

34

SITTING IN THE SEYCHELLES COURT OF APPEAL ON MONDAY THE 28TH  
DAY OF OCTOBER 1996 AT 9.00 AM BEFORE THEIR LORDSHIPS E.O.  
AYOOLA, JA, L.E. VENCHARD JA, M.A. ADAM JA

**STATE ASSURANCE CORPORATION**  
**V**  
**GUSTAVE FONTAINE**



Civil Appeal No. 19 of 1996


Mr. K. Shah for the appellant - intervener

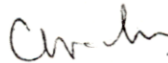
Mr. P. Boule for the respondent


**Ruling**

We think there is merit in this application for leave to appeal as an interested party in this matter and to file a notice of appeal out of time. The facts relied on by the appellant have not been denied. We do not think on the facts of this case section 10(2) of Cap 135 automatically precludes this court from exercising a discretion to allow an insurer to appeal as an interested person from a judgment. We find that the appellant has sufficient interest in the matter and has adequately explained reasons for the delay in appealing.

The proposed grounds of appeal show that there are prima facie grounds why the appeal should be heard. The application is granted and we order as prayed. Notice of appeal to be filed within 14 days.

  
E.O AYOOLA  
Justice of Appeal

  
L.E VENCHARD  
Justice of Appeal

  
M A ADAM  
Justice of Appeal