

**IN THE SEYCHELLES COURT OF APPEAL**

**DANNY LOIZEAU**

**APPELLANT**

Versus

**DAVID MARIE**

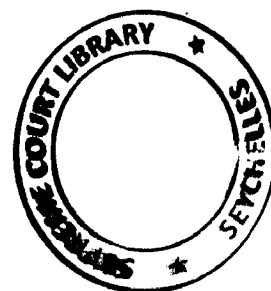
**RESPONDENT**

**Civil Appeal No. 41 of 1999**

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

Mr. A. Juliette for the Appellant

Mr. A. Derjacques for the Respondent



**JUDGMENT OF THE COURT**

*(Delivered by Pillay JA)*

This is an appeal against a judgment of the Supreme Court, which challenges the quantum of –

- (a) material damages given in respect of the loss, for a period of one month, of use of a damaged pick-up truck belonging to the appellant; and
- (b) moral damages awarded to the appellant.

The damages arose as a result of a road accident for which the respondent admitted liability.

With regard to the loss of use of the damaged pick-up truck of the appellant, the Learned Judge awarded a daily sum of SR600/- given that the sum of SR1,500/- per day claimed by the appellant included a sum of SR600 for petrol and the remainder for the services of a driver. We entirely agree with the assessment of damages made by the Learned Judge under this head as it can only relate to the loss of use of the damaged pick-up truck and nothing more.

With regard to the period of one month which was necessary for the repairs of the pick-up truck, as decided by the Learned Judge, we also do not consider it to be unreasonably short, given that the appellant himself stated in evidence that he had to wait for about a month to have the spare parts to effect the repairs to his pick-up and that he had already been paid within less than a month after the date of the accident by his insurer SR69,440/- for spare parts and labour in order to repair his truck.

Finally, with regard to the moral damages of SR500/- given to the appellant, the trial court took into account the fact that the appellant was someone who had a strong morale and was capable of handling difficult situations. We do not consider in the circumstances that the Learned Judge had erred in any way in awarding the sum of SR500/-, which he did.

In reviewing the two items of damages awarded by the trial court, this Court is not “convinced that the trial court acted on some wrong principle of law or that the amount awarded was so extremely high or so very small as to make it, in the judgment of the Appeal Court, an entirely erroneous estimate of the damage” to which the appellant was entitled – vide **Vidot v Libanotis** (The Seychelles Law Reports, 1977, No. 41).

For the reasons given, we affirm the judgment of the Supreme Court and dismiss the appeal, with costs.



**A. M. SILUNGWE**

**JUSTICE OF APPEAL**



**A. G. PILLAY**

**JUSTICE OF APPEAL**



**G. P. S. DE SILVA**

**JUSTICE OF APPEAL**

Delivered at Victoria, Mahe, this <sup>th</sup> 6 day of *April*, 2001.