

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: CS 324/2007

[2014] SCSC

MARCO VAN EMBDEN
1st Plaintiff

NEVILLE BRAUER
2nd Plaintiff

versus

CAP DU BONHEUR PTY LTD
1st Defendant

ESTATE BROKERAGE INTERNATIONAL LIMITED
2nd Defendant

GAETANNE ANTAT
3rd Defendant

VANESSA PAYET
4th Defendant

Counsel: Mr. Hoareau for plaintiffs
Mr. Ally for 1st, 3rd and 4th defendants

Delivered: 12 May 2014

JUDGMENT

Acting Karunakaran J

Upon consent of parties I hereby enter Judgment by Consent as follows :-

- [1]** The agreement entered into by the parties and the subject matter of the suit is hereby rescinded.
- [2]** The sum of USD250,000.00 plus all interest accrued thereon and held by the second defendant in escrow in its Barclays USD account no. 9613142 (the funds) which as of the 24th of April 2014 amounted to USD290,165.91 shall be apportioned by and between the plaintiffs and the first defendant as follows:
 - (i)** 75% of the funds to the plaintiffs and
 - (ii)** 25% of the funds to the first defendant
- [3]** The second defendant is hereby authorized to release and transfer the funds to the plaintiffs and the first defendant as agreed by them in the preceding paragraph upon receipt of instructions and or the bank details of the said parties. To avoid any doubt the parties receiving it's part of the funds shall bear all the bank charges for the transfer thereof to that party.
- [4]** Each of that parties further agree and undertake that it will not institute any further or other proceeding whatsoever against each other in respect of the said agreement or any matter arising there from before any court in any jurisdictions say for the limited purpose of enforcing this judgment.
- [5]** Each party will bear its own cost to these proceeding.
- [6]** In consequence the parties agreed that this should be marked as fully and finally settled and closed.

The Judgment by Consent is hereby entered accordingly.

For the avoidance of doubt, I wish to confirm that the agreement dated the 12th of May 2014 duly signed by the parties and their respective counsel *mutatis mutandis* forms part of this Judgment. The said agreement is marked as exhibit P1 and filed on record.

Signed, dated and delivered at Ile du Port on 12 May 2014.

D Karunakaran
Acting Judge of the Supreme Court