

**SUPREME COURT OF SEYCHELLES**

**Reportable**  
[2019] SCSC 752  
CM03/2019

In the matter between

**SEYCHELLES INTERNATIONAL MERCANTILE BANKING CORPORATION LIMITED** **Plaintiff**  
(rep. by Alexandra Benoiton)

and

**1. JAMES LESPERANCE**  
**2. SOUVENIR APARTMENTS (PTY) LIMITED** **Defendants**  
(unrepresented)

**Neutral Citation:** *Seychelles International Mercantile Banking Corporation Limited v Lesperance and anor* CM03/2019) [2019] SCSC 752 (9 September 2019).

**Before:** Twomey CJ  
**Summary:** Judicial Sale- s.39 The Immovable Property (Judicial Sales Act) – mise a prix not covered – adjudicated to creditor  
**Heard:** 9 September 2019  
**Delivered:** 9 September 2019

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**ORDER**

There being no bidders and the mise a prix not covered the properties are adjudicated to the creditor, Seychelles International Mercantile Banking Corporation Limited.

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**JUDGMENT**

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**TWOMEY CJ**

[1] At a public auction held on Monday 9 September 2019, before me Dr. M. Twomey, Chief Justice duly assisted by Rosa Barbe, court reporter, personally appeared before me Ms. Alexandra Benoiton, Counsel having the carriage of the sale, who declared to me that the

formalities laid down by law have been complied with, all announcing for this day at this place and hour the final adjudication of two portions of land situated at North East Point Mahé, and Souvenir, La Misère, Mahé and of which the title deeds are transcribed in Parcels H6353 and B1298 respectively, whereupon after seeing fulfilment of the said formalities, the conditions of the sale were publicly read to me.

- [2] The *mise a prix* was announced as being SR4 million in respect of Parcel H6353 and SR11 million in respect of Parcel B1298 including the interests on the loan outstanding. It was also announced that the taxed costs of the sale amounted to SR46, 359.20 in addition to the registration and transcription dues.
- [3] Whereupon the biddings were opened for the portion of land at North East Point. There were no bidders and the *mise a prix* not covered; and the property was therefore adjudicated to the creditor, the Seychelles International Mercantile Banking Corporation Limited.
- [4] The biddings were then opened for the portions of land at La Misère. There were no bidders and the *mise a prix* not covered; and the property was therefore adjudicated to the creditor, the Seychelles International Mercantile Banking Corporation Limited
- [5] I therefore awarded the property to the Seychelles International Mercantile Banking Corporation Limited and ordered them to make all payments according to the conditions of sale which are fully set out in the memorandum of charges and which are binding to it.

Signed, dated and delivered at Ile du Port on 9 September 2019

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Twomey CJ

