

**IN THE SUPREME COURT OF SEYCHELLES**

**Civil Side: MC 12/2016**

**[2016] SCSC427**

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**HODA DOROTHY BARALLON (NEE ROSE) OF PETIT PARIS, MAHE**

Versus

**JOEY RYAN BARALLON OF PETIT PARIS, MAHE**

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Heard: 17<sup>th</sup> day of May 2016  
Counsel: Mr. C. Lucas for Plaintiff  
Absent/Respondent  
Ms Gonthier for the Ministère Publique  
Delivered: 17<sup>th</sup> day of June 2016

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**ORDER**

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[1] This is a Petition for Interdiction of Joey Ryan Barallon of Petit Paris Mahe (hereinafter referred to as the “Respondent”), pursuant to Article 489 of the Civil Code (Cap 33), which Article provides as follows:-

***“A person of full age who is habitually feeble minded, insane or a lunatic, shall be interdicted, even if he has lucid intervals”.***

- [2] Pursuant to Article 493 (a) of the Civil Code, the Court caused the Petitioner to testify in Court as to her opinion on the Petition and the general condition of the Respondent in line with the Medical Report corroborating contents of her Affidavit attached to the Petition and also the current medical condition of the Respondent as per the Medical Report and its diagnosis.
- [3] The Petitioner deponed in support of the Petition to the following effect.
- [4] That the Petitioner who is the mother of the Respondent and remains married with the father of the Respondent namely one David William Barallon and the latter has given his consent to the Petition by way of Affidavit of the 19<sup>th</sup> day of January 2016.
- [5] That the Respondent born on the 18<sup>th</sup> day of January 1997 is of age but from birth has suffered from a physical and mental medical condition that prevents him from looking after himself and his affairs in that he suffers from “cerebral palsy, Tetraplegia and severe Mental retardation” since birth. He is unable to sit, stand, speak and needs constant attention. Same was corroborated by medical Report of Dr. P. Govinden of the 23<sup>rd</sup> day of March 2016.
- [6] That it is urgent and necessary in order to protect the interest of the Respondent that an Order be made for his Interdiction.
- [7] It was further testified that Petitioner is of sound mind and does not suffer from any legal disability and is able and willing to act as guardian of the Respondent.

[8] On the basis of testimony of the Petitioner and the medical evidence as highlighted and explained in the Medical Report, the Court is satisfied that the Respondent is suffering from, ***'bilateral, symmetrical lissencephalic cortical dysplasia which is an irreversible condition. That this condition leads to psychomotor delay and that the Respondent is now spastic and doing physiotherapy. That Respondent also has seizures for which he is taking regular sodium valproate and is on regular follow ups by the pediatrician'.***

[9] I find that such medical conditions as described necessitates medications and supportive therapy and long term follow-up necessitating in his own interest that a guardian be appointed to manage and administer his affairs.

[10] I further find that the Petitioner is able and willing to be appointed as guardian and to carry out all the duties of a guardian to the Respondent and that the Petitioner is not subject to any legal incapacity to be appointed as such.

[11] In this respect, being satisfied that the Guardian is a fit and proper person and not subject to any legal incapacity to be appointed as guardian of the Respondent, acting under Article 498 (3) of the Civil Code, I hereby interdict the Respondent and appoint the Guardian namely, Hoda Dorothy Barallon mother of the Respondent, as Guardian of the Respondent's person and property.

[12] Petition is granted accordingly.

Signed, dated and delivered at Ile du Port on 17<sup>th</sup> day of June, 2016.

Govinden J  
Judge of the Supreme Court