

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: XP163 /2018

[2018] SCSC 1145

IN THE MATTER OF EXPARTE ALEX SOFOLA & ORS

Heard: 21st December 2018
Counsel: Miss Tania Thyroomooldy for Mr Bernard Georges for Petitioner
Delivered: 28th December 2018

ORDER

B. Adeline, Master

- [1] This is a joint application by Petition, for the appointment of the Petitioners, one Alex Sofola of Baie Lazare, Mahe and one Innocent Jonas Sofola of Anse Royale, Mahe as joint executors to the succession of the late Marie Claude Sophola. The application is made by virtue of Article 1026 of the Civil Code of Seychelles Act. Cap 33, and is supported by two affidavits sworn by the Petitioners individually. Attached to the Affidavits are the relevant documentary evidence as required by Practice Direction No 1 of 1989.
- [2] On the basis of the affidavit and documentary evidence tendered in support of the pleadings in the application, I am satisfied, that as per her Certificate of Death pertaining to Register No 11 of 2018, S, exhibit P1, Marie Claude Sophola (hereinafter referred as “the deceased”) died intestate on the 29th April 2018 at Baie Lazare, Mahe Seychelles.

[3] I am also satisfied that the deceased is survived by her heirs who are, including the Petitioners, her siblings.

[4] All her siblings were born of the deceased parents, namely, Jonathas Sophola and Beatrice Sophola nee Joubert who have since passed away. Their certificate of death tendered and marked as exhibit P2 collectively. The siblings are;

1. Alex Sofola, born on the 2nd July 1952 (the 1st Petitioner).
2. Innocent Jonas Sofola born on the 11th April 1970 (the 2nd Petitioner).
3. Maria Sophola born on the 6th December 1955.
4. Jeannine Pirame, nee Sophola born on the 13th February 1966.
5. Johna Soffola born on the 30th October 1961, and
6. Therese Sophola born on the 19th November 1959.

The certificates of birth of all the deceased's siblings tendered, verified and marked as exhibit P3 collectively.

[5] I am satisfied, that the other heirs of the deceased named at paragraph 4 above, excluding the 1st and 2nd Petitioners, all have consented to the appointment of the 1st and 2nd Petitioners and joint executors to the succession of the deceased. A written document dated 28th August 2018, signed by the other four heirs of the deceased by which they expressly consent to the appointment of the 1st and 2nd Petitioners as executors to the succession of the deceased tendered and marked as exhibit P4.

[6] I am also satisfied, that at the time of her death the deceased owned immovable property in Seychelles, namely;

1. Half undivided share in a parcel of land registered as title T403, proof of which is Certificate of Official Search dated the 8th August 2018 issued under the Land Registration Act, tendered and marked as exhibit P5.

[7] I am also satisfied that at the time of her death, the deceased also owned movable property in Seychelles namely;

1. A Seychelles rupee bank account No. 01201021014002 held by the International Mercantile Banking Corporation Ltd, trading as Nouvo Banq.

[8] I am satisfied that both of the two Petitioners are desirous to be appointed as joint executors to the succession of the deceased, and that they are not subject to any legal incapacity to be so appointed, and to perform the duties of executors as prescribed under Article 1027 of the Civil Code of Seychelles Act, Cap 33.

[9] I therefore grant the application, and accordingly, I hereby appoint the two Petitioners, Alex Sofola and Innocent Jonas Sofola as joint executors to the succession of the deceased, Marie Claude Sophola.

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

B. Adeline
Master

