

(46)

IN THE SEYCHELLES COURT OF APPEAL

1. MR ABDULLA BIN YUSUF AL SHAIBANI  
2. GLOBAL INVESTMENTS & BUSINESS  
CORPORATION LTD  
3. GLOBAL DIRECT TELEVISION (SEY) LTD

APPELLANTS

versus

ZATSAK GENERAL TRADING COMPANY W.L.L.

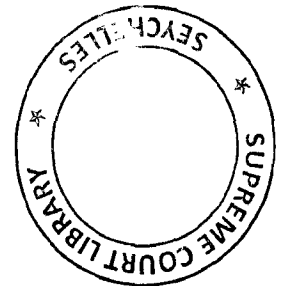
RESPONDENT

Civil Appeal No: 25 of 2000

*[Before: Ayoola, P., Silungwe & De Silva, JJ.A]*

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Mr. P. Pardiwalla & Mr. F. Bonte for the Appellants  
Mr. R. Valabhji for the Respondent



JUDGMENT OF THE COURT

*(Delivered by Ayoola, P.)*

The judgment delivered in this case by the Supreme Court must be set aside. Although pleadings were filed in the case the trial was conducted as if no pleadings were filed. At the end of the day it was difficult to know what issues were submitted for determination and the nature and scope of such issues. In these circumstances the entire trial was unsatisfactory and there was no way we could give a just decision on this appeal without appearing to embark on a wide ranging enquiry untrammelled by the pleadings as the trial court did, albeit actually encouraged by counsel.

We are of the opinion that what is best in the circumstances is to set aside the decision and order a re-hearing of the case. At such rehearing the parties should be at liberty to amend their pleadings to comply with the standard enjoined by the Seychelles Code of Civil Procedure,

particularly in regard to the particularity and comprehensiveness of their contents.

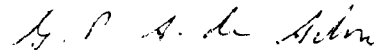
In the result we set aside the judgment of the Supreme Court and remit the case to that court to be heard by another judge. Each party shall bear his or its costs of the appeal.



**E. O. AYoola**  
**PRESIDENT**



**A. M. SILUNGWE**  
**JUSTICE OF APPEAL**



**G. P. S. DE SILVA**  
**JUSTICE OF APPEAL**

Dated at Victoria, Mahe this 12<sup>th</sup> day of *April* 2001.