

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: MA 189/2014
(arising in CS 41/2014)

[2014] SCSC 303

IAN DAVIDSON & ORS
Petitioners

versus

CERF & SURF PROPERTIES LIMITED

Respondent

Heard: 5 August 2014

Counsel: Mr. Pardiwalla Attorney at Law for petitioners

Mr. B. Georges Attorney at Law for respondent

Delivered: 5 August 2014

RULING ON APPLICATION

Karunakaran J

[1] This ruling relates to the application made by the defendant in *Civil Side 41 of 2014* dated the 30th of June 2014, wherein the defendant seeks leave of this Court to issue third party notice.

[2] I carefully perused the affidavit filed in support on this application in the light of the submissions made by learned counsel Mr. Georges. Having given diligent consideration to the submission and the authority cited by Mr. Bernard Georges, I am satisfied that leave ought to be granted to issue third party notice in this matter. First of all, I believe it is just and necessary that such notice ought to be issued to third parties, in order to enable the Court effectively and completely adjudicate upon and settle all the questions involved in the cause or matter. Further, I am satisfied that in terms of Section 4 of the Courts Act this Court may exercise all the powers and functions of the High Court of England in matters of this nature, particularly invoking Order 16 as found in the Old White Book, to issue third party-notice.

[3] In these circumstances, I direct the Registrar of the Supreme Court to issue notice to the third parties namely;-

(1) Sea Fever Charter , of Providence, Mahe; and

(2) Mr. Dominique Marie, of Bel Ombre, Mahe.

[4] The case is to be mentioned on the 1st of October 2014 at 10 a.m.

[5] The dates be filled in the third party notice submitted by the defendant and accordingly be served on both third parties hereinbefore mentioned.

Signed, dated and delivered at Ile du Port on 5 August 2014

D Karunakaran
Judge of the Supreme Court