

**IN THE SUPREME COURT OF SEYCHELLES**

**Civil Side: XP 199/2016**

[2017] SCSC 39

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**In the matter of**

**EX PARTE: CHARLES MICHEL MAXIME DUBIGNON**

Applicant

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Heard: 25<sup>th</sup> January, 2017  
Counsel: Mr. C. Lucas for applicant

Delivered: 25<sup>th</sup> January, 2017

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**RULING**

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**Carolus Master**

- [1] This is an Application for the appointment of an executor made pursuant to Article 1026 of the Civil Code of Seychelles Act. The Application is supported by an affidavit sworn by the Applicant before the attorney for the Applicant.
- [2] It is settled law that a party cannot swear an affidavit before Counsel acting for that party. Vide Church V Boniface (2011) SLR 260. The affidavit in support of the Application being defective in that respect, I find that the Petition is unsupported by any evidence.

[3] I therefore dismiss the Petition.

Signed, dated and delivered at Ile du Port on 25<sup>th</sup> January. 2017.



E. Carolus  
**Master of the Supreme Court**