

**IN THE SUPREME COURT OF SEYCHELLES**

**Civil Side: MA 39/2018**  
**(arising in CS 77/2016 )**

[2018] SCSC 442

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**BEAU VALLON PROPERTIES**

Petitioner

versus

**NATHALIE LEFEVRE**

Respondent

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Heard: 28<sup>th</sup> March 2018  
Counsel: Ms Aglae for petitioner  
Mr Elizabeth for respondent  
Delivered: 16<sup>th</sup> May 2018

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**RULING**

**Nunkoo J**

- [1] The plaintiff has entered an action for damages against the Defendant for entering cases against it which are allegedly vexatious and frivolous and constitute an abuse of her rights. The Defendant has averred in her defence that the plaintiff has no cause of action and the cases entered by the Defendant are yet to be heard.
- [2] The Defendant has raised the following plea in limine:

i) the plaint discloses no reasonable cause of action against the Defendant and ought to be struck out.

ii) the action is frivolous and vexatious and ought to be dismissed with costs.

[3] This is indeed the plea in limine taken by the defendant and upon which I am required to give my ruling.

[4] The Defendant has indeed entered cases as a shareholder seeking for a number of remedies and redress under the Companies Act and this right of hers cannot be denied. These cases are before the Chief Justice.

[5] The plaintiff is contending that these cases constitute an abuse of her rights by the Defendant

[6] It is my view that the action entered by the plaintiff is premature and as rightly pleaded by Counsel for the Defendant it is based on the concept of probable cause which is unknown to the Seychelles Legal system. The contention of Defendants counsel that the Plaintiff has no cause of action is correct.

[7] Whatever claim that the plaintiff believes it has against the Defendant can best be vindicated only after the fate of the cases presently pending before the court is decided.

[8] This plaint has no merit and is accordingly dismissed with costs.

Signed, dated and delivered at Ile du Port on 16<sup>th</sup> May 2018.



S Nunkoo  
**Judge of the Supreme Court**