

IN THE SUPREME COURT OF SEYCHELLES

1. **RENE MONDON**
 2. **TREFLE MONDON**
 3. **CLIFFORD MONDON**
GERALD MONDON
PHILIP MICHEL MONDON
GHISLAINE SINON nee MONDON
JANE ROBERT nee MONDON
JANET HANDRICKS nee MONDON
LISETTE HOAREAU nee MONDON
MONICA MONDON
ANNE-MARIE MONDON

Petitioners

VS.

1. **YVON MONDON**
 2. **YVES MONDON**
CLAUDETTE ESPARON nee MONDON
FLAVIE LALANDE nee MONDON
MARILYN MAGNAN nee MONDON

Respondent

Civil Side No. 359 of 2005

Ms. Pool for the Petitioners

ORDER

Gaswaga, J

The petitioners are applying for a division in kind of parcel T731 measuring a total area of 51, 500 square metres, which land is jointly owned by them and all the five respondents in equal shares (i.e. 1/16 for each one). The petitioners do not wish to remain in a state of indivision and are seeking a division in kind.

All the five respondents, who live in Australia, were duly served with the petition

(a return of service filed on record) and are not opposed to the division in kind. One of the respondents, Mr. Yves Mondon was mandated to represent the rest of the respondents and he confirmed that they were all agreeable to the proposed plan of the division in kind and the plots allocated to each one of them. Indeed some of the heirs had already constructed houses on their respective portions of land way back before the lodging of the petition.

The appraiser who was appointed by the Court has now submitted his report together with the survey plan and the report reads as follows:-

SURVEY REPORT: CASE C.S.NO. 359 OF 2005 – RENE MONDON & ORD v/s YVON MONDON & ORS BOUGAINVILLE, MAHE

1. SPECIFICATION:

To propose the partition of parcel T731 of the total area of 51, 500 square metres, whereby both the petitioners and the respondents are entitled to 1/16th share each.

2. PROCEDURE:

The field works were undertaken in August 2006 in order to assess the extent of occupation and the terrain.

The property is located in a residential area, with its eastern boundary being the public road. It is of variable terrain with fairly level ground next to the public road with the gradient gradually increasing westwards. Approximately 100 to 125 metres inland, the terrain transforms into a small valley with sides to the north, west and south. Part of the north and west sides are of very steep gradients. The southern side of the valley is also composed of rocks and

boulders.

For the purpose of this partition, the proposal has been considered in terms of its value. A minimum width of 3.5 metres has been allocated for the proposed access road and drain to serve all the proposed plots.

The property has been categorized into three main zones.

Zone 1: The area from the public road to approximately 125 metres inland comprising terrain of fairly gentle slope.

Zone 2: The area at the western end of the property on the hill side which has fairly good development potential.

Zone 3: The areas within the valley and the sought slopes which have limited development potential due to the steepness of the terrain or rocks and boulders.

3. VALUATION:

(i) Zone 1: Rated at SR125.00

Zone 2: Rated at SR75.00

Zone 3: Rated at SR25.00

The total estimated value of the property amounts to approximately SR3, 900, 000.00. The net estimated value amounts to SR 3, 800, 000.00 after deduction of the cost for the area covered by the access road and drain. One share amounts to SR 237, 500.00.

4. ALLOTMENT

With reference to the partition plan, the property is presently occupied by six of the stated petitioners, the names of which have been annotated on the plan for ease

of reference and allotment.

The proposal for this partition is for all sixteen plots rather than only eleven plots for the petitioners. This is mainly due to the fact that one cannot make the assumption on the individual choice of the five remaining petitioners who have not yet established themselves on the property. The final subdivision following the Court's ruling will be for eleven plots for the petitioners and the remainder for the respondents will be retained as a single plot.

PROPOSED PLOTS:

<u>PLOT#</u>	<u>AREA (Sqm)</u>	<u>ALLOTMENT</u>
1	1895	Ghislaine Mondon
2	1885	(Un-occupied)
3	1895	Janet Handricks
4	1895	(Un-occupied)
5	3240	Michael Mondon
6	1895	Rene Mondon
7	2065	Clifford Mondon
8	1895	(Un-occupied)
9	3270	Treflet Mondon
10	2645	(Un-occupied)
11	2040	(Un-occupied)
12	3095	(Un-occupied)
13	4390	(Un-occupied)
14	9095	(Un-occupied)
15	5635	(Un-occupied)
16	3160	(Un-occupied)

**MICHEL LEONG
W.Y.**

(Land Surveyor)

Dated: 15th
November, 2006.

The report and survey
plan were not

contested. At the
sitting of 1st February,
2007 at 1.45pm
Attorney-At-Law Ms.
Pool read out the
various names of the

heirs and the
respective plot
numbers allocated to
each one of them in
open Court. The
petitioners were

present as well as the representative of the respondents. The allocation stands as herein under:-

- Plot 1 goes to Ghislaine Sinon, she is the 6th Petitioner and she has already built a house on that plot.

Plot 2 is allocated to Anne Marie Mondon, she is the 11th petitioner, she resides in Italy and she is being represented by Mrs. Ghislaine Sinon.

- Plot 3 is allocated to Janet Handricks, petitioner number 8.

Plot 4 is allocated to Gerald Mondon and he is petitioner number 4.

- Plot 5 is allocated to Michel Mondon who is the 5th petitioner.

Plot 6 has been allocated to Rene

Mondon who is the 1st petitioner. He came this morning but he was not feeling well so he had to go home but everyone agrees to the allocation because he has his house on the plot.

Plot 7 is allocated to Clifford Mondon who

is the 3rd petitioner.

Plot 8 is allocated to Monica Mondon who

is the 10th petitioner.

Plot 9 is allocated to Trefle Mondon who is the 2nd petitioner.

He also came this morning and had to go home but again there is no objection to this allocation.

Plot 10 is allocated to Claudette Esparon who is the 3rd respondent.

Plot 11 is allocated to Jane Robert who is the 7th petitioner.

- Plot 12 is allocated to Lisette Hoareau who is petitioner number 9.

- Plot 13 is allocated to Marylin Magnan

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who is the 5th respondent and she resides in Australia.

- Plot 14 to Flavie Lalande nee Mondon and she is respondent number 4.

- Plot 15 is allocated to Yves Mondon who is the 2nd respondent.

Plot 16 to Yvon Mondon who is respondent 1 and he also resides in Australia. *(No objections from any of the parties).*

There being no objection to the report and survey plan and the allocation of plots by any of the heirs (petitioners and respondents) the same is approved, the

appraiser shall proceed
with the subdivision of
the land accordingly,
and take necessary

action for registration.

D. GASWAGA

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JUDGE

Dated this 1st day of
February, 2007.