

IN THE SUPREME COURT OF SEYCHELLES

THERESE REOLON

Applicant

VS.

1. GIOVEN YOCETTE

Respondents

WINSLEY MOREL

Civil Side No. 55 of 2007

Mr. Belle for the Applicant

ORDER

**On the application for a provisional order of attachment under Section 280 of
the Seychelles Code of Civil Procedure, Cap 213**

Gaswaga, J

This is an application for a provisional seizure of a motor vehicle Daihatsu Terios S990 belonging to the Respondents/Defendants herein. The application has been made by way of a petition supported by affidavit and a copy of the plaint already on record among other documents. The principles to be followed were enunciated in **Union Estate Management Pty Ltd vs. Herbert Mittermayer (1979) SLA 140** thus the Court must be satisfied that the Plaintiff has filed a claim against the defendant and that the claim is bonafide. The Plaintiff must therefore disclose a prima facie case.

In this case the Applicant has filed a plaint against the Defendants at the registry of

the Supreme Court bearing case no CS. No. 55 of 2007 and caused notice to be served on the Defendants. It is disclosed therein that by a written agreement dated the 18th January, 2006 the Defendants agreed to build a house for the Plaintiff at the cost of SR 592, 000/- whereupon the Plaintiff made a total payment of SR 415, 000/- towards the said amount. Receipts acknowledging the receipt of this sum are attached on the application. It is averred that contrary to the said agreement the house was not completed in the stipulated six months and to date only the foundation has been partly laid with numerous cracks and structural defects and four layers of bricks. The Plaintiff is now claiming reimbursement of monies deposited, moral damages and cost of the suit from the Defendants jointly and severally.

Being satisfied that the Plaintiff has a bonafide claim, I direct that motor vehicle Daihatsu Terios S990 belonging to the Respondents/Defendants be provisionally seized by a Process Server of this Court until final disposal of the case by the Court.

The Respondents shall, however have the right to use the vehicle. They shall not sell, mortgage, pledge or otherwise dispose of the ownership of the vehicle without an order of this Court. This order is issued at the peril of the Plaintiff.

The Director of the Seychelles Licensing Authority is to be informed of this order.

D. GASWAGA

JUDGE

Dated this 30th day of March, 2007.