

**IN THE SUPREME COURT OF SEYCHELLES**

**BETWEEN:**

MICHEL BENOIT

Plaintiff

**VS.**

**INTERIOR & CONSTRUCTION**

**1<sup>st</sup>**

**Defendant**

**DESIGN (PTY) LTD**

**AND**

**SARAH SABADIN**

**2<sup>nd</sup>**

**Defendant**

Civil Side No. 146 of 2007

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Mr. C. Lucas for the Plaintiff

Mr. Derjacques for the Defendant

**ORDER**

**Gaswaga, J**

This court has considered the motion by the Applicants/Defendants herein to vary, amend, rescind or void the exparte order of 29<sup>th</sup> August, 2007. I have also heard the arguments by both counsel on the matter. It is to be noted, as clearly deponed in the

supporting affidavit, that at the Mauritius Commercial Bank (Seychelles) Ltd the Applicant/Defendant was operating an overdraft facility amounting to SR. 205, 330.85, which facility has now been stopped due to the court order thereby causing prejudice to the operations of the company as well as the financial transactions of the second Applicant/Defendant

Further, the said order has never been satisfied as there are no funds at all on the account seized. A Court of law cannot act in vain. I am therefore in agreement with Mr. Derjacques that the continued existence of the said order only stifles the Applicants'/Defendants' business transactions and caused unnecessary or considerable hardship which is against the spirit of the law given that no money can be seized to satisfy the Court order.

For the above reasons, it is only fair and prudent that the motion is granted and that order vacated.

This order is to be served on the Mauritius Commercial Bank (Seychelles) Ltd and Mr. C. Lucas counsel for the Plaintiff/Respondent.

I so order.

**D .GASWAGA**

**JUDGE**

Dated this 6<sup>th</sup> February, 2008.