

IN THE SUPREME COURT OF SEYCHELLES

MRS. ALINE ELCY LOZE nee MARIE

Petitioner

VS.

MR. BARRY LOZE

Respondent

Divorce Side No. 24 of 2007

Petitioner in person

JUDGMENT

Gaswaga, J

The Petitioner in this matter, Mrs. Aline Loze, has applied to this Court for the dissolution of her marriage with the Respondent, Mr. Barry Loze on the ground that the Respondent has behaved in such a way that the Petitioner and the Respondent cannot be reasonably expected to live together and the parties have lived separate and apart for a continuous period of more than one year immediately preceding the presentation of this petition.

In this action the Petitioner testified that she was lawfully married to the Respondent on the 9th March, 1993 at Victoria, Mahe, Seychelles as per Exhibit P1 being marriage certificate. After the marriage the Petitioner and Respondent co-habited at Anse Aux Pins and Corgat Estate, Mahe, Seychelles. There are three children born of the said marriage namely:

1. Hubert Barry Kenny Loze born on the 6th September, 1993

2. Sheina Petronide Loze born on the 12th May, 1998, and
3. Rebeca Grace, Sheen Loze born on the 6th November, 2002. (See the birth certificates admitted collectively as Exhibit P2)

Both parties are Seychellois nationals, resident and domiciled in Seychelles. The Petitioner has averred that there have been no previous matrimonial proceedings in respect of this marriage in any court in Seychelles and that all attempts at reconciliation have failed. The Petitioner has further averred that the Respondent has committed adultery and has exhibited violent behavior towards her and she therefore finds it impossible to live with him. The Petition adds that she has in no manner been accessory to or connived at or condoned the Respondent's adultery and behavior.

On the strength of the uncontroverted evidence adduced by the Petitioner in this matter, I am satisfied more than on a balance of probability that the marriage has irretrievably broken down with no possibility of reconciliation. I therefore find that it is just and necessary for the marriage to be dissolved.

Therefore, I hereby dissolve the marriage of the parties and grant a conditional order of divorce which will be made absolute after the Family Tribunal has entertained issues of the children.

D. GASWAGA

JUDGE

Dated this 5th day of December, 2007.