SUPREME COURT OF SEYCHELLES

Reportable

[2026]

CS38/2026

In the matter between:

MONA MARCELINE SULTAN **Plaintiff**
(rep. by Nissa Thompson)

and

MADELEINE SULTAN **1st Defendant**
(unrepresented)

PASCAL ESTELLIEN CHARLIE JEAN **2nd Defendant**
(unrepresented)

Neutral Citation: *Sultan v Sultan & Anor* (CS38 of 2026) [2026] (15 July 2026)
Before: Carolus J
Summary: Action en Recherche de Paternité
Heard: 15 July 2026
Delivered: 15th July 2026

ORDER

1. I declare that the late Joachim Bertie Jean (bearer of NIN 927-0036-4-1-55) is the biological father of the plaintiff Mona Marceline Sultan (bearer of NIN 967-0084-1-0-84) born on 11th January 1967.

2. The Chief Officer of the Civil Status is directed to rectify the Act of Birth of the said Mona Marceline Sultan by entering therein the name Joachim Bertie Jean as their father's name.

3. A copy of this judgment is to be served on the Chief Officer of the Civil Status.

JUDGMENT

CAROLUS J

[1] This judgment arises from an *action en recherche de paternité* filed by the plaintiff who seeks the following orders from this Court:

i. To declare the plaintiff Mona Marceline Sultan, bearer of Seychelles National Identity Number: 967-0084-1-0-84 as the daughter of Joachim Bertie Jean, bearer of Seychelles National Identity Number: 927-0036-4-1-55;

ii. To order the Chief Civil Status Officer to amend the Plaintiff's birth entry in the Birth Register henceforth and to add Joachim Bertie Jean as father's name on the Plaintiff's birth certificate.

[2] The defendants both appeared before the Court and admitted the plaintiffs' claim.

[3] Thereafter the Court heard the plaintiff, who essentially confirmed on oath her averments in the plaint, namely that the first defendant is her mother and that the late Joachim Bertie Jean is her biological father; that the said Joachim Bertie Jean was in a longstanding relationship with the first defendant since around 1962 until his death on 3rd August 1997, during which time they lived together although they never married; that the plaintiff was born during the subsistence of the relationship of the said Joachim Bertie Jean and the first defendant on 11th January 1967; that the said Joachim Bertie Jean treated and acknowledged the plaintiff as his daughter during his lifetime, took care of her, provided for her education, maintenance and start in life, maintained a father and daughter relationship with her and baptised her, notwithstanding that he never formally acknowledged her as his daughter, the reason being that at the time he did not see the need for the same; and that hence the plaintiff's birth certificate does not disclose her father's name and only the name of her mother the first defendant, appears thereon.

[4] The plaintiff also confirmed that the 2nd defendant who is Joachim Bertie Jean's 1st cousin is her sole surviving relative on the paternal side known to her, who can confirm that Joachim Bertie Jean acknowledged and treated the plaintiff as his daughter, that they lived in the same household and that he took care of her.

[5] The plaintiff further confirmed that her baptism records dated 3rd February 1967 identify Bertie Jean as her father and the 1st defendant as her mother. She explained that her father's full name was not entered in the record as he was commonly known as Bertie Jean which was the name that he commonly used and was thus entered in the baptism records.

[6] She testified that she has filed the present case for her to be declared as the child of the late Joachim Bertie Jean to enable her to make claims in respect of property which belonged to him.

[7] The plaintiff produced the following documents in support of her claim:

(a) Exhibit P1 - Birth Certificate of Mona Marceline Sultan (bearer of NIN 967-0084-1-0-84) showing that she was born on 11th January 1967 and that her mother's name is Madeleine Sultan;
(b) Exhibit P2 - Death Certificate of Joachim Bertie Jean showing that he died on 3rd August 1997;
(c) Exhibit P3 - Birth Certificate of Joachim Bertie Jean (bearer of NIN 927-0036-4-1-55) showing that he was born on 4th December 1927; and
(d) Exhibit P4 – A *"Livret du paroissien"* issued by the *"Diocèse de Port-Victoria, Paroisse Sainte Thérèse, Plaisance – Mahe"* which contains the baptism and confirmation records of Mona Marceline Sultan born on 11th January 1967. In the *"Informations Personelles"* her father's name is entered as Bertie Jean and her mother's name as Madeleine Sultan.

[8] Proof of the descent of a child and of parenthood is dealt with in the Civil Code of Seychelles Act, 2020. Article 373 of that Act provides as follows –

373. Proof of parenthood, maternal and paternal, may be established by all relevant facts or by possession of status (possession d'état).

[9] Article 376 provides –

376.(1) The descent of children shall be proved by their acts (actes) of birth.

(2). In the absence of an act of birth, the possession of status (possession d'état) of the child is sufficient.

[10] Article 377 contains provisions setting out the circumstances in which possession of status (referred to in Articles 373 and 376 above) may be established. It reads as follows:

377. (1) Possession of status (possession d'état) may be established when there is a sufficient coincidence of facts indicating the relationship of descent and parenthood between a person and the family to which the person claims to belong.

(2) The principal facts are—

(a) That that person has always borne the name of the parent whose child he or she claims to be;

(b) That the parent has been treating him or her as his child and that, in his capacity as parent, he has provided for his or her education, maintenance and start in life;

(c) That he or she has always been recognised in society as a child of that parent;

(d) That he or she has been recognised as such by the family.

[11] Articles 378 and 379 further provide:

378.(1) No one may claim a status contrary to that which the act of birth (acte) confers or to the possession of status (possession d'état) corresponding to that act.

(2) No one may contest the status of a person stated on the act of birth.

379.(1) In the absence of an act (acte) of birth and possession of status (possession d'état), or if the child is registered under false names or as a child of unknown parents, proof of descent may be adduced by oral evidence.

(2) Such evidence shall not be admissible unless there is writing providing initial proof or unless the presumptions or identifications arising from later facts of a permanent character are sufficiently strong to warrant acceptance.

(3) The writing providing initial proof may consist of family documents of title, registers and family papers of the father or mother, or public documents or private documents emanating from one of the parties, or from a deceased party who if alive would have had an interest therein.

(4) Proof that the claimant is not the child of the person who claims to be his or her parent may be adduced by all means.

[12] Article 381(1) further provides for the right to bring an action to prove parental descent as follows:

381. (1) The right to prove parental descent is for the benefit for the child alone.

[13] In light of the evidence adduced by the plaintiff, and given that the defendants have admitted to the plaint, I am satisfied on a balance of probabilities that the plaintiff has established that she is the daughter of the late Joachim Bertie Jean in accordance with the aforementioned provisions.

[14] Accordingly I declare that the late Joachim Bertie Jean (bearer of NIN 927-0036-4-1-55) is the biological father of the plaintiff Mona Marceline Sultan (bearer of NIN 967-0084-1-0-84) born on 11th January 1967 and I make the following Orders –

(a) The Chief Officer of Civil Status is directed to rectify the Act of Birth of Mona Marceline Sultan abovementioned, by entering in the said Act of Birth the name Joachim Bertie Jean as her father's name.

(b) A copy of this judgment is to be served on the Chief Officer of the Civil Status.

Signed, dated and delivered at Ile du Port Victoria on 15th July 2026.

Carolus J