**IN THE SUPREME COURT OF SEYCHELLES**

**Civil Side:** **65/20****13**

 **[2016] SCSC 558**

**ANGE HARRISON**

**Of Upper Cascade, Mahe Seychelles       PETITIONER**

**Versus**

**ANGE MICHEL HARRISON**

**Of Upper Cascade, Mahe, Seychelles FIRST RESPONDENT**

**JOSEPH HARRISON**

**Of Machabee, Mahe Seychelles SECOND RESPONDENT**

**GONZAGUE HARRISON**

**Of Machabee, Mahe, Seychelles THIRD RESPONDENT**

**EVALINE HARRISON**

**Of Cascade, Mahe, Seychelles FOURTH RESPONDENT**

**MONIQUE HARRISON**

**Via Praversa, EV, Gallina,**

**Ravagnasa 589131, Reggio**

**Calabria, Italy FIFTH RESPONDENT**

**JEANNETTE HARRISON**

**Of Upper Cascade, Mahe, Seychelles SIXTH RESPONDENT**

**CRESILIA HARRISON**

**Of Cascade, Mahe, Seychelles SEVENTH RESPONDENT**

Heard: 6 July 2016

Counsel: Miss Lucy Pool for Respondents

Delivered: 29 July 2016

1. This is an application by the Petitioner for a division in kind in respect of the parcel of land Number S 5926 extending to 12,105 square metres situated at Upper Cascade, Mahe, Seychelles.
2. The Petitioner has a four eleventh share in the said parcel of land. Each of the seven Respondents has a one eleventh share in the said parcel of land.
3. The Petitioner who no longer wishes to remain in a state of division with the Respondents, seeks an Order that the said parcel of land be divided in kind and that he extract his share therefrom.
4. All seven Respondents have consented to the Application.
5. The Court ordered that Mr Leong –Pon, Land Surveyor, prepare a partition report and plan in respect of the said parcel of land, which he did. The partition plan sets out an allocation of two areas of ground to reflect the respective interests of the Petitioner and the Respondents in the said parcel of land. Mr Leong proposes that the Petitioner acquire the area of ground coloured pink, delineated within the boundaries shown, having an area of 4402 square metres and marked “Plot No. 1” on the said partition plan, together with the building erected thereon. It is also proposed that by formal allocation the seven Respondents acquire the remaining portion of the said parcel of land each to the extent of a one eleventh share, which is within the black boundary lines, there being two areas separated by an access road, having a total area of 7,703 square metres and marked “Plot No 2” on the said partition plan, together with all buildings thereon. The existing access roads in the immediate area are also shown on the said partition plan.
6. The said partition plan with the demarcation of “Plot No. 1” and “Plot No. 2” has been examined by the Petitioner and each of the seven Respondents and the Petitioner and seven Respondents agree to the proposed partition of the said parcel of land Number S 5926.
7. CONSEQUENTLY, following agreement between all parties, I grant judgment in favour of the Petitioner as prayed. The said parcel of land Number S5926 shall be divided into two separate plots “Plot No. 1” and “Plot No 2” as shown on the said partition plan annexed hereto and “Plot No. 1” is allocated to the Petitioner.
8. There shall be no order for costs.

Signed, dated and delivered at Ile du Port on 29 July 2016