

IN THE SUPREME COURT OF SEYCHELLES

Civil Side No.: 53/2016

[2018] SCSC 03

JEAN-PAUL DESAUBIN OF AU CAP, MAHE

Plaintiff

Versus

BARRY DENIS OF AU CAP, MAHE

Defendant

Heard: 1st day of December 2017

Counsel: Mr. J. Renaud for Plaintiff

Mr. N. Gabriel/Absent-Defendant/Absent

Delivered: 5th day of January 2018

JUDGMENT

EX-PARTE

Govinden J

- [1] This matter arises out of a Plaint filed by the Plaintiff of the 15th day of June 2016 wherein Orders are being sought from this Court against the Defendant in that the latter pay to the Plaintiff the sum of S.R. 5000/- and for an injunction forbidding the Defendant from further insulting, threatening and otherwise harassing the Plaintiff.
- [2] The Respondent was duly served with summons and Counsel also notified of the date for the hearing and both failed to appear before the Court without due cause, hence the hearing proceeded ex-parte.

[3] The Plaintiff testified in support of his Pleint in essence that at all material times himself and the Defendant occupied adjoining premises on parcel No. 9150, at Au Cap, Mahe and that the Defendant is in a common law relationship with the Plaintiff's sister.

[4] It was further testified by the Plaintiff, that on several occasions beginning in 2014, and as recently as two months prior to the filing of his Pleint, the Defendant has insulted him and uttered threats against his person.

The Plaintiff additionally testified that he has made several complaints to the Police in respect of the harassment suffered at the hands of the Defendant. Further, that on more than one occasion the Defendant has threatened his life and in November 2015 he had to seek police assistance after the Defendant threatened him with a machete.

[5] The Plaintiff testified, in conclusion that as a result of the Defendant's actions he suffered substantial emotional distress and annoyance and fear leading to emotional distress in the sum as claimed hence moving as per the prayers as averred in the Pleint (supra).

[6] As highlighted above, the Defendant failed to turn up for the hearing albeit the Court noting the averment in Statement of the Defence filed on the 24th day of October 2016 which are denials of the averments of the Pleint but the said denials remain unsubstantiated by way of evidence.

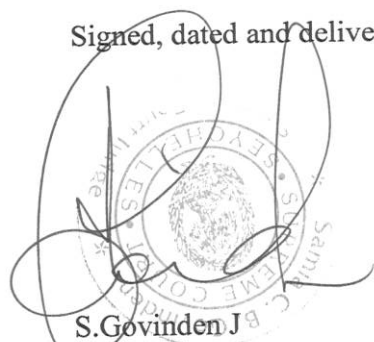
[7] It follows thus, in my analysis of the uncontested testimony of the Plaintiff whom the Court believes to have been very cogent and reliable, that this Court finds that the Plaintiff did harass and threaten the Plaintiff as averred by the Plaintiff in the Pleint (supra) and that considering the circumstances, the sum of S.R. 5000/- as claimed as emotional distress by the Plaintiff is reasonable and appropriate and meet the ends of justice in this case.

[8] In view of the above, I enter Judgement in favour of the Plaintiff as follows:

- (i) I hereby award to the Plaintiff the sum of S.R. 5000/- as against the Defendant towards emotional distress and damages due to the Defendant's actions afore-referred; and

- (ii) Consequently, I further order an injunction as against the Defendant forbidding the Defendant from further insulting, threatening and otherwise harassing the Plaintiff.
- (iii) Copy of this Judgement is to be served on the Defendant accordingly.

Signed, dated and delivered at Ile du Port on 5th day of January 2018.

The image shows a handwritten signature in black ink, which appears to be 'S. Govinden J.', written over a circular official seal. The seal contains the text 'SECHES' at the top, 'S. GOVINDEN J.' in the center, and 'C. B. J. S. C.' at the bottom. The seal also features a central emblem and some smaller text around the perimeter.

S. Govinden J
Judge of the Supreme Court