

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: MA195/2018

(Arising in CS103/2018)

[2018] SCSC 843

DEVINE SYLVETTE ARISSOL

Plaintiff

Versus

PAULA ANNE ARISSOL NEE JOUBERT

1st Defendant

MARINA LYNDY GONTHIER NEE ARISSOL

2nd Defendant

Counsel: Mr. B. Georges for Applicant
Absent/Unrepresented for Respondent

Delivered: 19th September, 2018

ORDER ON MOTION

E. Carolus, J

The Applicant has filed a Plaint against the Defendants in the Supreme Court, in CS 103/2018 (hereinafter referred to as the main case). The Applicant has now filed this Application in MA195/2018, for an Order that the 2nd Defendant in the main case be served with notice of summons outside the jurisdiction of the Court. The Application is supported by an Affidavit sworn by the Applicant.

The reasons set forth in the Affidavit are that the Applicant has filed an action against the Defendants to have the dispositions of her late father's Will declared invalid; that the 2nd Defendant is a citizen of Seychelles but is currently residing at 11 Croxley Street, Upper Mt. Gravatt, Brisbane, Australia; that the Applicant has been informed by her attorney and believes that she has a good cause of action; that in this matter a will is sought to be construed; and that it is necessary that the 2nd Defendant is served out of the jurisdiction for determination of the main case.

On the basis of the averments in the affidavit in support of the motion, I am satisfied that this is a proper case for service out of the jurisdiction. Accordingly in terms of sections 47 to 50 of the Seychelles Code of Civil Procedure, I order that the Plaint with summons be served on the 2nd Defendant **Marina Lyndy Gonthier née Arissol** out of the jurisdiction at the address provided namely **11 Croxley Street, Upper Mt. Gravatt, Brisbane, Australia**, with a returnable date of three months from the date of this Order.

Signed, dated and delivered at Ile du Port on 19th September, 2018

E. Carolus
Judge of the Supreme Court