

SUPREME COURT OF SEYCHELLES

Reportable/ Not Reportable / Redact
[2019] SCSC ... 734
Ex Parte 93/2019

In the ex parte matter of:

EASTERN EUROPEAN ENGINEERING LIMITED
(rep. by Samantha Aglae)

Petitioner

Neutral Citation: *Ex Parte Eastern European Engineering Limited (Ex Parte 93/2019)* [2019] SCSC (4th September 2019). 734
Before: Pillay J
Summary: Reciprocal Judgments - Registration
Heard: 24th June 2019
Delivered: 4th September 2019

ORDER

I authorise the filing of the Plaintiff

RULING

PILLAY J

- [1] This application by the Petitioner is for the registration of the order given by the Deputy Master Kay QC of the High Court of England and Wales ordering Vijay Construction (Proprietary) Ltd to pay the Petitioner's costs of the applications dated 26th February 2019 and 4th April 2019, under section 3 (1) of the Reciprocal Enforcement of British Judgments Act.
- [2] Section 3 (1) of the Reciprocal Enforcement of British Judgments Act provides as follows

Where a judgment has been obtained in the High Court of England or of Northern Ireland or in the Court of Session of Scotland, the judgment creditor may apply to the court at any time within twelve months after the date of the judgment, or such

longer period as may be allowed by court, and on any such application the court may, if in all the circumstances of the case it considers it just and convenient that the judgment should be enforced in Seychelles, and subject to the provisions of this section, order the judgment to be registered accordingly.

- [3] An application under the above section is to be made ex parte by way of petition to a judge in chambers.
- [4] Rule 3 of the Practice and Procedure Rules provides that the judge on being satisfied that the petition is bona fide shall authorise the filing of a plaint in the Supreme Court in terms of the petition and of the judgment sought to be registered. The judge is further to order the Registrar to enter the said plaint when filed in the register of civil and commercial suits and to issue a summons to the judgment debtor calling upon him to appear in the Supreme Court at a date and time therein stated to answer to the said plaint.
- [5] Essentially all this Court has to do at this point is to satisfy itself that the petition is bona fide and on being so satisfied the Court is mandated to authorise the filing of a plaint to seek registration of the judgment under section 3 (1) of the Act.
- [6] The Court at this point cannot order the registration nor declare the order to be executory in Seychelles. That can only be done after a hearing.
- [7] The ex parte petition is merely the first step in the process equivalent to the leave stage in other proceedings.
- [8] On the basis of the petition and affidavit I authorise the filing of a plaint in the Supreme Court in terms of the petition and of the judgment sought to be registered.
- [9] So I order.

Signed, dated and delivered at Ile du Port on 4th September 2019

