

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: MC72/2017

[2018] SCSC 1101

MUHAMMED MAJAH & ORS
Petitioner

versus

JOEL CAMILLE & ORS
Respondent

Heard: 18 July 2018
Counsel: Mrs Samantha Aglae for petitioner
for respondent

Delivered: 30 November 2018

RULING

R. Govinden, J

- [1] This is a Ruling made following an application for sale by licitation made by the above-named petitioners. The petition is supported by the Affidavits of the petitioners, Mr Muhammed Majah, Andrew Laurette and Naomi Evenor.

- [2] The Petitioners averred that they are legal heirs and co-owners, together with the Respondents, of Parcel H7256 situated at Sorento, Glacis and that they are prosecuting the sale by licitation of the said property.
- [3] The memorandum of charges was filed with the Registry of this Court on the 31st of May 2017.
- [4] The Petitioners averred that they no longer desire the property to remain in in-division and that the 2nd Respondent is in exclusive possession and used of the house on H7256 and that the property is deteriorating as it is not properly maintained. The Petitioners claim that they do not derive any profit and or enjoyment of the property and the house situated thereon.
- [5] The Petitioners averred that the 2nd Respondent is not on good terms with them and that he has refused them access to the property, whilst the 3rd to 6th Respondents lives abroad and have not shown any interest in the property.
- [6] The Petitioners averred that the property has been valued at SCR10,000,000 as of 28th July 2015 and that it could easily fetch a price of more than the evaluation today and that they are willing to sell the property to the 2nd to 6th Respondents if they are willing to buy the same.
- [7] The Petitioners averred that it is therefore just and necessary for this honourable Court to make an order that the property be sold by licitation.
- [8] The Petitioners testified before this court and supported the Petition in all material particulars.
- [9] Upon scrutinising the Application in support in support in the light of all the relevant documentary and testimonial evidence adduced before this Court I find that it is just and necessary that the property comprised in Title H7256 situated at Glacis, Mahe, be sold by licitation. I am further satisfied that the property cannot be conveniently divided in kind.

[10] I accordingly order that the proceeds of the sale be shared equally amongst the Petitioners and Respondents. The proceeds of the sale shall be disbursed to the Petitioners and the Respondents as follows;

Muhammed Majah; Randolph Uzice; Margaret Marie-Antoinette Uzice; Elsie Emilie Uzice; Andre Gustave Uzice; Denise Danielle Uzice shall each obtained $\frac{1}{7}$ of the proceeds of the sale and Andrew Franky Laurette and Naomi Rachelle Evenor shall each obtained $\frac{1}{14}$ of the proceed of the sale of the property.

I rule accordingly.

Signed, dated and delivered at Ile du Port on 30 November 2018



R. Govinden
Judge of the Supreme Court