

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: MA 186/2014
(arising in MC 12/2012)

[2014] SCSC 261

DAN PONAN

Applicant
versus

HILDA CHRISTINE BRENDA CHETTY

Respondent

Heard: 17 July 2014
Counsel: Mr. J. Camille for applicant
Mr. N. Gabriel for respondent
Delivered: 17 July 2014

ORDER ON PETITION

Karunakaran J

[1] This is an application for an order of validation of the provisional attachment made by this Court in *Miscellaneous Cause No. 12 of 2012*. Pursuance of an order of this Court dated the 19th of March 2013 a provisional attachment of any money or all the monies to the extent of Rs.4,404,000/- due to or belonging to the judgment debtor which were or are in the hands of Nouvobanq Seychelles, state House Avenue, Victoria, Mahe, Seychelles.

- [2] On the 6th of June 2014 the Court entered judgment in favour of the plaintiff directing the defendant to pay the sum of Rs.4,354,000/- plus damages in the sum of Rs.50,000/-, totalling Rs.4,404,000/- plus costs and interest.
- [3] Upon the evidence adduced by the official from the Nouvobanq, I am satisfied that the judgment creditor is the lawful owner of the sum which remains in the savings bank account no. 01201011645009. According, I hereby validate the provisional attachment order in this matter and direct the Bank to pay the said sum namely, the balance which remains in the defendant's account, Rs.2,529,026.04/- to the judgment creditor namely, Dan Ponan of Port Glaud, Mahe, Seychelles.
- [4] This sum will be paid towards part satisfaction of the judgment debt the defendant owes to the plaintiff in this matter.
- [5] For the avoidance of doubt for the balance, the judgment creditor is at liberty to execute the judgment against the judgment debtor. According I direct the bank to either transfer these funds to the account of the judgment creditor, Dan Ponan, or give a banker's cheque in favour of the judgment creditor in this matter.
- [6] Further, I direct the Registrar of the Supreme Court to serve a copy of this order on the Manager of the Nouvobanq at the earliest.

Signed, dated and delivered at Ile du Port on 17 July 2014

D Karunakaran
Judge of the Supreme Court