

IN THE COURT OF APPEAL OF SEYCHELLES

Reportable

[2023] (18 December 2023)
SCA MA 42 2023
(Arising in SCA 8 and 9/2021)
(Out of MA 176/2019) and (DC
134/2018)

SAMUEL LAU-TEE

(rep. by Serge Rouillon)

Appellant

v

VIRGINIA HOAREAU

(rep. by France Bonté)

1st Respondent

And

SEYCHELLES CIVIL AVIATION AUTHORITY

(rep. by Sundaram Rajasundaram)

2nd Respondent

And

WENDY PIERRE

(rep. by Gulmette Leste)

3rd Respondent

And

SAMANTHA AGLAE

(rep. by Joshua Revera)

4th Respondent

And

FRED HOAREAU

(rep. by Gulmette Leste)

5th Respondent

Neutral Citation *Lau-Tee v Lau-Tee* (SCA MA 42/23) [2023] (Arising in SCA 8 and 9/2021)
(26 April 2023)

Before: Fernando President, Twomey-Woods, Tibatemwa-Ekirikubinza, JJA

Summary: civil contempt of court- applicable law

Heard: 12 December 2023

Delivered: 18 December 2023

ORDER

We therefore make the following amendments necessitated by the accidental error arising in the proceedings, namely in our decision delivered on 18 December 2023 in paragraph 64:

i) Mr. Lau Tee shall pay Mrs. Hoareau her share of the matrimonial property, namely two million, two hundred and eighty-nine thousand, sixty-five rupees and twenty cents (SR2, 289,065.20) within one month of this order and upon proof of such payment the Land Registrar shall register Title S5256 in his sole name.

DR. M. TWOMEY-WOODS JA

(Fernando, President and Tibatemwa-Ekirikubinza JA concurring)

[1] This Court delivered a ruling on 18 December 2023 and made several consequential orders.

[2] The first order of the court in that ruling was based on the transcript of proceedings and decision and orders of the court made previously on 26 April 2023 in [2023] SCCA 19 (26 April 2023) SCA 8/2021 and SCA 9/2021.

[3] Subsequently, on 11 May 2023, the court made corrections to these said orders in which it adjusted the shares of the parties in the matrimonial property. These amended orders were in error omitted from the brief in the present application and therefore the decision and orders made on 18 December 2023 do not correctly reflect the correct shares of the parties in the matrimonial home decision, and orders dated 11 May 2023.

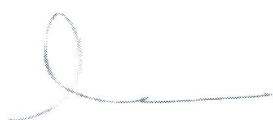
[4] Rule 13 (2) of the Seychelles Court of Appeal Rules provides:

“The Court may of its own motion or on application correct any slip or accidental error arising in its proceedings, so as to give effect to the manifest intention of the Court, notwithstanding that the proceedings have terminated and the Court is otherwise functus officio in respect thereof.”

[5] In accordance with these provisions, we therefore make the following amendments necessitated by the accidental error arising in the proceedings, namely in our decision delivered on 18 December 2023 in paragraph 64:

i) Mr. Lau Tee shall pay Mrs. Hoareau her share of the matrimonial property, namely two million, two hundred and eighty-nine thousand, sixty-five rupees and twenty cents (SR2, 289,065.20) within one month of this order and upon proof of such payment the Land Registrar shall register Title S5256 in his sole name.

Signed, dated and delivered at Ile du Port on 18 December 2023.



Dr. M. Twomey-Woods, JA.



Fernando, President

I concur



I concur

Tibatemwa-Ekirikubinza, JA