

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: MA 43/2015
(arising in CS 178/2008)

[2015] SCSC 53

MOONIRA MERALI
AZMINA MERALI
LAILA MERALI
Petitioners

versus

MRS. MIREILLE ROLANDE COLMAN-MERALI

Respondent

Heard: 4 March 2015
Counsel: Mr. K. B. Shah for petitioners
Respondent – Not Available

Delivered: 4 March 2015

ORDER ON MOTION

D. Karunakaran, Ag Chief Justice

[1] This order relates to the motion filed by the Petitioners in *CS 178 of 2008*. First of all, for the reasons stated in the accompanying affidavit filed in support of the motion, I find it just and necessary that an urgent ex-parte order should be made to protect the assets

belonging to the legal heirs to the estate of the deceased Merali. I make this order in the interest of justice in exercise of the equitable powers conferred by Section 6 of the Courts Act and in the light of the Marieva Injunction Principles.

[2] Having given careful thought to the entire circumstances of the case and on the strength of the reason stated in the affidavit I hereby make the following orders:-

(i) I hereby confirm the injunction issued by this Court on the 8th of August 2008 in *CS 178 of 2008* which directed Mrs. Mireille Rolande Colman-Merali of Roche Boise, Anse Volbert, Praslin not to make any transfer of the funds held in the bank accounts belonging to the estate of the deceased R. Merali;

(ii) In pursuance of the said injunction order, I hereby make further order that BNP Paribas Fortis transfers the sum of Euros 1,388,667.82 to the executrix account held by Notary Carl Ockerman in Brussels for the account of the succession of R. Merali which sum is to be debited from Mrs. Mireille Rolande Colman-Merali's bank accounts in Belgium, (more fully set out in the schedule hereunder) and the balance to remain frozen until further order of this Court.

[3] In the interest of justice, I direct the Registrar of the Supreme Court to serve a copy of this order on Mrs. Mireille Rolande Colman-Merali of Roche Boise, Anse Volbert, Praslin at the earliest.

[4] Orders made accordingly.

Signed, dated and delivered at Ile du Port on 4 March 2015

D Karunakaran
Acting Chief Justice

Enclosed: Schedule

SCHEDULE

BANK ACCOUNTS IN BELGIUM

S A BNP Paribas Fortis
1000 Bruxells
Montagne du Parc 3
Contracts No : GES 3033025S
GES 3053550D

In the name of Mrs. Mireille Colman

Bank A/C No: 001 5521303-42
Bank A/C No: 001 556745-15
Bank A/C No: 035 7777632-19
Bank A/C No: 013 1563732-13
Bank A/C No: 001 5520303-42 USD
Bank A/C No: 001 5521303-42 EU

Bank A/C No: 001 5734770-12
Bank A/C No: 001 5532676-66
Bank A/C No: 001 5774759-37
Bank A/C No: 035 5914666-35
Bank A/C No: 035 6941243-61
Bank A/C No: 013 0039503-42
Bank A/C No: 047 0782184-56
Bank A/C No: 047 0894657-09
Bank A/C No: 013 0038785-03
Bank A/C No: 035 5403347-03

Signed, dated and delivered at Ile du Port on 4th March 2015

D. Karunakaran
Acting Chief Justice