

**IN THE SUPREME COURT OF SEYCHELLES**

**Civil Side: MA 75/2018**  
**(arising in CS 40/2018)**

**[2018] SCSC 309**

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**EX PARTE**

**DYER ENTERPRISE (PTY) LTD**

(Rep. by its Director Collin Dyer)

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Heard:

Counsel: Ms. Benoiton for Applicant

Delivered: 29 March 2018

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**ORDER ON MOTION**

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**L. Pillay, J**

[1] The Applicant seeks an order from this Court as follows:

- (i) prohibiting the Defendant in the main suit and/or her agents captain representatives and/or third parties from removing the vessel M/Y SEA LEOPARD from its current Eden Island South Marina and/or Seychelles Waters with immediate effect.

(ii) ordering the Seychelles Ports Authority and/or the Harbour Master to hold and/or present the vessel known as M/Y Sea Leopard and prohibit and/or restrict the vessel from leaving its current Eden Island South Marina and/or Seychelles Waters with Immediate Effect.

[2] I note that in the case of the affidavit attached **Ex Parte: Air Seychelles Ltd v Seychelles Civil Aviation Authority (2008) SLR 93**, an injunction was granted restraining the SCAA from deregistering the aircraft and from permitting the taking of the said aircraft out of Seychelles without paying Air Seychelles the sum of US dollars 1,173,333, or until this Court makes a further order.

[3] Urgent ex-parte interim injunctions are to be granted on a consideration of the urgency involved and impracticability of service on the Defendant before the action sought to be restrained occurs.

[4] Tomorrow I note is a public holiday being the start of Easter weekend, and the next working day is Tuesday 3rd April 2018. The averment is that the Defendant is due to leave tomorrow 30<sup>th</sup> March 2018.

[5] On the basis of the above, I find that it is an appropriate case where the Court should make an urgent ex-parte order of interim injunction against the Defendant as sought by the Applicant.

[6] I hereby grant an ex parte interim injunction, as follows:

(i) the Defendant in the main suit and/or her agents, captain, representatives and/or third parties is/are prohibited from removing the vessel M/Y SEA LEOPARD from its current Eden Island South Marina and/or Seychelles Waters with immediate effect.

(ii) the Seychelles Ports Authority and/or the Harbour Master is ordered to hold and/or the vessel known as M/Y Sea Leopard and prohibit and/or restrict the vessel from leaving its current Eden Island South Marina and/or Seychelles Waters with Immediate Effect.

[7] The order shall remain in force until Tuesday 3rd April 2018 at 1.45 pm on which day and time, the Defendant will be required to attend Court, and show cause, if any, against the extension of this order until the final disposal of the matter.

[8] I direct the Registrar to serve copies of this order forthwith on the Defendant, and on the Chief Executive Officer of Port Authority Colonel Andre Ciseau and the Harbour Master who shall not permit the Defendant to leave Seychelles without a further order of this Court.

Signed, dated and delivered at Ile du Port on 29 March 2018

L. Pillay  
**Judge of the Supreme Court**