

SUPREME COURT OF SEYCHELLES

Reportable
XP 27/2025

In the ex parte matter of:

KARIN AGNES BELMONT
Of
Beoliere, Mahe
Seychelles
(Self-represented)

Petitioner

Neutral Citation: *Ex Parte: Karin Belmont (XP 27/2025) (21 October 2025)*

Before: Adeline J

Summary: Declaration of a “qualifying relationship” by virtue of Section 260 read with Section 259 of the Civil Code of Seychelles Act, 2020.

Heard: 27 August 2025

Delivered: 21 October 2025

FINAL ORDER

I declare that the Petitioner has been in a “qualifying relationship” with the late Jude, Francois Lambert Leon up to his death on the 27th day of April 2023, at Victoria, Mahe, Seychelles.

JUDGMENT

Adeline, J

- [1] By way of an ex parte application dated 24th March 2025, filed in court on the same date, one Karin, Agnes, Belmont (“the Petitioner”), commenced legal proceedings in the Supreme Court, ex parte, praying for the following relief;

“... an order declaring her to have been in a “qualifying relationship” with the late Jude, Francois, Lambert, Leon.”

- [2] The Petitioner supports it's application with an affidavit sworn by herself, to which affidavit is exhibited a Certificate of Death of one Jude, Francois, Lambert Leon.
- [3] The fact that in its supporting affidavit to the petition the Petitioner, *inter alia*, avers that throughout the course of the relationship between her and the late Jude, Francois, Lambert, Leon the latter was still legally married to one Isabelle, Lianne Leon nee WayHive, the said Isabelle Lianne Leon nee Wayhive was served with notice to attend court as well as their daughter Judith Leon, to be heard on the application. Appearing in person in court and unrepresented legally, Isabelle, Lianne, Leon nee Wayhive, informed the court that, she does not object to the grant of the order sought for, whereas, Judith Leon failed to put appearance in court.
- [4] The late Jude, Francois Lambert Leon's two other children born outside marriage as a consequence out of different relationship, namely, one Sharon Roucou and Archille Henriette were also served with notice to appear in court to be heard on the application. Even if she was repeatedly told to seek legal advice, Sharon Roucou did not, and Archille Henriette failed to put appearance in court. The court proceeded to hear the petition ex parte.
- [5] At the hearing of the petition, ex parte, the Petitioner testified that, she has made this application to obtain a declaration from this court to the effect that she had been in a “qualifying relationship” with one Francois, Lambert, Leon up to his death on the 27th April 2023, exhibit P1. The Petitioner explained that, she has been in such a continuous domestic relationship for over 15 years, although while their relationship subsisted, the late Francois, Lambert Leon was still legally married to one Isabelle, Lianne, Leon, nee Wayhive from which marriage they have a daughter by the name of Judith Leon who is now Judith Leon Moumou having just got married.
- [6] It was the testimony of the Petitioner that, although the Respondent was still married to the said Isabelle, Wayhive, their marriage had irretrievably broken down and were living apart,

and she and the late Francois Lambert Leon were living in a concubinage relationship as husband and wife. The Petitioner also testified that, the late Francois, Lambert Leon has two other children, one Sharon Roucou and Archille Henriette.

[7] It was testified by the Petitioner, that she and the late Francois, Lambert, Leon have been living in cohabitation at Beoliere, Mahe since 2007. It was also the testimony of the Petitioner, that prior to his death, the late Francois, Lambert, Leon nominated her as the beneficiary of his pension and as a consequence, she is drawing a monthly pension paid to her by the Pension fund.

[8] The Petitioner testified, that at the time of his death, the late Francois, Lambert, Leon was the registered owner and proprietor of an undivided share in immoveable property registered as H5044, and an undivided half share in immovable property registered as parcel V1903, and a motor vehicle registered as S27163.

[9] The term “*qualifying relationship*” as a new legal concept, is a notion newly introduced in the Civil Code of Seychelles Act, 2020 (Act 1 of 2021) by virtue of Section 260 read with Section 259. Section 260 of the Civil Code of Seychelles Act provides for the meaning of “*a qualifying relationship*”. It reads as follows;

“260(1) In this Code, a qualifying relationship means either a marriage, or a domestic relationship between two persons of full age and capacity characterised by stability and continuity, and to which there is no legal impediment.”

[10] Section 259 (1) (a) of the Civil Code of Seychelles Act, 2020 provides for a minimum duration of such relationship for an equal ownership of property in equal share by each person during the relationship as of right. Section 259 (1) (a) is couched in the following terms;

“259 (1) (a) The parties to a qualifying relationship which has subsisted for at least seven years will, where the relationship ends inter vivos, share equally the property which has been acquired by each during the relationship in the context of the relationship, other than property acquired by one of the parties on succession or from a third party by way of a gift inter vivos or by will.”

- [11] On account of the evidence led before this court at the hearing of this application, ex parte, I am satisfied, that the Petitioner and the late Jude, Francois, Lambert, Leon who passed away on the 27th April 2023, have had a stable and continuous domestic relationship for almost 15 years to the date of death.
- [12] I am equally satisfied, that these facts are not in dispute and are not being contested given that his other heirs do not object to the grant of the application declaring the Petitioner to have been in a “qualifying relationship” with the late Jude, Francois, Lambert, Leon.
- [13] Therefore, for the reasons discussed in the preceding paragraphs of this judgment, I hereby declare that, the Petitioner, Karin, Agnes, Belmont of Beolier, Mahe Seychelles has been in a qualifying relationship with one Jude Francois, Lambert, Leon, deceased, in terms of Section 260 (1) read with Section 259 (1) (a) of the Civil Code of Seychelles Act, 2020.

Signed, dated and delivered at Ile du Port 21st October 2025.

