

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: MA104/2018

[2018] SCSC 403

ROGER VARGIOLU

Plaintiff

versus

RICHELIEU JOSEPH VERLAQUE

Defendant

Heard:

Counsel: Ms. Benoiton for plaintiff

for defendant

Delivered: 17 April 2018

COURT ORDER

Pillay, J

- [1] The Applicant in the case Ex parte Roger Vargiolu who moves the court for the matter to be heard as one of extreme urgency on the ground in the attached affidavit and further for an order as read in paragraph (a), (b), (c) for the reason again in the attached affidavit.
- [2] In as much as I note that as per his affidavit, the actions for which he seeks an injunction he came to know of them on or around 9th January 2018. I do note that there are ongoing works on the premises of the defendant in the main case.

- [3] Constant difficulty as per paragraph 6 of his affidavit to reach his house and the unstable diversion that has been stated as well as the fact that these parties in the main case are from Praslin and our difficulty in getting service effected on them for an inter party hearing at the earliest and will not be the easiest thing for us.
- [4] The court in exercising its equitable jurisdiction has the discretion to grant ex parte injunction on urgent matters. I do note the case of Rose, wherein it was stated that ex parte injunction should be for cases of real urgency where there has been a real possibility of giving notice of motion.
- [5] In the circumstances I grant a temporary injunction as per the motion at paragraph
- “(a) an order prohibiting the Defendant and/or his agents, representatives and/or any third parties from continuing with any construction works on parcel PR 3980 or any other road access from the main road at Grand Fond/Anse Boudin junction to the breach front;
- (b) Any order restraining and/or prohibiting the Defendant and/or his agents, representatives and/or any third parties from retaining services from any other third party to proceed with the constructions on parcel PR 3980 until the final determination of the principal suit;
- (c) ordering the Defendant and/or his agents, representatives and/or any third parties to refrain from prohibiting and/or restricting the Applicant and/or his agents, representatives, guests and/or any authorized third party’s use, motorable and otherwise, of an alternative motorable access to the Applicant’s property until the final determination of the principal suit”.
- [6] The application which shall be served on the defendant in the main case which is Mr. Richelieu Joseph Verlaque a.k.a. Richmond Verlaque, returnable on the 30th April 2018 at 10:30 a.m.
- [6] The motion will be served on the defendant along with the plaint in the main case.

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

L. Pillay, J
Judge of the Supreme Court