

SUPREME COURT OF SEYCHELLES

Reportable

[2019] SCSC 187

MA 29/2019

(Arising in XP 186/2018)

In the ex parte matter of:

DICK ESPARON

(Mr. Somasundaram Rajasundaram)

Applicant

Neutral Citation: *Mr. Dick Esparon* (MA29/2019 arising in XP 186/2018) [2019] SCSC187
(12 March 2019).

Before: B. Adeline, Master

Summary: Correcting Clerical mistakes in Orders

Delivered: 12 March 2019

ORDER

Correcting clerical mistakes, or errors in Order arising from incidental slip or omission (Section 147, Seychelles Code of Civil Procedure, CAP 213).

RULING

B. ADELINE, MASTER

[1] By way of an application, by Petition, dated 14th November 2018, filed as XP 186/2018, one Dick Patrick Esparon of Baie Lazare, Mahé sought for an order of this Court to appoint him as executor to the estate of his late son, Chris Rohn Esparon.

[2] By an Order of this Court made on the 17th December, 2018 his application was granted, and accordingly, he was appointed as executor to the estate of his late son, Chris Rohn Esparon.

[3] By Notice of Motion, dated 21st December, 2018 filed as MA 29 of 2019, supported by an affidavit sworn by the said Dick, Patrick Esparon, it is now averred in the attached affidavit, that by inadvertence, one movable item namely, a motor vehicle, bearing

registration no S8571, which is a 1600 cc, 5 door Sedan car, make kia, model Cerato, manufacturing year 2006, was omitted in his application. The Vehicle's Certificate of Ownership issued by the Seychelles Licensing Authority is attached to the affidavit in support of the motion.

[4] In his affidavit in support of the Notice of Motion, the said Dick, Patrick, Esparon prays this Court to rectify his omission and to include vehicle S8571 into the judgment of this Court dated 17th December, 2018 as another movable property owned by the deceased, Chris, Rohn, Esparon at the time of his death, which now belongs to his estate.

[5] To amend the Order of this Court made on the 17th December 2018, I have had regards to Section 147 of the Seychelles Code of Civil Procedure, CAP 213. Section 147 reads;

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

[6] By reading Section 147, I am persuaded, that this legal provision empowers this Court to make the amendment to the Order of the 17th December, 2018 as has been proposed by Notice of Motion and the supporting affidavit. I therefore grant the motion, and accordingly, Vehicle S8571 is made a movable property belonging to the estate of the deceased, and by this ruling, paragraph [5] of the Order of the 17th December, 2018 is hereby amended to include, and read;

(iv) a motor vehicle (a Kia Cerato 5 door Sedan car) bearing registration number S8571.

Signed, dated and delivered at Ile du Port on 12th March 2019.

B. Adeline

Master