

IN THE SUPREME COURT OF SEYCHELLES

Don Ponan
Plaintiff/Petitioner

Of Port Glaud, Mahe
Vs

Hilda Christine Branda Chetty
Of Union Vale, Mahe
Defendant/Respondent

M. C No: 12 of 2012

-----Ex Parte

Mr. J. Camille for the Plaintiff/Petitioner

D. KARUNAKARAN, J.

ORDER

This is an application filed by the plaintiff under Section 280 of the Seychelles Code of Civil Procedure. In this application, the plaintiff seeks this court for an order to attach provisionally the monies belonging to the defendant, which are in the hands of third parties.

By a plaint dated 27th February 2012, the Plaintiff has commenced the suit in **M. C No: 12 of 2012** for a judgment against the defendant in the sum of **Rs 4,404,000/-** towards loss and damage the plaintiff suffered as a result of a breach of contract by the defendant. The suit is still pending before the court for determination. Having thus commenced the suit, the plaintiff fears that the defendant may dispose of her assets and moneys in the bank accounts at any time before the determination of the suit, depriving the plaintiffs from realizing the fruits of the judgment the court may give in his favour. Hence, the plaintiff has now come before this court for an urgent order attaching any money/s to the extent of **Rs 4,404,000/-** belonging to the defendant with or due from third party namely, **Nouvobanq of Seychelles, State House Avenue, Victoria** pending final determination of the suit.

Upon a careful perusal of the plaint, the petition, the affidavit of facts filed in support, I am satisfied that the Plaintiff has a *bona fide* claim against the defendant in this suit. From the averments on record, it appears that there is a clear danger that the defendant may avoid satisfaction of judgment, if given for the plaintiffs. I reasonably believe that unless an order of provisional attachment is granted, the plaintiff would not be able to realise the fruits of the judgment, if given in his favour in the original suit. Furthermore, I find that it is an appropriate case, where the court should make an urgent *ex parte* order of provisional attachment of the monies belonging to the defendant, in the interest of justice. **See, Mareva Compania Naviera SA V. International Bulkcarriers SA [1980] 1All E. R at p 215.**

In view of all the above, I hereby make an order attaching provisionally any money/all the monies to the extent of **Rs 4,404,000/-** due to or belonging to the defendant, which is/are in the hands of/due to or belonging to the defendant, with or due from

Nouvobanq of Seychelles, State House Avenue, Victoria, Mahé, Seychelles.

The above order for provisional attachment is made pending the final determination of the suit MC No. 12 of 2012 in this matter or until further order of this court.

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D. Karunakaran

Judge

Dated this 19th day of March 2012

Further order

In pursuance of the above order, I direct the Registrar of the Supreme Court to issue the warrants for the provisional attachment of the monies accordingly. A copy of the order made herein to be served on the defendant along with a copy of the petition.

Mention (First Time) on 30th March 2012 at 9 am. Summons to be served on the defendant along with a copy of the plaint.

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D. Karunakaran

Judge

Dated this 19th day of March 2012