

**IN THE SUPREME COURT OF SEYCHELLES**

**Civil Side: XP 26/2015**

**[2015] SCSC 86**

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**In the matter of**

**EX PARTE**

**RITA LADOUCE NEE CONSTANCE**

**(OF BELLE VUE, LA DIGUE)**

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Heard: 19<sup>th</sup> day of March 2015  
Counsel: Ms. Lucy. Pool for petitioner  
Delivered: 27<sup>th</sup> day of March 2015

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**ORDER**

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Govinden J

- [1] This is an application for the appointment of Executor filed under Article 1026 of the Civil Code of Seychelles [Cap 33].
- [2] On the strength of the application as supported by affidavit of the Petitioner and other relevant documents attached thereto in support in this matter, I am satisfied of the following facts:
- (i) Edward Ebert Constance (hereinafter referred to as the “deceased”) died intestate in Seychelles on the 7<sup>th</sup> day of October 2011.

**(ii)** At the time of his death, the deceased left behind his surviving spouse Elilia Patricia Constance nee Bouchereau and nine children namely:

1. Trista Edwine Ernesta born on the 9<sup>th</sup> day of December 1950;
2. Gelase Patrick Constance born on the 24<sup>th</sup> day of July 1952;
3. Beatrice Madeleine Guatani nee Constance born on the 22<sup>nd</sup> day of July 1954;
4. Ernest Martyr Constance born on the 3<sup>rd</sup> day of February 1956;
5. Marie Andre Reneaud nee Constance born on the 10<sup>th</sup> day of July 1957;
6. Monette Justine Williams nee Constance born on the 1<sup>st</sup> day of March 1960;
7. Julienne Noela Julie nee Constance born on the 29<sup>th</sup> day of July 1962;
8. Denise Josephine Cafrine nee Constance born on the 18<sup>th</sup> day of July 1966;
9. Rachel Rita Ladouce nee Constance born on the 2<sup>nd</sup> day of November 1968.

**(iii)** At the time of his death, the deceased was the owner of immoveable properties namely LD 2042 and LD 2043 as per certificate of official search from the Registration Division of the 9<sup>th</sup> day of February 2015.

**(iv)** Now, the estate of the deceased devolve to the succession of the surviving spouse and the children as referred to at sub paragraphs (i) and (ii) respectively.

(v) As per the application as supported by relevant documents namely marriage and birth certificates, the above-named surviving spouse and the nine children as above mentioned are the only legal heirs to the estate of the deceased.

(vi) All the legal heirs to the estate of the deceased have consented to the appointment of the ninth child namely the Applicant, Rita Ladouce nee Constance to be appointed as executor to the estate of the deceased.

(vii) I further find that the Applicant is a fit and proper person and not subject to any legal incapacity to act as Executrix to the estate of the deceased.

[3] In the circumstances, I hereby appoint the applicant Rita Ladouce nee Constance as executrix to the estate of the deceased, Edward Ebert Constance.

[4] The application is granted accordingly.

Signed, dated and delivered at Ile du Port on 27 March 2015

S.Govinden J  
Judge of the Supreme Court