

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: XP141/2018

[2018] SCSC 916

IN THE MATTER OF EX-PARTE: IVAN STEVEN LEONG

Petitioner

Counsel: Mr. Danny S. Lucas

Delivered: 12th October 2018

ORDER

B. Adeline, Master

- [1] This is a Petition, filed in Court by virtue of Section 100 of the Civil Status Act, CAP 34 by one Ivan Steven Leong, the Petitioner, for an Order to have the act and the Certificate of Birth of the Petitioner rectified to effectively correct an error in his mother's name to change his mother's name from Chen Shu Fang Leong nee Chang to read Shu Fang Leong nee Chen, and to amend the Certificate of Birth. The Petition is supported by an affidavit duly sworn by the Petitioner.
- [2] The Petitioner's Certificate of Birth, exhibit A3, shows that he was born at Victoria, Mahé, Seychelles on the 24th April, 1990 and that his birth was registered in the Civil Status Register No 0515 of 1990. C. In the Petitioner's Certificate of birth, exhibit A3, his mother's name is written as Chen Shu Fang Leong nee Chang.

[3] The Petitioner depones that his mother's name on his certificate of birth is erroneously written in that, instead of Chen Shu Fang Leong nee Chang, it should read Shu Fang Leong nee Chen.

[4] By his Petition, the Petitioner prays this Court to direct the Chief Officer of the Civil Status to rectify his Act and Certificate of Birth by replacing the name of the Petitioner's mother that reads Chen Shu Fang Leong nee Chang by Shu Fang Leong nee Chen wherever it appears. Section 100 of the Civil Status Act, CAP 34 provides as follows;

(a) 100 “ A Judge may, upon the written Petition 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 mine.

[5] On account of the evidence laid before this Court, I am satisfied that there is an error in the act and Certificate of Birth of the Petitioner in that his mother's name was erroneously entered therein as Chen Shu Fang Leong nee Chang instead of Shu Fang Leong nee Chen.

[6] Therefore, in exercises of the powers conferred upon me by Section 100 of the Civil Status Act, I accordingly grant the application and make the following Orders;

(i) I direct the Chief Officer of the Civil Status to amend the act of Birth of Ivan Steven Leong, by deleting his mother's name which is entered therein as Chen Shu Fang Leong nee Chang and replacing it with the name of Shu Fang Leong nee Chen.

(ii) In accordance with the requirement 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 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 12th October 2018.

B. Adeline
Master of the Supreme Court