

IN THE SUPREME COURT OF SEYCHELLES

G.S PILLAY

Plaintiff

VS.

JEMMA CHRISOSTOME

Defendant

Civil Side No.102 of 2005

Mr. F.Ally for the Plaintiff

JUDGMENT

Gaswaga, J

The Plaintiff is a registered company under the laws of the Republic of Seychelles and carries on trade in the same jurisdiction. At the hearing of this suit it was deposed by Mr Karan Marsdek Pillay, the representative of the Plaintiff company that on numerous occasions the Defendant issued cheques no. 1840458 dated 6th march 2003 in the sum of SR 17,281.00; no.184063 dated 14th march 2003 in the sum of 16,616.41 and no.1840469 dated 20th march 2003 in the sum of SR. 14,829.00 all drawn in favour of the plaintiff, representing payments for goods purchased by the defendant from the plaintiff. (see copies of cheques P1). That upon the plaintiff's presentation of the cheques at the bank the cheques were returned and the plaintiff advised that they were without provision.

Despite repeated demands by the plaintiff the defendant has refused failed and or ignored to pay all the said sum due. She only deposited SR 500.00 with the plaintiff leaving a balance of SR 33,271.41(see demand note P2). Court process

was duly served on the defendant who did not turn up in court nor file a defence herein hence the case proceeded *ex-parte*. **See section 65 of the Seychelles Code of Civil procedure Cap. 213** It was deposed further that by reason of the foregoing the plaintiff suffered loss and damage.

I am satisfied that on the uncontroverted evidence before the court the Plaintiff has proved his case against the Defendant on a balance of probabilities. Judgment is accordingly entered for the Plaintiff as prayed in the plaint in the sum of SR 33,271.41 The Plaintiff is also awarded costs of the suit.

D. GASWAGA

JUDGE

Dated this day of December, 2006.