

**IN THE SEYCHELLES COURT OF APPEAL**

Viral V. Dhanjee

Vs

The Electoral Commissioner & Ors

**APPELLANT**

**RESPONDENT**

**SCA NO.16/2011**

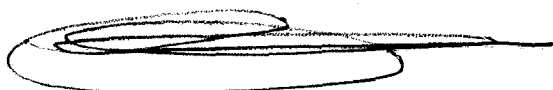
**Preliminary Ruling**

Decision now, Reasons later, except to say at this stage at least material considerations that were paramount, were

1. There are two appeals in this matter, one from each side, with live issues to be determined later, and at this stage the strength and chances on appeal, it may be premature to rely on. This Ruling deals only with the Injunction applied for and not the later appeals due.
2. The Timing of the specific and particular application for injunction to order the Electoral Commissioner to postpone the election was only filed to the Court of Appeal this Monday 16<sup>th</sup> May 2011, after the official campaign period of the election was over. I will expound on the lateness in my later detailed Ruling.
3. The Balance of Convenience test in matters of Injunction leads me to consider
  - (a) Whether More harm will be done by granting or refusing the Injunction.
  - (b) Is the risk of injustice greater if the Injunction is granted than the risk of injustice if refused.
  - (c) Would a breach of the Appellant's right to stand for election (if and when finally determined on appeal) outweigh that of the Electorates right to have the elections as they are now scheduled and in the circumstances of Seychelles today.

I think not, and in the circumstances decline the application for injunction, which is accordingly dismissed. (Court adjourned to next Friday, 27<sup>th</sup> May at 10.00.am for Ruling in Detail)

Dated this 20<sup>th</sup> May, 2011



**Justice F. MacGregor**  
**President**  
**Court of Appeal**