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IN THE SUPREME COURT OF SEYCHELLES

Civil Side: CS 27/2018

[2018] SCSC 500

JULITA COMMETTANT

Plaintiff

versus

THE ATTORNEY GENERAL

Defendant

Heard: 16 May 2018
Counsel: Ms Madeleine for plaintiff
Ms Almeida for defendant
Delivered: 28 May 2018

JUDGMENT

Dodin J

[1] The Plaintiff is the biological mother of S.C a minor child and she is a widow having recently lost her husband J.C hereinafter referred to as “the deceased”) the father of the said child. The deceased died intestate on 2nd January 2014. The Plaintiff is now the sole guardian of S.C. The deceased and the plaintiff also have another son D. C born on the 10th March 1997.

- [2] At the time of his death the deceased left the Plaintiff and their two children the said minor S.C and D.C as his only heirs. The deceased was before his demise, the registered owner of Land Title H3229 situated at Maldives, Mahe. The Plaintiff is now by law owner one half share in the said Title H3229 with her two children each owns one quarter share in the property.
- [3] The Plaintiff now wishes to charge the said Title H3229 to secure a housing loan in the sum of Seychelles Rupees Two Hundred and Forty Seven and Seven Hundred and Ninety Two (247,792.00) for the construction of their family house on the said land Parcel H3229. The Plaintiff believes that it is in the best interest of her family for her to charge the family property Title H3229 to secure the loan to build their family house for the long term benefit of her family.
- [4] The plaintiff is employed as a warden by the Ministry of Education earning a monthly salary of SCR6,575. The Plaintiff avers that she can afford to repay the loan at SCR2,000 per month.
- [5] The representative of the Attorney-General, guardian ad litem if the minor has no objection to the charge being placed on the land as prayed provided that the shares in the property remain as apportioned.
- [6] I have given careful consideration to the application and the reason for the same. I find that it would be in the interest of the minor S.C to have a proper family house constructed for the use of the family and that for that purpose that the land be charged to secure the loan which is to be used for the construction of the house.
- [7] I therefore grant the prayer of the plaintiff by ordering as follows:
- i. That the Plaintiff is hereby authorised to charge land title H3229 belonging to her and her two children DC and minor SC for the construction of their family home;
 - ii. That the plaintiff is hereby authorised to enter into any agreement and to sign any document for and on behalf of the minor S.C and do anything and everything that would be required to be done to obtain the loan and for the construction of the house on land title H3229.
 - iii. That the plaintiff shall repay the loan at SCR2,000 per month or any such revised amount that the bank may be authorised to request.

Signed, dated and delivered at Ile du Port on 28 May 2018

G Dodin
Judge of the Supreme Court