

IN THE SEYCHELLES COURT OF APPEAL

J.B. TOUSSAINT

APPELLANT

V/S

JOHN AH-TIVE

RESPONDENT



Civil Appeal No. 18 of 1995

Before Goburdhun, P., Silungwe and Venchard, JJA

Mr. A. Juliette for the plaintiff

Mr. B. Geoges for the defendant

JUDGMENT

The Appellant, the plaintiff in the Supreme Court obtained a judgment by consent from the Court regarding a boat. Subsequently the boat was retrieved at La Digue and brought to Mahe. The Respondent, who was not a party to the initial proceedings, took possession of the boat. As a result, the Appellant entered the present action to recover possession of the boat. The Respondent denied that the Appellant was the owner of the boat and lodged a counter-claim in the sum of R.24,500.

The trial judge after a careful consideration of the evidence on record reached the conclusion that the Appellant had failed to establish as against the Respondent, that he was the owner of the boat. He dismissed the plaint and gave judgment in favour of the Respondent on the counter-claim in the sum of R.2,000/- together with interest and costs.

The Appellant now appeals against this judgment on three grounds which are set out in the Memorandum of Appeal. Mr. Derjacques who appeared for him very fairly conceded in the course of his submission that the grounds