

SUPREME COURT OF SEYCHELLES

Reportable
[2021] SCSC 268
MC 28 of 2021

In the matter between:

DANIELLE ELCIA BRISTOL (BORN BONNE) **Petitioner**
(rep. by Alexandra Madeleine)

and

HIENA BONNE (BORN CONFIANCE) **Respondent**
(unrepresented)

Neutral Citation: *Bristol v Bonne* (MC 28/2021) [2021] SCSC 268 (31st May 2021).
Before: Pillay J
Summary: Interdiction
Heard: By way of affidavit
Delivered: 31st May 2021

ORDER

1. I hereby interdict the Respondent and appoint the Petitioner, Danielle Elcia Bristol Born Bonne, the daughter of the Respondent, as Guardian of the Respondent's person and property in accordance with Article 505 of the Civil Code.

2. This decree shall be served upon the Respondent and posted within 10 days on the notice boards of Court rooms and notarial offices as well as being published in the Gazette.

3. The Petitioner shall comply with all the duties and obligations of her role as guardian inclusive of and not limited to filing in the Registry of the Supreme Court an annual statement of the account of her management.

JUDGMENT

PILLAY J

[1] This is a Petition for Interdiction of Hiena Bonne (born Confiance) (hereinafter referred to as the “Respondent”) made under Article 490 of the Civil Code (Cap 33) which provides that:-

1. Proceedings for interdiction shall be entered in the Supreme Court and shall be commenced by Petition addressed to the Court.

....

[2] Article 489 of the Civil Code, provides that:-

“A person of full age who is habitually feeble minded, insane or a lunatic, shall be interdicted, even if he has lucid intervals”.

[3] The Petitioner filed an affidavit in support of the Petition averring that the Respondent is 87 years old and bedridden. She averred that the Respondent is the surviving spouse of the late Martial Augustin Bonne who died intestate on the 4th April 2020. The Respondent is the mother of eight children inclusive of the Petitioner namely:

- (1) Julien France Bonne – born on 15th March 1957*
- (2) Michelle Linda Dodin (born Bonne) – born on 29th September 1958*
- (3) Martial Fernand Bonne – born 31st July 1960*
- (4) Therese Nella Bonne – born 11th June 1962*
- (5) Georges Sandy Bonne – born 22nd January 1964*
- (6) Serge Norbert Bonne – born 23rd September 1965*
- (7) Marie-Celine Bonne – born 14th September 1967*
- (8) Danielle Elcia Bristol (born Bonne) – born 29th December 1973*

[4] She further averred that the Respondent has been diagnosed with dementia and in view of the Respondent’s advanced age and medical diagnosis the Respondent is incapable of performing her affairs and legal acts and thus is habitually feeble-minded.

[5] She averred that it would be in the Respondent’s best interest that she is interdicted and a guardian appointed for the Respondent and to administer and manage the Respondent’s affairs and property.

- [6] She averred that she is willing and able to be appointed guardian of the Respondent and to carry out the duties of guardian of the Respondent and is not subject to any legal incapacity to be appointed as guardian of the Respondent.
- [7] The Respondent's other children have given their written consent to the interdiction of the Respondent and to the Petitioner's appointment as guardian of the Respondent. She averred that it is urgent and necessary that the Respondent be interdicted and the Petitioner be appointed as guardian for the Respondent and to administer and manage the Respondent's affairs and property.
- [8] A medical report signed by Dr Rodriguez, a Neurologist at the Seychelles Hospital is attached concluding that the Respondent has dementia. The certificate of birth of the Petitioner, the certificate of birth of the Respondent, the certificate of marriage of the Respondent, the death certificate of the late Martial Augustin Bonne, the certificates of birth of the other 7 children of the Respondent as well as their written consent to the Petitioner being appointed the Respondent's guardian.
- [9] On the basis of the affidavit of the Petitioner as well as the medical report the Court is satisfied that the Respondent is suffering from dementia
- [10] I find that such medical condition necessitates that a guardian be appointed to manage and administer the Respondent's affairs.
- [11] I further find that the Petitioner is able and willing to be appointed as guardian and to carry out all the duties of a guardian to the Respondent and that the Petitioner is not subject to any legal incapacity to be appointed as such.
- [12] The Office of the Attorney-General was duly served with this process as Ministere Publique and there is no objection but expressed the opinion that the Court should set a period to review the improvement of the Respondent's condition as permitted under Article 512 of the Civil Code of Seychelles. As the Ministere Publique, the Attorney General, also submitted that the Petitioner be reminded of the strict conditions under the Civil Code of Seychelles in regards the administration of guardians.

[13] After considering the uncontroverted affidavit evidence adduced by the Petitioner and being satisfied that the Petitioner is a fit and proper person and not subject to any legal incapacity to be appointed as guardian of the Respondent the Petition is granted accordingly. It is noted that the Respondent is suffering from early onset of dementia. There is no indication that there will be a reversal of the diagnosis. I therefore decline to set a deadline to review the condition of the Respondent.

[14] I hereby make the following orders:

- (1) *I hereby interdict the Respondent and appoint the Petitioner, Danielle Elcia Bristol Born Bonne, the daughter of the Respondent, as Guardian of the Respondent's person and property in accordance with Article 505 of the Civil Code.*
- (2) *This decree shall be served upon the Respondent and posted within 10 days on the notice boards of Court rooms and notarial offices as well as being published in the Gazette.*
- (3) *The Petitioner shall comply with all the duties and obligations of her role as guardian inclusive of and not limited to filing in the Registry of the Supreme Court an annual statement of the account of her management.*

Signed, dated and delivered at Ile du Port on ... 3/8/21 May 2021

