

**IN THE SUPREME COURT OF SEYCHELLES**

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**Ex Parte:  
In the matter of:**

**Melisia Nibourette**

**Of**

**La**

**Digue  
Petitioner**

Civil Side No: 71 of 2005

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**Ex Parte**

Mr. W. Lucas for the Petitioner

**D. KARUNAKARAN, J.**

**DECLARATION**

**In pursuance of an order made by the Honourable Chief Justice V. Alleear (as was he then) under *Section 3 of the Presumption of Deaths Act*, a Public Enquiry was held by the Learned Senior Magistrate Mr. Mutaki into the circumstances, under which one West Eugene Nibourette of La Digue, who is alleged to be dead, disappeared in sea.**

**Having thus held the said public enquiry the Learned Magistrate basing upon evidence on record, concluded that the said West Eugene Nibourette - born on 31<sup>st</sup> July 1953 - who disappeared in sea between La Digue and Island of**

**Felicite on 3<sup>rd</sup> September 1980, should have died by drowning on the same day. Further, the Learned Magistrate has concluded that there could not have been any foul play behind his drowning.**

**I meticulously perused the depositions and the findings of the Learned Senior Magistrate on record. I concur with his findings and make the following declaration in terms of *Section 5 of the Presumptions of Death Act.***

**I hereby declare that the disappeared Mr. West Eugene Nibourette of La Digue - who was born on the 31<sup>st</sup> of July 1953 and whose birth has been duly registered in Civil Status Register No. 0026 of 1953. L Sex: M - died in sea (Seychelles waters) on the 3<sup>rd</sup> September 1980.**

**Final order:**

In pursuance of the above order, I direct the Registrar of the Supreme Court to cause service of the above declaration on the Chief Officer of the Civil Status, Victoria, Mahé Seychelles for necessary entries in the Register of Deaths. A copy of the order should also be served on Mr. W. Lucas, Learned Counsel for the petitioner.

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**D. Karunakaran**

**Judge**

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**Dated this 24<sup>th</sup> day of March 2008**