition that there have been no previous proceedings in any Court in Seychelles or in other jurisdictions in respect of the marriage.
- [6] The Petitioner has averred in paragraphs 8 and 9 of her Petition that the relationship of the parties to the marriage have irretrievably broken down because the Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent and that all attempts at reconciliation with the Respondent have proved futile.

- [7] The Petitioner testified on Oath that she was married to the Respondent on the 24th July 2007 and produced the said marriage certificate as exhibit in Court corroborating her evidence and the Court admitted the said document as exhibit and marked it as Exhibit P1.
- [8] The Petitioner gave evidence in Court that both parties are Seychellois Nationals and Citizens of Seychelles and domiciled in Seychelles.
- [9] The Petitioner gave evidence to the fact that there are 2 children born of the said marriage namely, Dean Keven Leon Suzette born on the 18th day of April 2008 and Lana Grace Suzette born on the 12th day of May 2014 and the Petitioner produced their respective Birth Certificates as exhibit to the Court and the Court admitted the two documents as exhibit and marked the said documents as Exhibit P2 and exhibit P3 respectively.
- [10] The Petitioner gave evidence to the fact that the said minors would be living with her and that she will be maintaining the children and that the Respondent has agreed to this.
- [11] The Petitioner further testified to the Court that there are no previous matrimonial proceedings that have been filed before a Court in Seychelles or elsewhere.
- [12] The Petitioner gave evidence to the fact that it has been 3 years since everything is finished in the sense that they are no longer in a relationship since everyday he comes to the house and swears and wants to fight due to the fact that he is a heroin addict and he does so in front of the children which is a bad influence on them. She also gave evidence to the Court that it has been 7 years since he has been a heroin addict but it has been only 3 years since she has had knowledge of this fact.

- [13] The Petitioner gave evidence to the fact that with a view to help the Respondent in order to try some form of reconciliation, she has encouraged the Respondent to work on an island and to go on a methadone program but this has not worked out and he still continues to smoke drugs.
- [14] The Petitioner also testified to the fact that he also steals from her in the house.
- [15] That as a result of the uncontroverted evidence led in Court by the Petitioner, this Court is satisfied that the Petitioner has proven on a balance of probabilities that the marriage between the Petitioner and the Respondent has irretrievably broken down since the Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent since the Petitioner gave evidence in Court that he is a heroin addict and he always comes to the house and swears and wants to fight of which is a bad influence on the children and he also steals from the Petitioner.
- [16] This Court is equally satisfied that the Petitioner has proven on a balance of probabilities that all attempts made to reconcile by the Petitioner and the Respondent has failed and after enquiring into the uncontroverted evidence presented by the Petitioner in this matter, this Court is satisfied that there is no reasonable possibility of reconciliation since the Petitioner in view to try to reconcile with the Respondent had tried to help him to go to work on an island and encouraged him to go on a methadone program but he still smoke drugs.
- [17] The Court is also satisfied that arrangement relating to the welfare of the minor children have been made in terms of Article 370 of the Civil Code of Seychelles Act, 2020 since the Petitioner gave evidence to the fact that both minors will be living with her and maintained by her and this is agreeable by the Respondent.
- [18] Therefore, for the reasons stated above, I accordingly allow the Petition and grant a conditional Order of divorce to dissolve the marriage between the Petitioner and the

Respondent, to be made absolute 6 weeks from the date of this Judgment in accordance with Article 232 (1) of the Civil Code of Seychelles Act, 2020, read with Article 232 (3) of the same Act.

Signed, dated and delivered at Ile du Port on 4 March 2022

Esparon J