

IN THE SEYCHELLES COURT OF APPEAL

Warren Nicholas Barnier

Appellant

V

Maryse Barnier born Frichot
Respondent

SCA 04 of 2010

[Before: MacGregor PCA, Fernando and Twomey JJA]

S. Rouillon for the Appellant

F. Ally for the Respondent

Date of hearing: 19th August 2013

Date of judgment: 30th August 2013

JUDGMENT

Twomey, JA

The parties have consented to the following judgment being entered in full and final settlement of this matter:-

1. The Respondent shall pay the Appellant Seychelles Rupees One Hundred Thousand (Sr.100,000/-) within sixty (60) days of the entry of this judgment by consent as a judgment of this Court, which sum shall be transferred by the Respondent to the Appellant free of any bank charges or commission of the remitting bank into an Australian or such other bank account as the Appellant shall nominate and notify the Respondent in writing at least fourteen (14) days of the date of entry of judgment;
2. The Respondent shall remain the registered and beneficial owner of the parcel of land situated at Belle Vue, La Digue, Seychelles, described in the Agreement transcribed in Vol. 52 No. 102 at the

Mortgage and Registration office, Victoria, Mahe, Seychelles, (hereinafter the "Property").

3. Pending the satisfaction, performance and fulfilment of the Respondent's payment obligations set out in paragraph 1 above, the Respondent undertakes that she shall not sell, transfer, lease, mortgage (except a mortgage or charge to secure the payment of any loan or banking facility for the Respondent to fulfil, perform and satisfy her said obligations to the Appellant) or otherwise dispose of the Property to any third party.
4. In the event the Respondent fails to fulfil, perform and satisfy her payment obligations to the Appellant as provided in paragraph 1 above, the Respondent shall in addition to paying the said sum be liable to pay the Appellant the cost of the original suit and the appeal, tasked as if the Appellant has been a successful party in the suit and in this appeal together with interest on the aggregate of the said sums at the rate of ten per centum (10%) per annum on reducing balance calculated daily as from the expiry of the said sixty (60) days until the said indebtedness is fully paid and satisfied.
5. Any order of injunction or similar order made by any court restricting or prohibiting the Respondent dealing with the said land is hereby lifted and on the payment to the Appellant by the Respondent the Land subject of this suit shall thereafter vest absolutely in the name of the Respondent.
6. Each of the parties shall bear his own cost.

Mathilda Twomey
Justice of Appeal

I concur

Francis MacGregor
President

I concur

Anthony Fernando
Justice of Appeal

**Delivered at Victoria, Mahé, Seychelles, this 30th day of August
2013**