

IN THE SUPREME COURT OF SEYCHELLES

Reportable

[201...] SCSC 218

XP 57/2021

(Appeal from / Arising in 93./2020)

In the ex parte matter of:

EX-PARTE ASCENT PROJECTS (PTY) LIMITED
(rep. by Guy Ferley)

Applicant

Neutral Citation	<i>Ex-parte Ascent Projects (Pty) Limited</i> MA57 of 2021, arising in CS93 of 2020 [2021] SCSC 218... delivered on 14 th May 2021
Summary	Inhibition Order pursuant to Section 76(1) of the Land Registration Act
Before:	Vidot J
Heard:	
Delivered:	14 th May 2021

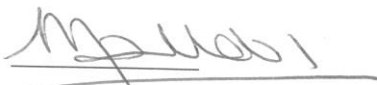
ORDER

VIDOT J

- [1] This Applicant has filed civil case No. 93 of 2020, claiming damages in the sum of SR1, 585, 634.17 with interest and cost against Mona Rose. In that case the Applicant alleges that they entered into a building contract with Mona Rose for the construction of a dwelling house on parcel J1540. As per contract they were to charge for labour only amounting to SR2, 392,000.04 which was payable by instalments upon issuance of monthly payment certificates. It is further alleged that the Plaintiff completed more than half of the works and issued a certificate for the sum of SR1, 585,643.77. Despite several reminders Mona Rose has failed, refused and neglected to pay the said sum. The case is yet to be heard.
- [2] The Applicant has now filed this application seeking an order of Inhibition pursuant to section 76(1) of the Land Registration. Such an order will prevent Mona Rose from selling, alienating transferring and/or disposing of parcel J1540.

- [3] The Applicant avers that if such order is not granted and the Defendant sells parcel J1540 the Applicant will suffer undue hardship if successful in case CS93 of 2020 and therefore they will not enjoy the fruits of such judgment. It is averred that Mona Rose resides in Italy and therefore will be difficult and costly to render a successful judgment of this Court exequatur in such foreign jurisdiction.
- [4] The Applicant claims that it will be in the interest of justice to grant such Order.
- [5] I have closely considered the application of the Applicant especially averments made in the affidavit. I also note that to date service on Mona Rose in case CS93 of 2020, despite two attempts have been unsuccessful as her whereabouts and exact address is unknown. I believe that as is alleged by the Applicant that she resides abroad. Attempts of service on her known Counsel in Seychelles was refused.
-
- [6] In the interest of justice and for reasons advanced by the Applicant, I find that it will be just and fair to accede to the Application.
- [7] Wherefore, I hereby impose an Order of Inhibition in terms with section 76(1) of the Land Registration Act on parcel J1540, prohibiting Mona Rose and/or her Attorneys if any from selling, transfer, disposing of and /or enter into any dealings of whatever nature with parcel J1540 until further Order from this Court.

Signed, dated and delivered at Ile du Port on 15th May 2021.


M Vidot J