

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: MA214/2018

(arising in CS104/2018)

[2018] SCSC 842

BENILDE CEDRAS

Applicant

Versus

ANGELA TOMLINSON

Respondent

Counsel: Mr. F. Elizabeth for Applicant

Absent/Unrepresented for Respondent

Delivered: 19th September, 2018

ORDER ON MOTION

E. Carolus, J

The Applicant has filed a Complaint against the Respondent in the Supreme Court, in CS 104/2018 (hereinafter referred to as the main case). The Applicant has now filed this Application in MA214/2018, for an Order granting leave to the Applicant to issue and serve summons on the Respondent out of the jurisdiction. The Application is made by way of notice of motion supported by an Affidavit sworn by the Applicant.

The reasons set forth in the Affidavit are that the Applicant filed a suit against the Respondent claiming a right of way on her property; that it is necessary for the Respondent to be served at her personal address at the United Kingdom namely Ferrers

Avenue, Wallington, Surrey, SM6 8HD, England; that the Applicant believes that he has a good cause of action against the Respondent and that to the best of his knowledge and belief the Respondent is a citizen of Seychelles; and that this case is proper one for the Court to order service out of the jurisdiction under the Seychelles Code of Civil Procedure

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 Plaintiff summons be served on the Respondent **Angela Tomlinson** out of the jurisdiction at the address provided namely **Ferrers Avenue, Wallington, Surrey, SM6 8HD, England**, 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