

IN THE SUPREME COURT OF SEYCHELLES

PAMELA AZEMIA

Plaintiff

Versus

WORLD ELECTRONICS (PTY) LTD

(Rep. by Dorothy Jabber)

Defendant

Civil Side No: 215 of

2008

Mr. Derjacques for the plaintiff

JUDGMENT

Renaud, J.

The Plaintiff entered a plaint on 6th August, 2008 claiming Sr.179,774.79 from the Defendant. The Defendant was duly served on 4th September, 2008 to attend Court on 21st October, 2008 at 9 a.m. The Defendant failed to put up appearance and was not represented by Counsel. Upon the application of the Plaintiff the Court granted leave for the matter to be heard ex-parte on 17th November, 2008 at 1:45 p.m. The Plaintiff having to undergo an emergency medical treatment abroad, the matter was adjourned to 30th January, 2009 at 9 a.m. The Defendant was duly notified of the new hearing date yet she again failed to attend court and the matter was duly heard.

The Plaintiff Pamela Azemia was represented by her son Roger Faure duly appointed by a general power of attorney.

The Plaintiff is an inhabitant of La Misere, Mahe and the Defendant is a locally registered Company operating in Victoria, Mahe. By an agreement in writing, namely an acknowledgement of debt, dated 30th September, 2004, (Exhibit P2) the Defendant borrowed from the Plaintiff who lent to the Defendant the sum of Sr.116,200.00. The said debt accumulated interest at the rate of 10% per annum.

It was an express term of the said agreement that the Defendant would repay the said debt in two installments of Sr.58,100 as of the 29th October, 2004 and 10th November, 2004. It was further agreed that should the defendant default an installment, the entire sum would be due and payable.

In breach of the said agreement, the Defendant failed to pay the Plaintiff as agreed. The Defendant stopped payment by its Bank, on two cheques issued to the Plaintiff by the Defendant (Exhibit P3 and P4).

The Defendant is now claiming as follows:

a) Debt	Sr.116,200.00
Interest from October 2004 to July 2008 at 1)% per annum	Sr.43,574.97
b) Moral damages for anguish, anxiety	

depression

Sr.20,000.00

Total

Sr.179,774.97

Despite repeated verbal requests and a written request, the Defendant has neglected or refused payment to the Plaintiff.

On the basis of oral and documentary evidences adduced before me, I am satisfied on a balance of probabilities that the Plaintiff has proved her claim against the Defendant.

I accordingly enter judgment in favour of the Plaintiff as against the Defendant in the total sum of sr.179.774.97 with interest at 10% per annum and cost.

B. RENAUD

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JUDGE

Dated this 13 February 2009