

**SUPREME COURT OF SEYCHELLES**

Reportable/ Not Reportable / Redact

[2023] SCSC .125

MA 71/2021

(Arising in MC 114/2020)

In the matter between

**TATIANA JOYCELINE PHARLA (formerly Vidot) Applicant**  
(rep. by Bernard Georges)

and

**SELBY JIM DANNY VIDOT & Ors**  
(unrepresented)

**Respondents**

**Neutral Citation:** *Pharla v Vidot & Ors* (MC114/2020) [2023] SCSC 125 (17 February 2023).

**Before:** Carolus J

**Summary:** Clarification of Ruling of 20<sup>th</sup> December 2021

**Delivered:** 17 February 2023

**RULING**

**E. CAROLUS J**

- [1] In terms of MC 114/2020 (“the Principal Petition”) the petitioner Tatiana Joyceline Pharla (formerly Vidot) seeks the division in kind of parcel C6455 of which she and the respondents to the petition are the registered co-owners.
- [2] Marie Antoinette Belle and Marie Julie Marlene Vidot filed a Notice of Motion (MA 71/2021) to intervene in MC 114/2020 against Tatiana Joyceline Pharla (formerly Vidot) as the 1<sup>st</sup> respondent and the respondents to the Principal Petition as the 2<sup>nd</sup> to 11<sup>th</sup> respondents.

- [3] In terms of its ruling of 20<sup>th</sup> December 2021, the Court found that the motion for intervention was not proper, as such procedure was intended to be used only in matters commenced by way of a plaint, whereas it was being used intervene in a matter commenced by Petition (for division in kind).
- [4] The Court however found that *“in terms of section 112 of the SCCP, ... the 2<sup>nd</sup> applicant Marie Julie Marlene Vidot and the other heirs of the deceased namely Marie Yvon Maxime Vidot, Petrina Marlene Belle, Don Dean Belle, Dina Doreen Belle and Bertine Louise Belle, who are entitled to a share of parcel C6455, ought to have been joined as respondents to the Principal Petition and that their presence is necessary in order for the court to decide on the said Petition effectively and completely”*. The Court went to add that *“before this is done they will need to be registered as co-owners of parcel C6455 and **must make the necessary application in that regard**”*. Emphasis added.
- [5] The Court held in relevant part, as follows:
- (35) *Accordingly, I hold that Marie Julie Marlene Vidot, Marie Yvon Maxime Vidot, Petrina Marlene Belle, Don Dean Belle, Dina Doreen Belle and Bertine Louise Belle, should be joined as respondents to the Principal Petition.*
- (36) *However, they must first be registered as co-owners of parcel C6455, and **must make the necessary application in that regard** forthwith. The Court will not condone any unnecessary delay in doing so.*
- (37) *Once they are registered as co-owners of parcel C6455, the 1<sup>st</sup> respondent/Petitioner in the Principal Petition for division in kind in MC 114/2020 shall amend the Petition to add them as respondents thereto, and serve them and the original respondents with the amended Petition with summons.*
- (38) *The Principal Petition is stayed until such time as the above is complied with.*


Emphasis added.

- [6] To date Marie Julie Marlene Vidot, Marie Yvon Maxime Vidot, Petrina Marlene Belle, Don Dean Belle, Dina Doreen Belle and Bertine Louise Belle, have not been registered as co-owners of parcel C6455. Mr. Elisabeth who was counsel for Marie Antoinette Belle and

Marie Julie Marlene Vidot in the motion has stated that the Land Registrar has stated that she cannot do so on the basis of this Court's ruling of 20<sup>th</sup> December 2021 as there was no order directing her to do so. In addition she cannot register the aforementioned persons as co-owners of parcel C6455 by way of an affidavit on transmission by death unless such affidavit is signed by all co-owners.

- [7] This Court's ruling of 20<sup>th</sup> December 2021 at para 36 clearly states that in order to be registered as co-owners of parcel C6455, Marie Julie Marlene Vidot, Marie Yvon Maxime Vidot, Petrina Marlene Belle, Don Dean Belle, Dina Doreen Belle and Bertine Louise Belle **must make the necessary application in that regard**. The Court's ruling only establishes that as heirs of the deceased they are entitled to a share of parcel C6455 and therefore have a right to be so registered, but the prescribed procedure must be followed before the Land Registrar can do so.
- [8] In the circumstances, I hold that the prescribed procedure must be followed for the registration of the aforementioned persons as co-owners. If they feel that the Land Registrar is unlawfully refusing to effect such registration, they can make the necessary application to the Court to resolve the matter.

Signed, dated and delivered at Ile du Port on 17<sup>th</sup> February 2023.



E. Carolus J