

IN THE SUPREME COURT OF SEYCHELLES

**Civil Side no: MA222/2018
(Arising in CS no. 15 of 2018)**

[2018] SCSC 846

SEYCHELLES PENSION FUND

VS

BARBARA MATHILDA KAREN POIRET & ORS

Heard: 20 September 2018
Counsel: Mr ChangLeng for the Applicants
Mr Rouillon for the Respondents

Delivered: 20 September 2018

ORDER

R. Govinden, J

1. This is an application filed by the Seychelles Pension Fund and Marie-Ange Waye-Hive against several other defendants. It is filed under section 106 of the Seychelles Code of Civil Procedure. I have heard learned counsels for both sides.
2. I have scrutinized the notice of motion and affidavit.
3. Having done so and having read Section 106 of the Seychelles Code of Civil Procedure I find that the application is incompetent. Section 106 of the Seychelles Code of Civil Procedure reads as follows:

“If more than one suit has been entered by the same plaintiff against the same defendant or if more than one suit has been entered by

*different plaintiffs against the same defendant in respect of the same
plaint arising out of the same transaction or series of transaction etc”.*

4. These two suits that have been averred in the affidavit in support of the application having indeed been entered by the same plaintiffs but the defendants are dissimilar and different. This runs contrary to the provisions of section 106 of the Seychelles Code of Civil Procedure. I am of the view that in a matter for consolidation the suits in all the cases to be consolidated must be in respect of the same defendants and this is not the case in this particular matter. It cannot be consolidated. Though the claim is the same the defendants are different.
5. So I will struck out this application with costs in favour of the other side.

Signed, dated and delivered at Ile du Port on 20 September 2018.

R. Govinden
JUDGE