

**SUPREMECOURT OF SEYCHELLES**

---

**Reportable**  
[2019] SCSC 140  
MA 58/2019  
(Arising in CS35/2018)

In the matter between:

**CHARLES LUCAS**  
*(rep. by Mr. Charles Lucas)*

**Petitioner**

and

**SEYCHELLES BROADCASTING**

**CORPORATION**  
*(rep. by Mr. Keiran Shah)*

**Respondent**

---

**Neutral Citation:** *Charles Lucas v Seychelles Broadcasting Corporation* (MA58/2019) [2019] SCSC 140 (25 February 2019).

**Before:** Pillay J

**Summary:** Petitioner seeks an order to obtain the personal answers from the Chief Executive Officer of the Defendant and for the Chief Executive Officer of the Defendant to produce in court officers of the Defendant who attended the Court sitting of 20<sup>th</sup> February 2018 and the press conference with the Chief Justice on 1<sup>st</sup> March 2018.

**Heard:** 25 February 2019

**Delivered:** 25 February 2019

---

**ORDER**

- [1] Order granted for summons to be issued on the Chief Executive Officer of the Defendant to be examined on his personal answers, as per paragraph 2 (1) of the Petition.
- [2] Prayers under paragraph 2 (2) for the Defendant to produce witnesses to give personal answers is rejected.
- 

**ORDER ON MOTION**

---

**PILLAY J**

[3] The petition filed by the Petitioner is for an order to obtain the personal answers from the Chief Executive Officer of the Defendant and for the Chief Executive Officer of the Defendant to produce in court officers of the Defendant who attended the Court sitting of 20<sup>th</sup> February 2018 and the press conference with the Chief Justice on 1<sup>st</sup> March 2018.

[4] I have read through section 163 of the Seychelles Code of Civil Procedure which reads as follows:

*Whenever a party is desirous of obtaining the personal answers not upon oath of the adverse party, he may apply to the Judge in court on the day fixed for the defendant to file his statement of defence or prior thereto, or he may petition the court ex-parte at any time prior to the day fixed for the hearing of the cause or matter to obtain the attendance of such adverse party and the court on sufficient ground being shown shall make an order granting the application or petition. And the party having obtained such order shall serve a summons, together with a copy of the order, on the adverse party to appear in court on the day stated therein.*

[5] In the case of **Jensen v Hoareau (1998) SLR 84**, Perera J granted the motion to examine the defendant on his personal answers, finding that “such procedure is not unreasonable nor does it give any unfair advantage to the plaintiff as such evidence is not given on oath and as under section 4 of the Evidence Act, the defendant’s counsel has a right to examine his own client to correct any ambiguity arising from the answers given.” relying on the finding of the Court of Appeal in **Chez Deenu v PhilibertLoizeau CS202/86** that “The right of a party to examine his opponent on his personal answers should not be taken away from the party except on strong grounds...The purpose of calling a defendant on his personal answers is to obtain admissions from him or evidence which would destroy his case or strengthen that of the party calling him. Of course if a motion to call a party on his personal answers is unreasonable the Court has a discretion to disallow it.”

[6] My reading of section 163 above as well as section 162 and section 4 of the Evidence Act speaks of the defendant or the adverse party or a party to a suit being summoned. The Defendant in the present case is Seychelles Broadcasting Corporation as represented by its Chief Executive Officer.

[7] I note the provisions of section 162(2) of the Seychelles Code of Civil Procedure which reads thus:

*If a party to any cause or matter be the Republic, a public establishment (etablissement public), a corporation or a body having a legal entity, such party shall be bound to appoint a special attorney to give his personal answers in such cause or matter. If on the day fixed for the appearance of any such party to give his personal answers, no such attorney appears on behalf of such party, and no satisfactory reason for such attorney's non-appearance is given, the fact, matters and things alleged by the adverse party may be held to have been admitted:*

*Provided however that administrator, managers or agents of such party may also be called upon to give their personal answers on matters which are within their personal knowledge, and the court may in its discretion attach whatever weight it thinks fit to such answers.*

[8] I find that there are no strong grounds to refuse the application and therefore sufficient grounds being shown, I order that summons be issued on the Chief Executive Officer of the Defendant to be examined on his personal answers, as per paragraph 2 (1) of the Petition.

[9] I do not believe that section 162 nor section 163 above go as far as giving the Court powers to order the Defendant to produce witnesses, other than powers to summon administrators, managers or agents to give their personal answers. In the circumstances the prayers in paragraph 2 (2) is rejected.

Signed, dated and delivered at Ile du Port on 25 February 2019

---

Pillay J