

IN THE SUPREME COURT OF SEYCHELLES

DESINA NANCY (BORN ADELA)

PETITIONER

VERSUS

WILSON NANCY

RESPONDENT

Divorce Side No 31 of 2007

Mr. Valabhji for the Petitioner

JUDGMENT

Perera J

The Petitioner seeks a dissolution of her marriage on the ground that she and the Respondent have lived apart for a period of at least two years immediately preceding the presentation of this petition, and that the Respondent consents to the grant of the divorce.

The Petitioner is a Seychellois national who residing in Italy, while the Respondent, who is also a Seychellois is resident at Pointe Larue, Mahe. Mr. Valabhji, Counsel for the Petitioner, has averred in an affidavit that she is unable to attend Court, as she runs the risk of being prevented from returning to Italy as she has overstayed her visa. He therefore moved Court to consider the petition on affidavit evidence. The Court upon considering the circumstances, dispensed with the provisions of Section 3(1) of the Matrimonial Causes Act.

The Respondent who was duly served with notice of the petition, was represented by Counsel. However, a minute of consent for the grant of the divorce, duly signed by the Respondent before Mr. Daniel Belle, Notary Public, was filed in Court. Hence the case was heard *ex-parte*.

The parties were lawfully married on 17th August 2002. On the basis of the averments in the petition and affidavit, the Court is satisfied that the marriage was broken down irretrievably and that there is now no hope of reconciliation. Further, as the Respondent

has granted his consent to the dissolution of the marriage, the Court grants a conditional order for divorce. This order will be made absolute after a period of six weeks from the date hereof.

A.R. PERERA

JUDGE

Dated this 13th day of August 2007