

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: CS 429/2006

[2017] SCSC 775

ANNA FILEZ

Plaintiff

versus

VAITHILIUGAM MURUGAIYAN PILLAI & OR

Defendants

Heard: 18th May 2017
Counsel: Mr. A. Derjacques for plaintiff
Mr. S. Rajasundaram for defendants
Delivered: 18th May 2017

JUDGMENT BY CONSENT

Pillay, J

[1] The parties hereby consent and express we agree that the defendant shall cause to be removed that part of the obstructing stone and concrete wall, obstructing the road reserve drawn in blue colour on the right-hand side of the plan S1068 titled “stone wall” situated on the wide access reserve road, and such removal shall be done by a licensed Contractor, shall be professionally done within a period of 3 months. Upon which we pray to this Court jointly that the Court shall visit the said site to ensure:

1. That the obstructing wall in question shall be removed.
2. The land and path which is a footpath shall be restored to as much as its original state as can be done professionally.
3. That the Contractor shall be instructed to ensure that the road reserve access can be utilised safely by the persons. For example the Contractor can choose to use rock armoury or otherwise, but to ensure safety. The road must be fit and secure for pedestrians, this also includes ensure that the slope of the road is covered.

- [2]** And finally, that on a question of damages, the parties also expressly agree that the 1st defendant shall pay the plaintiff moral damages agreed in the sum of SCR20,000/-.
- [3]** The 1st defendant shall also ensure the relocation of beacon JE13.
- [4]** Each party shall bear their own costs
- [5]** The terms as dictated by Mr. Derjacques and agreed to by Mr. Rajasundaram in the presence of their clients is entered as judgment of the Court as full and final settlement of the matters in this case.

Signed, dated and delivered at Ile du Port on 18th May 2017

L. Pillay
Judge of the Supreme Court