

IN THE COURT OF APPEAL OF SEYCHELLES

Reportable

[2023] SCCA 43 (10 August 2023)
SCA 08/2022
(Arising in CS 172/2019)

In the Matter Between

Attorney General
(rep. by Ms. Corrine Rose)

Appellant

And

Iouana Mary-Pat Pillay
(rep. by Mr. Joel Camille)

Respondent

Neutral Citation: *The Attorney General v Pillay* (SCA 08/2022) [2023] SCCA 43) (Arising in CS 172/2019) (10 August 2023)

Before: Twomey-Woods, Robinson, Tibatemwa-Ekirikubinza, JJA

Summary: Judgment by Consent

Heard: 10 August 2023

Delivered: 25 August 2023

JUDGMENT BY CONSENT

1. By Judgment delivered in CS 172/2019, the Supreme Court made the following orders:
 - (i) That the Appellant shall offer to the Respondent a land parcel of value equivalent to Parcel V20089 within 8 months from the date of the judgment and, in the event that the Respondent knows of any vacant Government land parcel of a similar value to Parcel V20089, the may identify the same to the Appellant.
 - (ii) If, after the 8-month period specified in (i), the Appellant has not offered any such parcel to the Respondent, the Appellant shall pay to the Respondent damages in the sum of SCR 600,000 with interest from the date of the judgment.

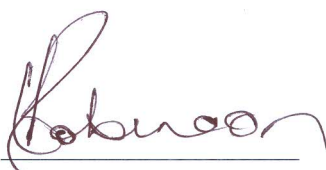
(iii) Irrespective of either (i) or (ii), the Appellant shall pay to the Respondent the sum of SCR 50,000 for moral damage.

(iv) The Appellant shall pay costs of the suit.

2. The Appellant appealed the Supreme Court's decision to this Court.
3. The Appellant obtained a stay of execution of the judgment of the Supreme Court pending the outcome of the appeal proceedings.
4. The Appellant's Counsel and the Respondent appeared in Court on 25 August 2023 and orally submitted a Judgment by Consent, stating the terms agreed upon between them in a settlement of the matter before this Court.
5. The terms of the Judgment by Consent are as follows:
 - (i) That the Appellant shall transfer to the Respondent Parcel V20089 on the payment of SR 74,500.00/- as per the original offer of purchase.
 - (ii) That there shall be no damages in favour of the Respondent.
 - (iii) That each party shall bear its own cost.
6. The terms of this Judgment by Consent are entered as the Judgment of this Court.



Dr. M. Twomey-Woods JA
Justice of Appeal



F. Robinson JA
Justice of Appeal



Dr. L. Tibatemwa-Ekirikubinza JA
Justice of Appeal

Signed, dated and delivered at Ile du Port on 25 August 2023.

IN THE COURT OF APPEAL OF SEYCHELLES

Reportable

Civil Appeal SCA 08/2022
(Arising in CS 172/2019)

In the Matter Between

Attorney-General

Appellant

v

Iouana Pillay

Respondent

JUDGMENT BY CONSENT

Section 131 of the Seychelles Code of Civil Procedure


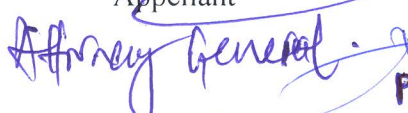

1. By judgment delivered in *CS 172/2019*, the Supreme Court made the following orders:


- (i) That the Appellant shall offer to the Respondent a land parcel of value equivalent to Parcel V20089 within 8 months from the date of the judgment and, in the event that the Respondent knows of any vacant Government land parcel of a similar value to Parcel V20089, she may identify the same to the Appellant.
- (ii) If, after the 8-month period specified in (i), the Appellant has not offered any such parcel to the Respondent, the Appellant shall pay to the Respondent damages in the sum of SCR 600,000 with interest from the date of the judgment.
- (iii) Irrespective of either (i) or (ii), the Appellant shall pay to the Respondent the sum of SCR 50,000 for moral damage.
- (iv) The Appellant shall pay cost of the suit.

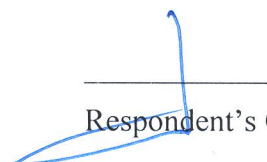


2. The Appellant appealed the Supreme Court's decision to this Court.
3. The Appellant obtained a stay of execution of the judgment of the Supreme Court pending the outcome of the appeal proceedings.
4. Whereas, the Parties have agreed to settle the present case and have reached a consensus on the terms and conditions of settlement, that the Court should, therefore, issues the following order:

- (i) That the Appellant shall transfer to the Respondent Parcel V20089 on the payment of SR 74,500.00/- as per the original offer of purchase within 6 months from the date of the Judgment of this Court. The purchase shall be conducted in accordance with the terms and conditions of the sale of state land and land bank policy of the Government.
- (ii) There shall be no damages awarded in favour of the Respondent.
- (iii) Each party shall bear its own costs in relation to this case.


Appellant

Attorney General

c. rose
Appellant's State Counsel


Respondent


Respondent's Counsel