

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: XP 43/2018

[2018] SCSC 374

In the matter of

EX PARTE: JOSEPH CALLIXTE DAVID FURNEAU

Petitioner

Counsel: Mr. G. Ferley for the Petitioner

Delivered: 9th April, 2018

ORDER

Carolus J

- [1] The Petitioner has petitioned this Court pursuant to section 97 of the Civil Status Act, Cap 34 (hereinafter referred to as the Act) for the amendment of Civil Status Register No. 1057 of 1966.C in which his birth is registered, by replacing his name as it appears therein namely Joseph Callixte David Furneau by David Joseph Callixte Furneau.
- [2] It is averred in the Petition that the Petitioner was born on the 14th October, 1966, at Victoria, Mahe, and his birth was registered in Civil Status Register No.1057 of 1966.C; that the Petitioner's name was erroneously entered as Joseph Callixte David Furneau in the said register instead of David Joseph Callixte Furneau; that the Petitioner is desirous of

having the order of his name in the said register of birth amended to read David Joseph Callixte Furneau. In terms of the Petition, the Petitioner prays this Court to order the amendment of Civil Status Register No. 1057 of 1966.C and the correct order of his name which is David Joseph Callixte Furneau to be entered therein and for the Civil Status to be directed accordingly.

[3] The Petition is supported by two Affidavits sworn by the Petitioner and his mother Lise Furneau nee Valentin, respectively. Both of them aver that the Petitioner's name was erroneously entered in the relevant Civil Status Register and Act of Birth as Joseph Callixte David Furneau instead of David Joseph Callixte Furneau.

[4] Applications for the amendment of Acts of Civil Status to the Court are provided for by Section 100 of the Civil Status Act Cap 34 and not section 97 of the Act as stated in the present Application. Section 100 provides as follows:

“100. A judge may, upon the written application of the Chief Officer of the Civil Status or any party, order the amendment without any fee, stamp or registration due of any act whenever such judge shall be satisfied that any error has been committed in any such act or in the registration thereof. Nothing herein contained shall prevent any interested person from asking by action before the Supreme Court for the rectification or cancellation of any act.”

[5] I am satisfied on the Affidavit evidence of the Petitioner and in particular that of his mother, that an error has been committed in the Act of Birth of the Petitioner in that his name was erroneously entered in his Act of Birth as Joseph Callixte David Furneau instead of David Joseph Callixte Furneau.

[6] Accordingly, in terms of section 100 of the Civil Status Act, I make the following Orders:

(i) I direct the Chief Officer of the Civil Status to amend the Act of Birth of Joseph Callixte David Furneau, by deleting his name as it appears therein and replacing it with the names David Joseph Callixte Furneau.

- (ii) In terms of section 104 of the Civil Status Act, I further direct the Chief Officer of the Civil Status to enter the Order made at paragraph 6(i) above in a special register and to make a summary mention of the amendment ordered, in the margin of the Act of Civil Status ordered to be amended, in every register in which such Act has been registered.

[7] A copy of this Order is to be served on the Chief Officer of the Civil Status.

Signed, dated and delivered at Ile du Port on this 9th April, 2018.



E. Carolus

Judge of the Supreme Court