

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: MA 243/2018

(arising in EXP 06/2017)

[2018] SCSC 967

In the matter of

EX PARTE:

FLORIDA VICTORINE

Applicant

Heard: 17th October, 2018
Counsel: Mr. J. Camille for Applicant

Delivered: 17th October, 2018

ORDER ON MOTION

Carolus J

- [1] This Order is made pursuant to an Application made under section 147 of the Seychelles Code of Civil Procedure for correction of an error in the Order delivered by myself on 18th July, 2018, in Ex Parte 06 of 2017, appointing the Applicant as Executrix to the succession of Gilbert Hartly Laporte (“the Order”). The Application is made by way of Motion supported by an Affidavit sworn by the Applicant and relevant documents in support thereof.

[2] Section 147 provides as follows:

“Clerical mistakes in judgments or orders, or errors arising therein from any accidental slip or omission, may at any time be corrected by the court on motion.”

[3] I note that in the Petition for the appointment of the Applicant as Executrix to the succession of the late Gilbert Hartly Laporte in Exp 06/2017 pursuant to which the Order is made, it is averred that the Deceased had immovable property in Seychelles namely a portion of land registered in Register A38 No.2051 and transcribed in Volume 68 of No.113. A copy of the transcription of the deed of sale was produced in support of this averment. This transcription shows that Jean Joseph Laporte transferred “a parcel of land situate at Baie Ste Anne, Praslin registered as Parcel PR536” to Gilbert Laporte on 12th March 1982.

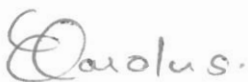
[4] However as a result of an accidental slip on my part, in paragraph 5 of the Order I erroneously stated that “I am satisfied that at the time of his death the Deceased was entitled to a share of the succession of his late father Jean Joseph Laporte comprising of unsurveyed land situated at Baie Sainte Anne, Praslin which is registered and transcribed in Volume 23 of No.218.”

[5] I am therefore satisfied that there is an error in paragraph 5 of the Order in that the immovable property referred to therein is the wrong one.

[6] Accordingly, I allow the motion and correct the Order of the Supreme Court dated 18th July, 2018, made by myself in the case of Ex Parte 06 of 2017, by replacing paragraph 5 thereof with the following paragraph:

“I am satisfied that at the time of his death the Deceased owned immovable property, namely a parcel of land situate at Baie Ste Anne, Praslin, registered as Parcel PR536.”

Signed, dated and delivered at Ile du Port on 17th October, 2018



E. Carolus
Master of the Supreme Court