

**IN THE SUPREME COURT OF SEYCHELLES**

PROPERTY MANAGEMENT CORPORATION (pmc)  
HOUSING FINANCE COMPANY (hfc)  
(Rep. by its acting Chief Executive Officer Mr. Ronny Palmyre)

JORDANA BENOIT

Civil Side No: 77/12

Mr. Herminie for the Applicant

**Ruling**

**Renaud J.,**

The Applicant entered a Notice of Motion supported by Affidavit on 17<sup>th</sup> October, 2012 requesting this Court to order the Respondent to quit, leave and vacate the two-bedroom flat at Bois Blanc, Lodge Street, owned by the Applicant and should she fail to do so, to issue a Writ of *Habere Facias Possessionem*. .

The Respondent was duly served with summons and the Motion and she appeared in person before the Court on 7<sup>th</sup> December, 2012 and objected to the motion. She was allowed time to formally file her answer and to appear on 23<sup>rd</sup> January, 2013.

The Respondent neither entered an Answer nor appeared. The Applicant sought and was granted leave to proceed *ex-parte* . The matter was heard on 31<sup>st</sup> January, 2013.

I have carefully analyzed the Affidavit of the representative of the Applicant and the testimonies tendered by a witness of the Applicant.

I find that the Applicant is effectively the owner of a two bedroom Flat situated at Bois Blanc, Lodge Street, Victoria, Mahe. The Flat was originally allocated to one Pascal Murray. Mr. Murray vacated that Flat and the Respondent illegally took possession of it and occupied it and lived in it from then on without the authority, consent and/or approval of the Applicant. The Respondent is effectively an unknown client of the Applicant and is thus considered as illegal occupants. The Applicant had requested the Respondent to leave and vacate the said Flat on several occasions but she refused to do so.

Having no other option and as a last recourse the Applicant is now praying for a writ *habere facias possessionem* to issue.

On the basis of the pleadings and evidence adduced, this Court is satisfied that the Respondent has advanced no ground to indicate that she has a *bona fide*, genuine, serious and/or a valid defence to this Application.

In the circumstances, the Application is allowed and I hereby order the Respondent to quit, leave and vacate the two-bedroom Flat situated at Bois Blanc, Lodge Street, Victoria, Mahe which belongs to the Applicant, failing which a *Writ Habere Facias Possessionem* shall issue forthwith against the Respondent, requiring her to do so.

I award cost of this action to the Applicant.

.....  
**B. RENAUD**  
**JUDGE**

*Dated this 4 February, 2013*