

IN THE SUPREME COURT OF SEYCHELLES

LOUIS MERITON

V/S

MEZIE MERITON

Divorce side no: 01 of 2006

Mr. Derjacques for the Petitioner

JUDGMENT

Gaswaga, J

This is a petition for dissolution of the marriage between Louis Meriton, Petitioner of Takamaka, Mahe and Mezie Meriton nee Horter also of Takamaka, Mahe that was celebrated on the 5th of November 1980 at the Civil Status Office, Victoria. See marriage certificate **P1**. It is averred by the petitioner that the marriage has broken down irretrievably and the parties can no longer live together as husband and wife.

The respondent filed an answer to the petition wherein she objected to the grant of divorce order on the basis of her faith. Both parties are Seychellois nationals and of the catholic faith domiciled and resident in Seychelles. The marriage was blessed with five children namely, Elimene Francoise Meriton, Robert Jimmy Meriton, Paul Vincent Meriton, Louise Nadine Meriton and Jean-Baptiste Benoit Meriton who are all of age. See birth certificates **P2**.

At the hearing Mr. Bonte for the respondent moved the court to proceed with the case *ex parte*. One witness, Louis Meriton, aged 57 years and employed as a casual laborer confirmed the above facts. He added that the respondent deserted him for a period of more than five years immediately preceding the presentation of this petition during which period the petitioner lived separate from the respondent though in the same house-hold under the same roof. Finally, when beaten and also threatened with a knife by their children, the petitioner had to return to his mother's house where he had for quite some time been washing his clothes, having meals and spending most of his time. Further evidence was adduced to the effect that throughout the latter part of the marriage the respondent has been violent, aggressive and frequently abuses the petitioner. That she connives with, instigates and incites their children to harass and beat up the petitioner. The petitioner cited one incident at night when the children returned from a party, knocked down his door, beat him up as the respondent looked on yet given her immense influence over all the children she was in a position to stop or avert the attack.

The parties were not talking to or helping each other, neither socializing nor having meals together as a family. Attempts at reconciliation by the Department of social services yielded no positive results. See report **P3**. Consequent to the Magistrate's Court Proceedings at Anse Royal Court initiated by the petitioner a separation order was issued to the parties. It is on the basis of the foregoing that the petitioner contends that their marriage has broken down irretrievably and he cannot be expected to continue living with the respondent.

According to Paragraph 6 of the answer filed on record the respondent avers that she is opposed to the grant of a divorce order on the basis of her faith. This position has been settled in our jurisdiction by the authority of **France Lafortune Vs. Mrs Elise Lafortune DV Side No. 29 of 2003** wherein the respondent argued that as a religious person who still loved the petitioner she believed that “*what God has put together, no man could put asunder*”. Before dissolving that marriage, Perera, J found that there was no church wedding but only a civil ceremony performed before a Registrar. Further, in any event, religious beliefs have no bearing when considering the dissolution of a civil marriage. The court is only concerned with the irretrievable breakdown of the marriage due to one or more of the grounds prescribed in the Matrimonial Causes Act.

Considering the evidence on record in its entirety, I am satisfied that this marriage has broken down irretrievably. Indeed the petitioner cannot reasonably be expected to live with the respondent under the prevailing circumstances. In conclusion therefore, I shall enter a conditional order for divorce in favour of the petitioner which will be made absolute in accordance with law. I make no order as to costs.

D. GASWAGA

JUDGE

Dated this 24th day of September, 2007.