

IN THE SEYCHELLES COURT OF APPEAL

WINSLEY & TELMA LABICHE

APPELLANTS

VERSUS

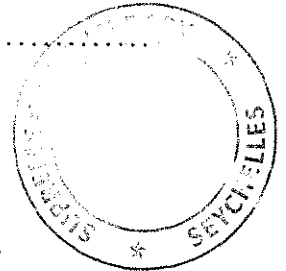
MILANO HENRIETTE,

RESPONDENT

Civil Appeal No. 9 of 1997

(Before: Goburdhun P, Silungwe, and Adam, JJA)

Mr. J. Renaud for the Appellants
Mrs. Nicole Tirant-Gherardi for the Respondent



JUDGMENT OF THE COURT BY CONSENT

The Appellants sought an Order from this Court setting aside the judgment of Bwana J on the grounds that:-

- (i) he had made an Order that Antoine Robinson pays rent or any other money accruing from the house to Joinville Henriette that had not been prayed for by either party to the action and that;
- (ii) the evidence on record particularly about the ownership of the house is contrary to the findings of the trial Judge.

At the hearing before this Court we were asked by consent of the parties to make the following Order:-

- (i) that the Appellants withdraw the second ground of appeal.

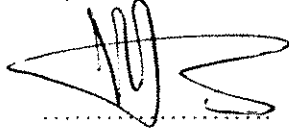
(ii) that the Respondent concedes that the Order made by Bwana J regarding payment of rent or any money to Joinville Henriette was ultra petita and therefore null and void.

(iii) that each party to pay its own costs.

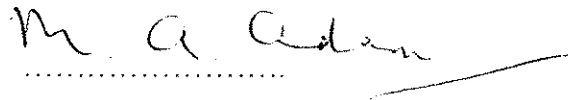
Dated at Victoria this 28th day of November 1997.



H. GOBURDHUN
PRESIDENT



A. SILUNGWE
JUSTICE OF APPEAL



M. A. ADAM
JUSTICE OF APPEAL

Handed down
Adam 5/11

IN THE SEYCHELLES COURT OF APPEAL

Winsley LABICHE & OR

APPELLANTS

VERSUS

Milano HENRIETTE

RESPONDENT

Civil Appeal No. 6 of 1997

JUDGEMENT BY CONSENT

The Parties enter Judgement as follows:

- (i) The Appellants withdraw the second ground of appeal.
- (ii) The Respondent concedes that the order made by the learned trial Judge on 12th February, 1997 that:

“As per an order of this court dated 9th March 1994 ordering the tenant of that house, one Antoine Robinson, to pay the rent (of Rs.1,800/- per month) to the Registry of the Supreme Court, the said rent money or any other money accruing from this house now be given to Joinville Henriette,”

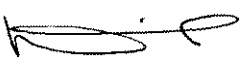
is Ultra Petita and therefore null and void.

Each party is to pay its own costs.

WHEREFORE the parties pray this honorable court to enter judgement accordingly.

Dated this 25th day of November, 1997


JOHN M R RENAUD
Attorney for the Appellants


NICOLE TIRANT
Attorney for the Respondent

