

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: MC65/2013

[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

JUDGMENT

McKee J

- [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

C McKee
Judge of the Supreme Court