

SUPREME COURT OF SEYCHELLES

Reportable/Not Reportable/Redact

[2026]

MA04/2026

Arising in DV182/2016

In the matter between:

SELDRICK COLLIN JOUANEAU

(rep. by N. Thompson)

Applicant

and

JELLA SOPHA JOUANEAU NÉE VALENTIN

(rep. by ...)

Respondent

Neutral Citation: *Jouaneau v Jouaneau* (MA04/2026) [2026] (4 February 2026).

Before: E. Carolus J

Summary: Application for Conditional Order of Divorce to me made absolute - Article 232 of the Civil Code of Seychelles Act, 2020 - Rule 31 of the Matrimonial Causes Rules

Delivered: 4 February 2026

ORDER

The Conditional Order of Divorce pronounced on 1st June 2017 in DV182/2016 is made absolute.

Accordingly, I direct the Registrar of the Supreme Court to prepare and file a Certificate in accordance with Form 10 (Schedule to the Rules) that the said order has been made absolute. The certificate shall be authenticated by fixing thereto the seal of the Supreme Court.

This Order must be complied with forthwith in view of the urgency of the matter.

RULING

E. Carolus, J

Background and Pleadings

- [1] Pursuant to a divorce petition filed by the respondent Jella Sophia Jouaneau née Valentin on 19th December 2016 in DV182/2016, the Supreme Court, by judgment delivered on 1st June 2017, granted a conditional order of divorce to be made absolute after six weeks from the date of the judgment.
- [2] The applicant Seldrick Colin Jouaneau, who was the respondent in the divorce petition, has now filed this Notice of Motion in MA04 of 2026, for the conditional order pronounced on 1st June 2017 to be made absolute. This Ruling arises from that motion.
- [3] The respondent, having been served with a copy of the Notice of Motion, failed to appear in court on the returnable date, and the matter was dealt with *ex parte*.
- [4] The reasons given for the late application for the conditional order of divorce to be made absolute, over 8 years after it was granted, are contained in the affidavit in support of the Notice of Motion dated 16th January 2026 sworn by the applicant. He avers that he was recently informed that the conditional order of divorce was never made absolute as no application for the same had ever been filed; that he had assumed that the respondent had filed the necessary application given that she had filed the petition for divorce in DV182/2016; and that he intends to re-marry. Accordingly he prays for the following Orders:
- a. An order to hear this Application as a matter of extreme urgency.*
 - b. An order in accordance with Article 232(4) of the Civil Code of Seychelles, making the Conditional Order of Divorce between the parties absolute.*
 - c. Make any other and further orders the court deems fit in all the circumstances of the case.*
- [5] When a Conditional Order of Divorce has already been granted, the proper procedure is for one of the Parties to the Divorce Petition to make an Application to make the Conditional Order absolute in accordance with Article 232 of the Civil Code of Seychelles Act, 2020, which provides, in relevant part, as follows:

232. (1) When granting a divorce the court shall in the first instance grant a conditional order of divorce which, subject to this Act, the court may, on

application, make absolute.

[...]

(3) An application for a conditional order of divorce to be made absolute may be made by the party who was granted the order at any time after the expiration of 6 weeks after the grant of the conditional order of divorce or after such longer or shorter period which the court has specified in the order.

(4) Where a party who was granted a conditional order of divorce fails to make an application under paragraph (3) after 3 months from the earliest date on which the party would have made such application, the party against whom the conditional order of divorce was granted may apply to the court to make the order absolute.

(5) On an application under paragraph (3) or paragraph (4), the court may, subject to paragraph (6)-

- (a) make the conditional order of divorce absolute;*
- (b) rescind the conditional order of divorce;*
- (c) require further inquiry to be made in the case;*
- (d) take any action under paragraph (2);*
- (e) otherwise deal with the case as the court thinks fit.*

[...]

- [6] The procedure for making an Application for a Conditional Order of divorce to be made absolute is prescribed by Rule 31 of the Matrimonial Causes Rules (“the Rules”) which provides as follows:

31. (1) An application by a spouse to make absolute a conditional order pronounced in his favour shall be made to the court by lodging a notice of application in accordance with Form 8 on any day after the expiration of the period prescribed for making such order absolute. The registrar having searched the court minutes and being satisfied-

- (a) that no appeal against the said order is pending, that no order has been made by the Appellate Court enlarging the time for appealing against the said order (or, if such order has been made, that the time so enlarged has expired),*
- (b) that no notice has been given (or if notice has been given that no affidavits have been filed within the time allowed for filing), by or on behalf of any person wishing to show cause against the order being made absolute*

the notice shall be filed:

Provided that if the application is made after the expiration of one year from the date of the conditional order there shall be filed with the application an affidavit by the applicant or his attorney accounting for the delay, and the notice of application shall not be filed without the leave of a judge.

(2) Upon the filing of the said notice the conditional order shall become absolute.

(3) An application by a spouse to make absolute a conditional order pronounced against him shall be by summons to a judge accompanied by a notice of application in Form 8, on not less than four days' notice. On any such application the judge may make such order as he thinks fit.

(4) A certificate in accordance with Form 9 or Form 10 whichever is appropriate, that the order has been made absolute, shall be prepared and filed by the Registrar. The certificate shall be authenticated by fixing thereto the seal of the Supreme Court.

- [7] The Conditional Order was pronounced against the applicant in the present application. Under rule 31(3), his application should have been made “*by summons to a judge accompanied by a notice of application in Form 8*”. Although it was made by a Notice of Motion, I do not find this defect to be fatal to the application. Rule 31(3) further provides that “[o]n any such application the judge may make such order as he thinks fit”.
- [8] After careful consideration of the Notice of Motion and attached affidavit, I order that the Conditional Order of Divorce pronounced on 1st June 2017 in DV182/2016 be made absolute.
- [9] Accordingly, in terms of rule 31(4) of the Rules, I direct the Registrar to prepare and file a Certificate in accordance with Form 10 (Schedule to the Rules) that the said order has been made absolute. The certificate shall be authenticated by fixing thereto the seal of the Supreme Court. This Order must be complied with forthwith in view of the urgency of the matter.

Signed, dated and delivered at Ile du Port on 04th February 2026.

Carolus

E. Carolus