

THE REPUBLIC OF SEYCHELLES
IN THE CONSTITUTIONAL COURT OF SEYCHELLES

[Before: Egonda-Ntende, CJ., Burhan and Robinson, JJ]

CONSTITUTIONAL CASE NO. 05 OF 2011

[Arising from Supreme Court Civil Suit No. 113 of 2011]

Achilla Durup=====1st Plaintiff
Josette Oshen=====2nd Plaintiff
Marie Luce Georges=====3rd Plaintiff
Hubert Savy=====4th Plaintiff

Versus

Joseph Brassel=====1st Defendant
James Savy=====2nd Defendant

ON REFERENCE MADE UNDER ARTICLE 46 (7) OF THE CONSTITUTION OF THE
REPUBLIC OF SEYCHELLES

Heard: 26th March 2013
Counsel: Basil Hoareau for the Plaintiffs
Pesi Pardiwalla for Defendant No.1
Alexandra Madeleine, Assistant Principal State Counsel, for the Attorney General
Delivered: 28th May 2013

Egonda-Ntende, CJ

[1] I have had the opportunity to read in draft the Judgment of my sister, Robinson, J. I agree that the impugned provision, article 913 of the Civil Code of Seychelles is not unconstitutional for the reasons set out in her judgment.

[2] I wish to add that the changes that Mr Pesi Pardiwalla pressed upon this court with regard to the law of succession should be best considered in the current exercise of revision of the Civil Code of Seychelles and be placed before the legislature for a decision. In my view it is more aptly within the province of the legislature than that of constitutional adjudication.

Signed, dated and delivered at Victoria this 28th day of May 2013

FMS Egonda-Ntende
Chief Justice