

SUPREME COURT OF SEYCHELLES

Reportable
MA 85/2025
(Arising in CC 06/2025)

In the matter between
PRAS ISLAND SECURITY (PTY) LTD
(rep. by Nissa Thompson)

Petitioner

and

BEACH SOCCER WORLD CUP 2025
(Unrepresented)

Respondent

Neutral Citation: *Pras Island Security (Pty) Ltd* [2025] (MA 85/2025) 30th April 2025
Before: Judge Burian
Summary: Exparte application for provisional seizure of moneys belonging to the Defendant in the hands of a third party order granted.
Heard: 30th April 2025
Delivered: 30th April 2025

RULING

Judge Burian

Background facts:

- [1] This is an ex-parte application filed by the Plaintiff pursuant to Sections 280 and 281 of the code of Civil Procedure. In the petition the Plaintiff seeks and order to attach provisionally the moneys belonging to the Defendant (hereinafter 'the Respondent') in the main suit which are in the hands of third parties.
- [2] By a plaint dated the 23rd April 2025, the Plaintiff has commenced the suit in CS 06 of 2025 claiming the sum of Seychelles Rupees Two Million Six hundred and Thirty-Five Thousand Four Hundred and Eighty-five (SR 2,635,485/-) together with costs and an order

for specific performance from the Respondent, for loss and damage, which the Plaintiff allegedly suffered as a result of the Respondent's breach of contract. The suit is pending before this Court for determination.

- [3] The Application is supported by an affidavit sworn by Hilary Dubignon, a Director of the Plaintiff and is supported by relevant documents.

Law as it stands:

- [4] Sections 280 and 281 of the Seychelles Code of Civil Procedure ("SCCP") provides that-

"280. Application to seize or attach provisionally

At any time after a suit has been commenced, the plaintiff may apply to the court to seize provisionally any movable property in the possession of the defendant in the suit or to attach provisionally any money or movable property due to or belonging to the defendant in the suit, which is in the hands of any third person.

The application shall be by petition supported by an affidavit of the facts and shall be signed by the plaintiff or his attorney, if any, and shall state the title and number of the suit.

281. When application may be granted

If the court is satisfied that the plaintiff has a bona fide claim, the court shall direct a warrant to be issued to one of the ushers to seize provisionally such property or shall make an order prohibiting the third person in whose hands such money or other movable property is from paying such money or delivering such property to any other person pending the further order of the court. The order shall be served on the third party by an usher of the court. The court, before any such warrant or order is issued, may require the applicant to find such security as the court may think fit."

- [5] Therefore in determining an application for provisional seizure, the Court must be satisfied that the plaint in the main suit discloses a prima facie case against the defendant. For this purpose, it is not necessary to show that the claim is likely to succeed or that it rests on documentary proof as laid out in the case of *Union Estate Management (Pty) Ltd v. Herbert Mittermayer (1979) SLR 140*. Once it is established that the application for provisional seizure is made in a main suit and that the main suit discloses bona fide

claim, “the court is not granted any discretion to consider any other factors in its assessment but is rather bound by law to grant such an order” as established in the case of *Eastern European Engineering Ltd v Vijay Construction (Pty) Ltd (2018) SLR 199*.

- [6] Upon careful perusal of the petition and the plaint I am satisfied, that the Plaintiff has a bona fide claim against the Respondent in this suit. From the averments on records, it appears that there is a clear danger that the Respondent may avoid satisfaction of Judgment if the Judgment is given in favour of the Plaintiff and there is a high risk that these monies in the Respondent’s bank accounts will dissipate by the end of the tournament.
- [7] I therefore, believe that unless an order of provisional attachment is granted, the Plaintiff would not be able to realise the fruits of the potential Judgment, if given in its favour in the original suit. I find therefore, that this is a proper case, in which the Court should make an urgent ex-parte order of provisional attachment of the moneys.
- [8] In view of all these factors, I hereby make an order attaching provisionally any money and all moneys but not exceeding the sum of Seychelles Rupees Two Million Six hundred and Thirty-Five Thousand Four Hundred and Eighty-five (SR 2,635,485/-) due to or belonging to the Respondent which are in the hands of or due to, or belonging to the Respondent held with the Seychelles Mercantile Banking Corporation Limited (t/a Nouvobanq) of Victoria, Mahe, Seychelles details of which are as follows:
- SCR account number: 01002078137013
 - SCR account number: 01002078137024
 - USD account number: 32002078137030
- [9] This order for provisional attachment is made pending the final determination of the suit in CC number 06 of 2025 or until further order of this Court.
- [10] In pursuant to this order I direct the Registrar of the Supreme Court to issue a warrant for the provisional attachment of the moneys accordingly.

- [11] A copy of this order shall be served on the Respondent along with a copy of the application of learned Counsel in this case.
- [12] I also direct the Registrar to ensure that a copy of the order is served upon the Governor of the Central Bank of Seychelles.

Signed, dated and delivered at Ile du Port on 30th April 2025



Judge Burian

