

IN THE SUPREME COURT OF SEYCHELLES**EX PARTE: ROBERT RENAUD****Civil Side No. 147 of 2009**

Mr G. Ferley for the Plaintiff

RULING**Burhan J**

I have considered the exparte application made by way of motion and affidavit by the applicant requesting court to grant an order preventing one Gilbert Kilindo of Point Larue from leaving the jurisdiction of Seychelles. Learned counsel in his application relied on the case of ***Government of Seychelles vs. Shivkrishnasingh Ramrushaya (Cv225 of 2003)***.

On considering the submission made by learned counsel, it is clear that the said Gilbert Kilindo against whom the order is sought, is not a judgment debtor nor has a civil plaint been filed against him up-to-date in respect of the monies owed to the applicant.

In the case relied upon by counsel the Government of Seychelles had filed a plaint against the Respondent concerned. Court issued an injunction on the grounds that if the Respondent left Seychelles there would be a financial loss to the Government of

Seychelles. It further held that the preservation of public funds was valid reason to limit the fundamental right of freedom of movement within the spirit of derogation contained in Article 25(3) of the Constitution of the Republic of Seychelles. In this case no plaint has been filed and on considering the grounds urged by learned counsel, they do not fall within the permitted derogation listed in Article 25(3) of the Constitution. As such the application of learned counsel is declined.

M.N. BURHAN

JUDGE

Dated this 12th day of August, 2009.