

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: CS 68/2014

[2017] SCSC 300

MARIE-ANNA LABICHE

Plaintiff

versus

MANETTE LABICHE

Defendant

Heard: 30th March 2017

Counsel: Ms. Domingue for plaintiff

Mr. Hoareau for defendant

Delivered: 30th March 2017

ORDER

M. Twomey, CJ

[1] The plaintiff was the owner of Parcel C1490 at Anse Boileau, Mahe and transferred the bare interest therein to her daughter the defendant on 22nd March 2005.

[2] She filed a plaint on 13th August 2014 in which she asked for rescission of the sale on the grounds of lésion.

- [3] Counsel for the Defendant has filed a plea in limine litis in which he has raised the issue of prescription.
- [4] Article 16 (78) provides in relevant part that; “The right to sue for rescission on the ground of lesion shall be barred after five years.”
- [5] It is clear from the pleadings that the date of the transfer of property between the parties took place in March 2005, whereas the action for rescission on the grounds of lésion was filed some 9 years subsequent and therefore is barred by the Statute of Limitation.
- [6] In the circumstances this case is dismissed with cost.

Signed, dated and delivered at Ile du Port on 30th March 2017

M. Twomey
Chief Justice