

CONSTITUTIONAL COURT OF SEYCHELLES

Reportable
CP12/2022

In the matter between:

MUKESH VALABHJI

Applicant

(rep. by France Bonte and Samantha Aglae)
and

THE REPUBLIC

1st Respondent

THE DEFENCE FORCE OF SEYCHELLES

2nd Respondent

THE POLICE FORCE OF SEYCHELLES

3rd Respondent

THE ATTORNEY GENERAL

4th Respondent

(rep. by Ria Alcindor)

Neutral Citation: *Valabhji v The Republic & Ors CP 12 of 2022*

Before: Burhan J (Presiding), Adeline J, Esparon J

Summary: A request for further particulars pursuant to Rule 2 (2) of the Constitutional Court (Application, Contravention, Enforcement or Interpretation of the Constitution) Rules.

Heard: 28 July 2025 and 16 September 2025 (Written Submissions)

Delivered: 30 September 2025

ORDER

The request for further particulars is dismissed.

RULING

Burhan, J (Presiding), Adeline J, Esparon J (concurring)

- [1] The Petitioner made a request dated 28 July 2025 for further and better particulars pursuant to Rule 2(2) of the Constitutional Court (Application, Contravention, Enforcement or Interpretation of the Constitution) Rules (“the Rules”). The request was for the 2nd and 3rd

Respondents to provide further and better particulars in respect of the affidavit in reply filed by the 2nd Respondent Mr Michael Rosette dated 1 July 2025.

- [2] The request concerning further and better particulars refers to paragraphs 6, 7 and 8 of the said affidavit and reads as follows:

“As the Chief of Defence forces now has knowledge of what happened, has there been any investigation into the matter and if not why. “

- [3] The Respondents argued that this request will prolong the proceedings and that the further particulars are not necessary to determine if there was a breach of the Constitutional rights of the Petitioner. They further argue that the particulars are wholly irrelevant to the issues arising in the present petition. It is also argued that the particulars sought do not go into the substance of the constitutional questions.

- [4] Further, the Respondents argue that the Petitioner's request for further and better particulars is dated 28 July 2025, which is approximately 34 months after the filing of the Respondent's Defence dated 19 September 2023. This falls well outside the four-day window prescribed under Section 87 of the Seychelles Code of Civil Procedure (SCCP).

- [5] Rule 2 (2) of the Rules states that *“Where any matter is not provided for in these Rules, the Seychelles Code of Civil Procedure shall apply to the practice and procedure of the Constitutional Court as they apply to civil proceedings before the Supreme Court.”*

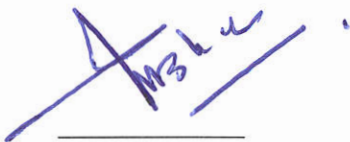
- [6] Section 87 of the SCCP provides for the request for further particulars and reads as follows:

“The plaintiff may apply within four days after the statement of defence has been filed in court for further particulars of the defence or set off, and the court shall direct the furnishing of such particulars as appear to be necessary and may make such order as to costs and the time within which such particulars shall be furnished as may seem just:

Provided however that the court may at any time of its own motion or on the application of either party order particulars or further particulars to be supplied and may adjourn the hearing for that purpose and may make such order as to costs and the time within which such particulars shall be supplied as appears to be just.” (emphasis added)

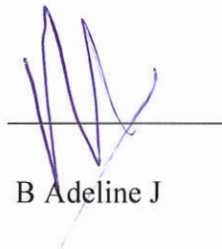
- [7] It is clear from the above proviso that it is within the discretion of the Court as to whether it is “*necessary*” or “*just*” to allow the request by the Petitioner for further particulars. The provision states that the granting of further particulars is not automatic but lies entirely within the discretion of the court. The court must be satisfied that furnishing particulars is necessary to clarify the issues and ensure fairness in the proceedings, and it must balance this against the need to avoid unnecessary delay.
- [8] Although the Rules of the Constitutional Court are silent on the procedure for requesting further and better particulars, Rule 2(2) allows reliance on the SCCP, where Section 87 empowers the court to order such particulars. However, the decision ultimately rests within the court’s discretion, which must be exercised only when it is necessary and just.
- [9] Giving due consideration to the aforementioned provisions, this Court rules that the request is time-barred, as the statutory four-day period has lapsed. Further as pleadings are closed this Court is of the view that now it is for the Constitutional Court to decide whether the acts already done by the Respondents constitute a violation of the Petitioner’s rights. Any query from the Respondents as to whether investigations have been done or not in respect of same, will not serve any necessary purpose.
- [10] It is our considered view that granting the request at this late stage would not serve any necessary purpose and only result in unnecessary and unjustified delay. Accordingly, the request for further particulars is therefore dismissed.

Signed, dated and delivered at Ile du Port on this 30 day of September 2025

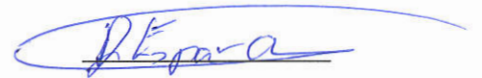
A handwritten signature in blue ink, appearing to be 'M Burhan J', written over a horizontal line.

M Burhan J

(Presiding)

A handwritten signature in blue ink, appearing to be 'B Adeline J', written over a horizontal line.

B Adeline J

A handwritten signature in blue ink, appearing to be 'D Esparon J', written over a horizontal line.

D Esparon J