

IN THE SUPREME COURT OF SEYCHELLES

EXPARTE: MARYLYN VASANDAKUMARY NEE PILLAY

PETITIONER

Civil Side No 204 of 2004

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Mrs. Antao for the Petitioner

ORDER

Gaswaga, J

The petitioner is applying for a division in kind of Parcel C1634 measuring a total area of 16200 squares metres, which land is jointly owned and registered in the names of the late Mrs Renee Pillay and heirs Lamy Toussaint Faure. The petitioner does not wish to remain in a state of indivision and is seeking a division in kind.

The Petitioner is a daughter and duly appointed executrix of the succession of the late Renee Pandiavanar Pillay which consisted of immovable property situate at Anse Louis, forming the subject of these proceedings, and at Mont Fleuri. The other children and heirs of the deceased are:

1. Nahavaly Christianne VIDOT nee Pillay

Gelase Naragen PILLAY
 Jemmy Sundaraisan PILLAY
 Donacien Pandienaden PILLAY
 Rene Ramachandran PILLAY
 Lucis Letimi UZICE nee Pillay
 Jerenadan Michel PILLAY
 Ganesien Vincent Pillay

It has been averred that to the best of the petitioner's information and belief, "heirs Mrs. Lamy Toussaint Faure" are numerous and do not reside in Seychelles, save for two of them, and they have failed to appoint a fiduciary/executor. Since the petitioner and all the above heirs she represents no longer wish to remain in a state of indivision with "heirs Mrs. Lamy Toussaint Faure," the land should be conveniently partitioned and one share to be vested in the petitioner as executrix exercised therefrom.

The appraiser, Mr. G. Pragassen of G& M Surveys Pty Ltd who was appointed by the Court has

now submitted his report together with the Survey plan and the report reads as follows:-

1. Instructions

I was appointed as appraiser, in the above case in July 2007.

I was requested to appraise Parcel C1634 at Anse Louis, Mahe, and report on the method of partitioning the property between the Heirs Renee Pillay and Heirs Lamy Toussaint Faure.

2. Title of Ownership:

Parcel C1634 is registered jointly in the names of the late Mrs Renee Pillay and Heirs Lamy Toussaint Faure.

3. Description of the Parcel:

Parcel C1634 has an area of 16200 sq. metres(1.62 hectares) excluding an area of approximately an access road. It is located in area better known as “La Salette”, adjoining the RC Mission’s Chapel.... A motorable estate road traverses the northern part of the property and part of the public road in the southern part. The terrain condition varies; partly flat, partly sloppy with some rock outcrops. There is only 1 house on the property belonging to a tenant, Marie Antoinette Naiken; and this is shown on the attached plan. All the services are readily available.

4. Survey:

A preliminary detail survey of the property has been carried out in order to show the existing road and the house, and these have been indicated on the plan at “Annex A”. A proposal for partitioning the property into two has been indicated on the same plan.

5. Method & Proposed Partition:

Taking into account the position of the existing house on the property belonging to the Pillay families, I am proposing that Plot 1 of 8315 sq. metres

which has a road area of approximately 310 sq. metres be allocated to the heirs Renee Pillay.

Plot 2, being a vacant plot of 8763 sq. metres, inclusive of a road area of approximately 760 sq. metres, be allocated to the heirs Lamy Toussaint Faure.

6. Cost:

The cost of this appraisal amounts to Rs5000.00.

The above report and survey map partitioning the land by G&M Surveys Pty Ltd is approved and the petition granted. Accordingly the appraiser shall proceed with the subdivision of the land and take necessary action for registration.

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D. GASWAGA

JUDGE

Dated this 13th of day October, 2008.