

IN THE SUPREME COURT OF SEYCHELLES

SEYCHELLES SAVINGS BANK

Plaintiff

VS.

HOTENSIA AZMA VALENTIN

1st Defendant

of Takamaka, Mahe

AND STEVEN GAPPY

2nd

Defendant

of Bel Air, Mahe

Civil Side No. 351 of 2008

Mr. F. Ally for the Plaintiff

JUDGMENT

Gaswaga, J

The Plaintiff is a bank engaged in normal business at all material times operating in the Republic of Seychelles, which, among others, offers loan services to its clients. The first Defendant is a customer of the Plaintiff who pursuant to an agreement dated 2nd March, 2000 and vide her account number 5141450001 with the said bank was availed a loan of SR25, 000/- with a fixed interest rate of 10%

per annum payable by 15 monthly instalments of SR 1,779.93- with effect from 28th May, 2000. The second Defendant guaranteed the repayment of the said loan.

The defendants defaulted in the repayment of the loan hence this suit. On the 31st of March, 2009, however, the first defendant appeared and admitted the claim. The second defendant, though duly served, did not turn up nor file a defence in court and on the 21st of May, 2009, the matter was heard ex parte where upon the plaintiff prayed for Judgment to be entered against him.

One witness, Caroline Volcere (PW1) an employee of the plaintiff bank confirmed the above facts and also stated that the defendants had breached a term of the agreement to pay a monthly sum of SR 1,779.92 cts commencing on 28th May, 2000. That despite several notices (PE2) to the defendants no payments have been effected hence leaving the debt which, as at 21st May, 2009 was standing at Rs 78, 390.65 cts.

With this evidence i am satisfied that the plaintiff has proved its case to the required standard. Judgment is accordingly entered for the Plaintiff as prayed in the plaint against both defendants who should pay jointly and severally the sum of SR78, 390.65 cts with interest thereon at 10% per annum until payment in full.

The Plaintiff is also awarded costs of the suit.

D. GASWAGA
JUDGE

Dated thisday of August, 2009.