

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: XP 50/2018

[2018] SCSC 437

In the matter of

**EX PARTE
LUCINA STRAVENS**

Heard: 14 May 2018
Counsel: Mr. Rajasundaram for petitioner
Mrs. Cesar for Ministere Publique
Delivered: 14 May 2018

ORDER

Twomey, CJ

- [1] The Applicant is the registered proprietor of Title PR 4166 on Praslin, Seychelles together with her three children namely Keiran Jude Lesperance, Judd Anthony Lesperance and Jean Yves Michel Lesperance, the last two children being minors.
- [2] The Applicant avers that the Housing Finance Company Limited (hereinafter HFCL) has approved a housing loan for a sum of SR400, 000 for the construction of a house on the land.
- [3] In order to facilitate the grant of the loan for the construction of the house, the said title needs to be encumbered with a charge in favour of HFCL.
- [4] In her evidence she states that she is employed at Abhaye Valabji, earning SR11,000 monthly and will meet the repayment of the loan.

[5] Article 457 of the Civil Code of Seychelles states in relevant part:

“A guardian or even the father or mother of a child shall not borrow money on behalf of the minor or sell or mortgage his property without authorization of the court.

[6] The Ministère Publique who was consulted on this issue considered the interest of the minor children and did not submit any objection to the charge as proposed. It is also the submission of the Applicant that the house will increase the value of the property and enhance the quality of the life of the minor children.

[7] In the circumstances, I am inclined to view the application favourably.

[8] In accordance with the authority granted to this court under Article 457 of the Civil Code of Seychelles, I authorize the Applicant to mortgage the said land, Title PR4166, to HFCL in order to raise the sum of SR400, 000 to build the house as proposed.

Signed, dated and delivered at Ile du Port on 14 May 2018

M. Twomey
Chief Justice