

SUPREME COURT OF SEYCHELLES

Reportable

CS 21/2022

In the matter between:

MICHAL TOMASZ NOWACKI
(electing his legal domicile in
The Law Chambers of Frank Elizabeth,
Attorney at Law
Suite 212
Premiere Building
Victoria
Mahe
Seychelles
(Represented by Mr Frank Elizabeth)

Plaintiff

and

KATAVZYNA ANNA DABROWSKA
Ul Piotrkowska 243, 90-456 Lodz, Poland
(Unrepresented)

Defendant

Neutral Citation: *Michal Nowacki vs Katavzyna Dabrowska* (CS 21/2022) (14 January 2026)

Before: Adeline J

Summary: Plaintiff already married at the time of marriage to the defendant – Plaintiff seeking declaration that the latter marriage is null and void *ab initio*.

Heard: 22nd July 2025

Delivered: 14 January 2026

JUDGMENT

Adeline, J

- [1] The Plaintiff in this matter, one Michal Tomasz Nowacki, by way of a plaint dated 22nd February 2022 filed into court *inter parte* on the 1st March 2022, commenced legal

proceedings against the Defendant, one Katavzyna Anna Dabrowska, praying for this court to declare that the marriage between him and the Defendant is null and void *ab initio*.

- [2] By Notice of Motion supported by affidavit evidence filed in court as MA 7/2024, the Plaintiff sought leave of this court for the Defendant to be served with summons outside the jurisdiction on her last known address, UL Piotrkowska 243, 90-456 Lodz, Poland.
- [3] Service of summons on the Defendant having not been effected, by Notice of Motion supported by affidavit evidence filed into court as 17/2025, the Plaintiff sought for leave to dispense with service which leave was accordingly and duly granted, and the plaintiff heard *ex parte*.
- [4] At the hearing of the evidence *ex parte*, the Petitioner testified, that he is a 55 year old businessman who lives in Poland and that his home address is Paderewskiejo No 35/55, apartment No 55, Post Code 93523. He knows the Defendant, Katavzyna Anna Dabrowska, whom he said he met in Germany years ago and had spent sometimes with her in Poland.
- [5] The Petitioner testified, that it was at a time when his marriage relationship with his wife was facing problems that he and the Respondent decided to do "something crazy" and have fun. They thought of going on a holiday abroad and amongst their preferred destination were St Francisco, USA and Seychelles.
- [6] The Petitioner stated, that they decided to come to Seychelles where they were accommodated into what he described as "a very good beautiful and expensive hotel". It was the Petitioner's testimony that whilst enjoying themselves in Seychelles, they decided to do the crazy thing of getting married and they organised a wedding between them. The Petitioner told the court, that on the day of the actual wedding he was totally drunk and under the influence of drugs.
- [7] It was also the Petitioner's testimony, that after he returned to Poland, he did not tell his wife anything until after a year later. That, he said, was a really big problem and because of that, they have not been able to improve their relationship. The Petitioner testified, that they do not have a good marriage relationship because of that, and his wife has told him to

cancel that marriage. He explained, that he has been married to his wife for more than 10 years, and that this incident remains in this wife's heart and reluctance to forgive him.

[8] The Petitioner testified, that he and his wife were married on the 17th April 1993, and that there are two children born of the marriage both of whom are adults. Their Marriage Certificate exhibited as P1. The Petitioner also testified, that the marriage between him and the Respondent was on Praslin, Seychelles on the 17th May 2007.

[9] He explained, that the marriage between him and the Respondent was organised by people from the hotel where they were being accommodated. He told the court, that on the day of the marriage, he and the Respondent were too drunk and under the influence of drugs to understand the implications of what was happening. The Petitioner stated, that he and the Defendant were playing a game and that it was not a serious marriage. Marriage certificate between the Petitioner and the Respondent exhibited as P2.

[10] It was the Petitioner's testimony, that he and his wife are Catholics who married in the Catholic church in Poland. He explained, that he and his wife go to church every Sundays and that this situation which he finds himself in, is not good for the entire family.

[11] The Petitioner added, that he wants the marriage between him and the Respondent cancel, and stated, that the cancellation must be shown on paper to provide his wife with proof that there has been a closure to that situation given that what he did was a mistake that he regrets. He told the court, that the situation as it is, is a problem for him and his family, and he wants the court to declare that the marriage between him and Respondent is null and void *ab initio*.

[12] On account of the uncontroverted evidence led before this court by the Plaintiff, I am satisfied, that on the 17th April 1993, the Plaintiff, Michal Tomasz Nowacki married Ewa Agnieszka Wiendlocha at Olesno, Corpus Christi Church in Poland.

[13] I am also satisfied, that at the time when the marriage between the Petitioner and his wife Ewa Agnieszka Wiendlocha subsisted, on the 7th May 2007, whilst on a holiday in Seychelles, the Petitiiner married the Defendant Katavzyna Anna Dabrowska which marriage was unlawful and therefore invalid from its very inception, or from the beginning,

for the reason that the Plaintiff was already married at the time. As such, in the eyes of the law, the marriage is treated as if it never happened.

- [14] For the aforementioned reasons, therefore, this court declares, that the marriage between the Petitioner, Michal, Tomasz, Nowacki and Katavzyna Anna Dabrowska on the 17th April 1993 is null and void *ab initio*.

Signed, dated and delivered at Ile du Port 14 January 2026.

