

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: CA13/2017

[2017] SCSC487

MANETTE JEANNE

Appellant

versus

EDDY LOZAIQUE

Respondent

Heard: 26 May 2017
Counsel: Mr Elvis Chetty for appellant
Miss Karen Domingue for respondent

Delivered: 26 May 2017

ORDER

R. Govinden, J

- [1] Miss Domingue for the Respondent applied for the court to dismiss this appeal on the basis that leave application to appeal in an interlocutory matter has been filed by the Appellant in Judgment in pursuant to Section 43(2) of the Court's Act.
- [2] Mr Chetty applies for time for leave to be given to him for him to file his papers, motion applying for leave.

- [3] This Court is of the view that 43(2) of the Court's Act is not applicable in this matter it applies to a Court either the Magistrates Court appeal to the Supreme Court or the Supreme Court appeal to the Court of Appeal. We are now in a very special case we are now in a case involving a minor before the Family Tribunal in which his interest is at stake and a special procedure and law for that.
- [4] According to the Children's Act any party present before the Family Tribunal who stands affected any order of the Family Tribunal can appeal pursuant to Section 78(B) of the Children's Act to this Court and the Appellant has so exercises her right.
- [5] I will accordingly rule that the requirement of leave is not applicable. This matter has been fixed for hearing, I am aware that it's a case in which there's a provisional order on file before the Family Tribunal. And every day, and every seconds that passes it doesn't help any party in this case, even it doesn't help this Court. Especially given that there is no stay application before the Court in respect of that Family Tribunal Order.

Signed, dated and delivered at Ile du Port on 26 May 2017

R. Govinden, J
Judge of the Supreme Court