

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: MC 23/2018

[2018] SCSC 522

NELLA VIVETTE ELLIS NÉE MONDON

Plaintiff

versus

CHIEF OFFICER OF THE CIVIL STATUS

Defendant

Heard: 23rd May, 2018

Counsel: Ms. A. Benoiton for the Plaintiff

Absent/ Unrepresented for Defendant

Delivered: 5th June, 2018

JUDGMENT

E. Carolus, J

[1] The Plaintiff has filed a Plaint praying for an Order of this Court for the rectification of her Act of Birth and Certificate of Birth.

- [2] The Respondent having been served with a copy of the Plaintiff with summons failed to appear in Court on the date fixed for appearance of the Parties. On the application of Counsel for the Plaintiff the Court fixed a date for hearing of the suit ex-parte.
- [3] Mr. Gerard Jean Louis Lafortune testified on behalf of the Plaintiff at the hearing, having been empowered to do so by virtue of a Special Power of Attorney dated 20th April, 2018.
- [4] The Plaintiff Nella Vivette Ellis née Mondon was born on 12th April, 1948, at Anse Royale, Mahe, Seychelles. Her birth was registered in Civil Status Register No. 0059 of 1948 and her name is entered in the said register as Nella Vivette Mondon.
- [5] Throughout her life, the Respondent has primarily been known as, and used the name, Vivette. As a result, in certain official documents she is either referred to as Vivette or the order of her forenames is changed so that the name Vivette appears first. She produced a copy of her School Leaving Certificate issued by the Secondary Modern School of the Seychelles Education Department in which she is referred to as Mondon Vivette, and her United Kingdom driver's licence in which she is referred to as Vivette, Nella Ellis.
- [6] The Plaintiff married Raymond John Ellis in Arlington County, Richmond, Virginia, on 8th November, 1985. She produced her Marriage Certificate in which her name is entered as Vivette Nella Mondon.
- [7] The Plaintiff holds both a Seychellois passport and a British passport. In the Seychellois passport her name is entered as Nella Vivette Ellis whereas in her British passport her name is entered as Vivette Nella Ellis.
- [8] The Plaintiff has made an Application to the Passport Office in the United Kingdom for her British passport to be renewed and has been informed that for her to be issued a passport in the name of Vivette Nella Ellis she needs to change the name shown on her Seychelles passport namely Nella Vivette Ellis to Vivette Nella Ellis. Her application has been put on hold until this is done.
- [9] For these reasons the Plaintiff prays the Court to order the Chief Officer of the Civil Status to rectify her Act and Certificate of Birth by entering her name therein as Vivette Nella

Mondon in the place of Nella Vivette Mondon so that the name Vivette Nella Mondon can be entered in her Seychelles passport.

[10] The applicable law in this case is found in the second limb of section 100 of the Civil Status Act Cap 34 which is reproduced below.

“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.**” Emphasis is mine.

[11] On the basis of the evidence adduced in this case, I am satisfied that the Act of Birth and Certificate of Birth of the Plaintiff should be rectified as prayed for and accordingly, in terms of section 100 of the Civil Status Act, I direct the Chief Officer of the Civil Status to rectify the Act of Birth and Certificate of Birth of the Plaintiff by entering therein, the name of the Plaintiff as Vivette Nella Mondon in place of Nella Vivette Mondon.

[12] In terms of section 104 of the Civil Status Act, I further direct the Chief Officer of the Civil Status to enter this judgment in a special register and to make a summary mention of the amendments to the Act of Birth of the Plaintiff as ordered above, in the margin of the Act in every register in which such Act has been registered.

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

Signed, dated and delivered at Ile du Port on 5th June, 2018



E. Carolus
Judge of the Supreme Court