

SUPREME COURT OF SEYCHELLES

Reportable

[2022] SCSC ...
CS 109/2021

In the exparte matter:

MARIE-MICHELLE HENRIETTE & ORS

(rep. by Mr. Brian Julie)

Plaintiffs

and

ROBERT JEAN

(unrepresented for Defendant)

Defendant

Neutral Citation: *Henriette & Ors vs Jean* (CS 109/2021) [2022] SCSC

Before: Vidot J

Heard: 06 September 2022

Delivered: 06 September 2022

JUDGMENT

Vidot J

- [1] The Plaintiffs who claim to be half-siblings aver that they are the children of Michel Terence Jean (hereinafter “the deceased”) who died intestate on the 01st October 2021 (Exhibit P1). The Defendant is the deceased’ brother. The plaint seeks to have them declared the children of the deceased and an order directing the Chief Civil Status Officer of the Civil Status Office to amend their birth certificates so that the deceased is registered as their father by inserting the deceased’ name therein.
- [2] The Defendant appeared in court and stated that he was not going to oppose the plaint as he acknowledges that to the best of his knowledge, the Plaintiffs are the deceased’ children. Therefore, the Court proceeded to hear the testimonies from the Plaintiffs only.

- [3] The first Plaintiff was born on 07th November 1996 as per her birth certificate (Exhibit P2). Her mother is Marie-Stella Henriette but there is no entry of anyone as father on the certificate. The second Plaintiff was born on 01st May 1996 as per birth certificate (Exhibit P1) and similarly to the first Plaintiff there is no entry recorded as father on his certificate.
- [4] The Defendant is the sole surviving heir of the deceased. Both the first and second plaintiff noted at some point in time their respective mothers lived in concubinage with the deceased.
- [5] Marie-Michelle Henriette testified that the deceased contributed towards her welfare, maintenance and education. She avers that throughout her life with the deceased at St. Louis. She adds that she never lived with her mother's side of the family and that actually she still resides with the father's side of the family. She in fact resides in the paternal grandfather's house.
- [6] The first Plaintiff also recognised that the second Plaintiff, Terence Nancy is also the child of the deceased as it was the latter who told her about it.
- [7] Marie-Michelle Henriette also adds that before his death, the deceased had started legal process to have her acknowledged as his daughter. In fact, the deceased told her that he was her father.
- [8] Terence Nancy too testified that the deceased contributed towards his maintenance and education when he was a child. At some point in time the deceased was in concubinage with his mother.
- [9] Having heard the testimonies of the Plaintiffs I am satisfied that they are the children of Michel Terence Jean. I therefore make the following orders.
- i. I declare the Plaintiffs, Terence Kerry Nicholas Nancy and Marie-Michelle Christine Angie Henriette the children of Michel Terence Jean, and

- ii. I direct the Chief Civil Status Officer to amend the birth certificates of the Plaintiffs by inserting the name of the deceased Terence Michel Jean as the father of the Plaintiffs on their respective birth certificates.

Signed, dated and delivered at Ile du Port on 06th September 2022

Vidot J

Judge of the Supreme Court