

IN THE SUPREME COURT OF SEYCHELLES

PHILIP CHANG-TY-SING

PLAINTIFF

VERSUS

JOHN WILLIAM HENRY CRUISE WILKINS **DEFENDANT**

Civil Side No 132 of 2009

Mr. B. Georges for the Plaintiff

JUDGMENT

B. Renaud J

The Plaintiff and the Defendant's mother were married at all material times. When the Plaintiff was conceived in 1967, the Plaintiff and his wife had separated. The Plaintiff's wife was at the time living with the Defendant's father, Reginald Herbert Cruise-Wilkins. The Plaintiff avers that he is not the father of the Defendant but that the Defendant's father is the said Reginald Herbert Cruise-Wilkins.

The Plaintiff is desirous of disallowing his paternity of the Defendant and having the real name of the Defendant's father attributed to the Defendant.

The Plaintiff prays this Honourable Court to be please to:

- (i) *Declare that he is not the father of the Defendant.*
- (ii) *Declare that the father of the Defendant is Reginald Herbert Cruise-*

Wilkins.

- (iii) *Order the Chief Officer of the Civil Status to rectify the register of births accordingly.*

In his evidence by Affidavit, the Plaintiff deponed that in 1955 he was married to one Yvette Marie D'unienville, the mother of the Defendant John William Cruise-Wilkins. After the said marriage he had separated from Yvette Marie D'unienville and was living a separate life on the outer islands of Seychelles. During the said time the Defendant was fathered by another man, one Reginald Herbert Cruise-Wilkins. After the birth of the Defendant, the Plaintiff was registered as his father and hence the Defendant bore his surname Chant-Ty-Sing. The Defendant subsequently changed this surname to Cruise-Wilkins. The Plaintiff is informed by Yvette Marie D'unienville and he verily believes that he is not the father of the Defendant.

Mrs. Yvette Marie-Cruise-Wilkins nee D'Unienville in her evidence deponed in an affidavit stated that in 1955 she was married to the Plaintiff one Philip Chang-Ty-Sing. After the marriage the Plaintiff left the matrimonial home to live separately on the outer islands of Seychelles. Following his departure she met one Reginald Herbert Cruise-Wilkins from whom she conceived the Defendant John William Henry Cruise-Wilkins. She averred that the Plaintiff is not the natural father of the Defendant but that his father is Reginald Herbert Cruise-Wilkins.

Based on the evidence of the Plaintiff which is corroborated by the evidence of the mother of the Defendant I am satisfied that the Plaintiff is not the biological father of the Defendant. I am satisfied that the father of the Defendant is one Reginald Herbert Cruise-Wilkins.

- (i) *I declare that the Plaintiff Philip Chang-Ty-Sing is not the father of the Defendant John William Henry Cruise-Wilkins.*
- (ii) *I declare that the father of the Defendant is Reginald Herbert Cruise-Wilkins.*

- (iii) *I order the Chief Officer of the Civil Status to rectify the Civil Status Register of births No. 21 of 1955 by deleting the name John, Philippe Chang-Ty-Sing and replacing it by the name Reginald Herbert Cruise-Wilkins.*

I order accordingly.

B. RENAUD

.....

JUDGE

Dated this 23rd day of September 2009