

IN THE SUPREME COURT OF SEYCHELLES

CLAUDE THOM

Plaintiff

VS.

OGILVY BERLOUIS

Defendant

Civil Side 368 of 2006

Mr. F. Ally for the Applicant

ORDER

ON INTERLOCUTORY MANDATORY INJUNCTION

Gaswaga, J

This is an application for Interlocutory Mandatory Injunction.

The Applicant has deposed in the affidavit in support that in the main suit CS. No. 368 of 2006 pending before the Supreme Court he is claiming ownership of the motor vehicle bearing registration No. S. 10047 (the subject matter herein) and an order for the Respondent/Defendant to register the vehicle in the Applicant's names by executing and completing the necessary documents at the Seychelles Licensing Authority. It was further deponed that ever since the vehicle was purchased until now it has been in his possession, custody and control and that he has the sole use and enjoyment of the vehicle. That the vehicle's insurance policy and road fund license have expired and need to be renewed for him to continue using and enjoying it otherwise he will suffer loss and damage in that the vehicle

will depreciate.

The Seychelles Licensing Authority and the State Assurance Company Ltd (insurers) have refused to renew the license and policy respectively unless the Respondent gives his consent. The Respondent was duly served with this application on the 8th November, 2006 at Aarti Chambers but did not attend Court nor file any response (or objection) to the same and the Applicant's counsel moved the Court to grant the prayers therein.

Being satisfied, from the unconverted evidence on record, of the urgency and need for the Applicant to renew the insurance policy and the road fund license and continue enjoying the use of the said motor vehicle to avoid loss, damage and the depreciation thereof, I grant the application and order that:-

- i. The Respondent gives his consent to the Seychelles Licensing Authority to the renewal of the road fund license of motor vehicle registration No. S10047 ("the vehicle") and to the insurer of the vehicle to the renewal of the vehicle's insurance policy or such other insurance company to insure the vehicle.

SHOULD IT BE IMPRACTICABLE, FOR ONE REASON OR ANOTHER, FOR THE CONSENT TO BE OBTAINED WITHIN TWO WEEKS HEREOF, THEN:-

- ii. The Seychelles Licensing Authority and the insurers of the vehicle are by THIS ORDER TO DISPENSE WITH THE CONSENT of the Respondent for the renewal of the road fund license and the insurance policy of the vehicle.

This interlocutory injunction is issued at the peril and risk of the Applicant and is to remain in force until further or otherwise ordered by the Court. Notice is to be given to all parties and the matter should be made returnable on **Tuesday 30th**

January, 2007 at 10.30am

I so order.

D. GASWAGA

JUDGE

Dated this day of November, 2006.