

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: XP 210/207

[2018] SCSC 330

**EXPARTE JENNY ADONIS NEE NIOLE
OF QUINCY VILLAGE
MAHE, SEYCHELLES**

APPLICANT

Heard: 29 March 2018
Counsel: Mr Nichol Gabriel for the Applicant
Mrs Carmen Cesar for Minister Publique
Delivered: 29 March 2018

RULING

R. Govinden, J

- [1] This is an application for authority to sell a property in which a minor has an interest under article 457 of the Civil Code of Seychelles Act and appointment of Fiduciary.
- [2] The Applicant is the mother of one Amirah Elly Francisca Adonis; Yuan Guillaume Adonis; Ibrahim Jeremiah Jayden Adonis all of Quincy Village, Mahe, Seychelles. All the children are minors.
- [3] The minors are the co-owners of one half share in property registered as title H5121, situated at Quincy Village, Mahe, Seychelles. The Applicant is the other co-owner of the second half share in the same property.

- [4] The Applicant is desirous of selling the said property to a third party for her own interest and also for the interest of the minors.
- [5] The Applicant avers that it is necessary for a fiduciary to be appointed for the ownership of the said property and also for the ownership of the minors. The Applicant aver that she is able and willing to be appointed as fiduciary of H5121 and also represent the benefit of the minors. As a result the Applicant and deponent testified under oath in support of her Application.
- [6] Evidence led revealed that parcel H5121 was transmitted to the Applicant and the minors by way of an Affidavit on transmission by death dated the 11th of January 2017, following the death of Mr Francis Micheal Adonis the former owner of the said parcel and the former spouse and father of the minors.
- [7] Having scrutinized the Application; its attached Affidavit and other documents in support and the testimony of the Applicant I have come to the following determination;
- (1) I appoint the Applicant as the Fiduciary for land parcel H5121.
 - (2) I order the sale of parcel H5121 in which the minors have interest.
 - (3) The proceeds of the sale shall be divided into half. Half of the proceeds of the sale of the said parcel shall be divided into three equal shares and each of the minors shall receive one of the three equal shares. The other half of the proceeds of sale shall be distributed to the Applicant.
 - (4) The Applicant shall open a bank account in the names of each minor and their respective shares belonging to each minors shall be deposited into the respective accounts as an investment fund. The monies shall only be accessible in the said account shall upon orders of this court or until the minors reaches the age of majority.
 - (5) In default of the Applicant complying with condition 3 and 4 of this order any sale of parcel H5121 shall be null and void.

[8] The Land Registrar shall be served a copy of this Ruling by the Registrar of this Court.

[9] The case is set on 16th of July 9.30 a.m.2018 for this court to ensure that there is compliance to these orders.

Signed, dated and delivered at Ile du Port on 29 March 2018

R. Govinden, J
Judge of the Supreme Court

