

IN THE SUPREME COURT OF SEYCHELLES

Reportable
[2020] SCSC ... *404*
MC07/20

In the matter between

SONNY SIMEON & OR
(*rep. by Ms. Karen Domingue*)

APPLICANT

versus

MARIE-MAY SIMEON

DEFENDANT

Before: Twomey CJ
Heard: 1 July 2020
Delivered: 1 July 2020

ORDER

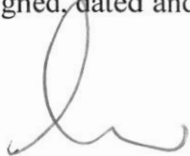
A writ *habere facias possessionem* is issued against the Respondent immediately and possession of Title H1714 is restored to the Applicants.

Twomey CJ


- [1] This is an application for a *writ habere facias possessionem* against the Respondent. The First Applicant who is the son of the Second Applicant the owners of H1714.
- [2] He avers in a supporting affidavit that the Respondent who is the sister and daughter respectfully of the First and Second Applicant has broken into the Second Applicant's house without permission and despite their requests has refused to vacate the same.
- [3] The Applicants aver and it is also the testimony of the First Applicant that despite seeking police assistance to remove the Respondent, the Respondent has refused to vacate their house. She is verbally abusive, intimidates and threatens the applicants with physical force.

- [4] The Applicants have further averred that they are in need of their home as they have no alternative accommodation and the Second Applicant is elderly and wishes to move into her home and live in peace. The Applicants have produced land registration documents to support their averments, they have also produced a letter sent to the Respondent to vacate their home. The Respondent was served with the application and has neither answered the application nor put up appearance in Court.
- [5] I am satisfied that the applicants are the usufructuary and bare owners of Title H1714, and that the Respondent has no right to reside in the house of the said Title.
- [6] For these reasons I order that a *writ habere facias possessionem* issue against the Respondent immediately and that possession of Title H1714 is restored to the Applicants.

Signed, dated and delivered at Ile du Port on 1 July 2020.



M Twomey CJ



Dr. Matt R. Twomey
Chief Justice
Supreme Court of Seychelles