

**IN THE SUPREME COURT OF SEYCHELLES**

**Civil Side: MA 211/2018  
(arising in CS 111/2018)**

**[2018] SCSC 778**

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**EX PARTE: JOUANA RAMKALAWAN**

Plaintiff

versus

**CHRISTOPHER HOAREAU**  
Defendant

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Heard: 24<sup>th</sup> August 2018

Counsel: Mrs. Alexia Amesbury for plaintiff

Delivered: 24 August 2018

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**ORDER ON MOTION**

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L. Pillay, J

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

(i) an interim interlocutory injunction be issued against the Respondent ordering him to remove the debris and other materials blocking the Applicant's entrance to her property forthwith;

(ii) the Registrar be directed to cause the said order to be served on the Respondent forthwith;

(iii) upon the interlocutory order having been made for the matter to be fixed inter-partes by the Court on a returnable date.

[2] The purpose of an ex parte injunction, I note, is solely to prevent irreparable and imminent injury which is substantial in nature and which could not be adequately remedied by an award of damages according to the case of **Colling v Labrosse (2001) SLR 236**

[3] The Applicant avers that the Defendant in the main case on 9<sup>th</sup> August 2018 deposited building blocks, macadam and crusher dust and other debris at the entrance of her property as evidence by the photographs attached.

[4] Counsel states that again on Tuesday this week the Defendant in the main case has now place two rows of bricks across her driveway.

[5] 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 or to halt an action that is occurring. Having noted the manner in which the debris has been placed and the bricks laid I am of the view that should the Court not exercise its discretion the Applicant will be walled in.

[6] It is further my view that there is a greater risk of harm and prejudice being caused to the Applicant than the Defendant in the main case if the injunction is not granted.

[7] 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 in the main case, as sought by the Applicant.

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

- (i) the Defendant in the main suit and/or his agents is/are ordered to remove the debris and other materials blocking the Applicant's entrance to her property immediately
- (ii) The order shall remain in force until Monday 3<sup>rd</sup> September 2018 at 1.45 pm on which day and time, the Defendant is required to attend Court, and show cause, if any, against the extension of this order until the final disposal of the matter.
- (iii) The Police shall assist the Applicant if necessary and/or required.

[9] I direct the Registrar to serve copies of this order forthwith on the Defendant.

Signed, dated and delivered at Ile du Port on

L. Pillay, J  
Judge of the Supreme Court