SUPREME COURT OF SEYCHELLES

Reportable

[2026]

CS49/2026

In the matter between:

NEILDY LESPERANCE **Plaintiff**
(rep. by Shireen Perreau)

and

ASHLEY ADELA
representing minor child Emerly Leeah Lesperance **Defendant**
(unrepresented)

Neutral Citation: *Lesperance v Adela* (CS49/2026) [2026] (15 July 2026)
Before: Carolus J
Summary: Action en Desaveu de Paternité
Heard: 15 July 2026
Delivered: 15th July 2026

ORDER

1. I declare that Neildy Paul Emmanuel Lesperance is not the biological father of Emerly Leeah Lesperance (bearer of NIN 024-0608-1-0-57).

2. The Chief Officer of the Civil Status is directed to –

   (a) remove the name Neildy Paul Emmanuel Lesperance as the father's name in the Act of Birth and Certificate of Birth of of Emerly Leeah Lesperance born on 24th May 2024;

   (b) enter the surname of Emerly Leeah Lesperance in her Act of Birth and Certificate of Birth as Adela instead of Lesperance;

(c) make the appropriate entries in the relevant registers to reflect the declaration at paragraph 1. above.

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 desaveu de paternité* filed by the plaintiff who seeks the following orders from this Court:

i. A declaration that the Plaintiff is not the biological father of the minor child, Emerly Leeah Lesperance;
ii. An order directing the Chief Civil Status Officer to rectify and/or amend the Act of Birth of the minor child by removing the Plaintiff as father;
iii. An order directing the Chief Civil Status Officer to amend the surname of the minor child from Lesperance to Adela the surname of the mother;
iv. Such further and/or other relief as this Honourable Court deems fit.

[2] The defendant appeared before the Court and admitted the plaintiff's claim.

[3] Thereafter the Court heard the plaintiff, who essentially confirmed on oath his averments in the plaint, namely that he is registered as the father of a minor child Emerly Leeah Lesperance and that the defendant is the mother of the child; that the plaintiff and the defendant were in a relationship from 2023 to 2024, during which time the defendant became pregnant and gave birth to the minor child Emerly Leeah Lesperance on 24th May 2024; and that the plaintiff declared the child as his child, as a consequence of which he was registered as the child's father on the child's Act of Birth and the child bears his surname "Lesperance". The plaintiff however confirmed that he is not the biological father of the child as confirmed by a DNA test.

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

(a) Exhibit P1 - Birth Certificate of Emerly Leeah Lesperance (bearer of NIN 024-0608-1-0-57) showing that she was born on 24th May 2024, that her mother's name is

Ashlee Jilian Hazel Adela and that her father's name is Neildy Paul Emmanuel Lesperance;

(b) Exhibit P2 – A Report dated 6th February 2026 containing the results of a DNA paternity test issued by Molecular Diagnostic Services (Pty) Ltd in South Africa. The result is that *"The profile for Neildy Paul Emmanuel Lesperance does not match the profile for Emerly Leeah at two or more Loci and has a Probability of Paternity below the exclusion threshold, therefore Neildy Paul Emmanuel Lesperance is excluded from being the biological father of Emerly Leeah"*.

[5] Article 376(1) of the Civil Code of Seychelles Act, 2020 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.

[6] Article 378 provides:

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.

[7] Article 375(1) further provides:

375.(1) A person may prove all the facts tending to show that he or she is not the parent of the child.

[8] On the strength of the evidence adduced by the plaintiff in particular the DNA evidence excluding him as the father of the minor child, and given that the defendant has admitted to the plaint, I am satisfied that the plaintiff has established on a balance of probabilities that he is not the biological father of the minor child.

[9] Accordingly, I declare that Neildy Paul Emmanuel Lesperance is not the biological father of Emerly Leeah Lesperance (bearer of NIN 024-0608-1-0-57), and make the following Orders:

(a) The Chief Officer of the Civil Status is directed to -

(i) remove the name Neildy Paul Emmanuel Lesperance as the father's name in the Act of Birth and Certificate of Birth of Emerly Leeah Lesperance born on 24th May 2024;

(ii) enter the surname of Emerly Leeah Lesperance in her Act of Birth and Certificate of Birth as Adela instead of Lesperance;

(iii) make the appropriate entries in the relevant registers to reflect the declaration in this paragraph [9].

(b) A Copy of this Order 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