

IN THE SEYCHELLES COURT OF APPEAL

LA SERENISSIMA LIMITED

APPELLANT

VERSUS

- 1. FRANCESCO BOLDRINI**
- 2. GUISEPINA TONANI**
- 3. LEUCODON LIMITED**

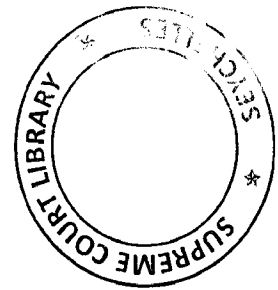
- 1ST RESPONDENT**
- 2ND RESPONDENT**
- 3RD RESPONDENT**

Civil Appeal No: 26 of 2000

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

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Mr. F. Chang-Sam for the Appellant
 Mr. Guy Ollivry QC and
 Mr. P. Pardiwalla for the 1st and 2nd Respondents
 Mr. P. Boule for the 3rd Respondent



JUDGMENT OF THE COURT

(Delivered by Ayoola, P.)

Appeal is allowed. Judgment of the Supreme Court delivered on 9th November 2000 is set aside. The 1st and 2nd respondents' application to dismiss the appellant's action is dismissed and the plea in limine litis raised on behalf of the 3rd defendant fails. The action is remitted to the Supreme Court to be heard by another judge, such hearing to await delivery of the reasons for this judgment which may have a bearing on the course of the rehearing. Reasons for our decision will be given later.

The appellant is entitled to costs of the appeal.

E. O. Ayoola
E. O. AYoola
PRESIDENT

A. M. Silungwe
A. M. SILUNGWE
JUSTICE OF APPEAL

G. P. S. de Silva
G. P. S. DE SILVA
JUSTICE OF APPEAL

Dated at Victoria, Mahe this *12th* day of *April* 2001.