

THE REPUBLIC OF SEYCHELLES
IN THE SUPREME COURT OF SEYCHELLES HOLDEN AT
VICTORIA

CIVIL SIDE NO. 190 OF 2009

Ex Parte: Catherine Wesline Azemia..... Applicant

William Hermine for the Applicant

RULING

Egonda-Ntende, CJ.

- [1] The applicant is the registered proprietor of title C.2326 together with her 3 infant children, Ryan Anthony Azemia, Mario Jean Yves Antoine Azemia and Lorraine Carine Azemia. She states that on 5 October 2006 V Allear, CJ (as he then was), granted her permission to raise a loan of SR 150,000 by mortgaging the said property so that she could build a house on the said property.
- [2] She now wishes to raise an additional SR100,000 as the loan of SR 150,000 was not sufficient to complete the construction of the house given the devaluation of the rupee that occurred since then. The superstructure of the house is complete save for the roof. The applicant estimates that another SR 100,000 will be sufficient to enable her complete the house.
- [3] In her oral testimony before me she tendered a quotation for what I suppose were the remaining works. The quote is dated 14 August 2009. It is for Roofing, ceiling, frames, doors, door locks, windows including glass, plumbing and all inclusive of labour costs. The quote was SR250,000.
- [4] This quote seems to contradict her affidavit evidence in which she deponed that she requires only SR 100,000 to complete the house. I suppose I can only conclude that she has other sources for the balance of the money.

[5] The application has been stated to be made under article 450 of the Civil Code of Seychelles. I have read the said article and it has no relevance to the said application. The more relevant provision of the law would appear to be article 457 which states, in part,

‘A guardian, even the father or mother of the child, shall not borrow money on behalf of the minor or sell or mortgage his property without authorisation of the Court.’

[6] The development of the said property is definitely in the interests of the minors, co-owners of the property in question, both as an investment and the possible provision of a home for them as well. In the circumstances I am inclined to view the application favourably. In accordance with the authority granted to this court under article 457 of the Civil Code of Seychelles I authorise the applicant to mortgage the said land, C 2326, to a bank operating in Seychelles in order to raise SR 100,000 to complete the house being developed on the said property.

Dated, signed and delivered at Victoria this 17th day of May 2010

FMS Egonda-Ntende
Chief Justice