

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: MA304/2017

(arising in CC3/2012)

[2018]SCSC 67

ZARINE DHANJEE
JUDGMENT CREDITOR

Applicant

Versus

BHARTI DHANJEE
JUDGMENT DEBTOR

First Respondent

SACOS COMPANY LIMITED

Second Respondent

BANK OF BARODA
(THIRD PARTY)

Third Respondent

Heard

Counsel: Mr. Rajasundaram for Applicant
Miss Pool for First Respondent
Unrepresented/absent representative of Second Respondent
Mr. Shah for Third Respondent

Delivered: 17 January 2018

ORDER ON MOTION

F. ROBINSON, J

- [1] This is the second application made by Applicant, acting as the executrix of the estate of the late Rajnikant Vadilal Dhanjee, the judgment creditor, to "revalidate" the order of attachment of money belonging to her judgment debtor, Bharti Dhanjee, acting as the fiduciary of the co-ownership between the heirs of the estate of the late Vadilal Dhanjee, the judgment debtor, dated 20 March, 2017. First and Third Respondents resist the application.
- [2] In relation to the first application, after having examined the representative of the Bank of Baroda and Applicant, the court ordered the release of the money from attachment because it was not satisfied that the money attached belonged to the judgment debtor.
- [3] First and Third Respondents, through learned Counsel contended in their reply that the application does not meet the requirements of sections 247 and 248 of the Seychelles Code of Civil Procedure. Sections 247 and 248 of the Seychelles Code of Civil Procedure provides —

"247. A judgment creditor may apply for an order of attachment (opposition) of any money or movable property due to or belonging to his judgment debtor in the hands of any third person and the Registrar on receipt of such application shall issue an order prohibiting the person in whose hands such money or other movable property is from paying such money or delivering such property to any other person pending the further order of the court.

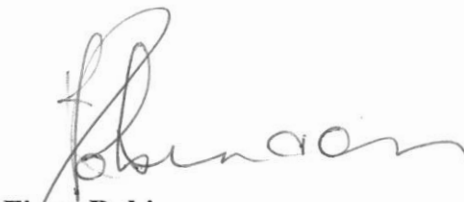
248. Within fifteen days from the date of the issue of the order of attachment, the judgment creditor shall apply to the court to validate the same and the Registrar shall thereupon summon the judgment debtor to appear before the court on such day as shall be fixed by the summons to show cause why such money should not be

paid to the judgment creditor, or why such other movable property should not be seized and sold in execution of the judgment.

The third party in whose hands such money or other movable property has been attached shall be summoned to appear at the same time to state what money or other movable property belonging to the judgment debtor is in his hands."

- [4] Having considered the application, the court is satisfied that it does not meet the requirements of sections 247 and 248 of the Seychelles Code of Civil Procedure.
- [5] For the reason given above, the court dismisses the application with costs.

Signed, dated and delivered at Ile du Port on 17 January, 2018.



Fiona Robinson
Judge of the Supreme Court