IN THE SUPREME COURT OF SEYCHELLES

Reportable
[2021] SCSC 765
CS74/2017

In the matter between:

JUANA BAMBOCHE **Plaintiff**
(*rep by Ms Parmentier*)

and

MARIE CLAUDETTE BAMBOCHE

WILLY SAVY **Defendants**
(rep *by Mr Camille)*

Neutral Citation: *Juana Bamboche vs Marie Claudette Bamboche and anor* (C193/2018) [2021] SCSC (8th November 2021).
Before: Govinden C J

Summary: Faute; trouble des vosinage

Heard: 6th July 2018; 30th November 2018; 22nd February 2019; 26th March 2019; 5th July 2019; 20th October 2020.

Delivered: 19th November 2021

ORDER

The court order that the Plaintiff removes the cameras that points directly to the Defendants bedroom window. Subject to this the court dismissed both the Plaint and the Counterclaim and discharge the injunction dated the 27th of August 2017. No order as to cost is made.

JUDGMENT

GOVINDEN CJ

Background

[1] The Plaintiff has entered a Plaint against her sister and her sister's partner, the 1st Defendant and 2nd Defendant, respectively. All of them are living on parcel H910, which is an undivided family estate. On this plot stands four houses, of which one belongs to the Plaintiff and another belongs to the 1st Defendant.

[2] The Plaintiff avers that over the past five years she has been persistently harassed by the Defendants and as a result she had had to file numerous cases against the Defendant for breach of the peace.

[3] She also make the following specific averments against the Defendants. That they had cut the wiring of one of her house CCTV surveillance camera. She also alleges that in February 2017 they maliciously took some of her house repair materials consisting of wooden planks and blocked the driveway to her house, which led to her calling for police intervention. According to her at around the same time the 2nd Defendant threw wood and other materials unto her house and damaged it and when discovered the latter verbally insulted her and her son causing them to be in a state of fear. She further aver that despite repeated requests the Defendants have continued in insulting, harassing and being a nuisance to her and that their behaviour had become unbearable. As a result she claim that their acts amounts to a faute which has caused damage to her. She particularises her loss and damage as follows; verbal abuse SCR 50,000, damage to her property SCR 30,000 and moral damages for stress, inconvenience and psychological trauma SCR 100.000 She accordingly prays to this court to order the Defendants to make good the damages and for a perpetual injunction restraining and prohibiting the Defendants from committing the alleged faute.

[4] The Defendants, on the other hand, denies the claims of the Plaintiffs when it comes to the alleged faute. They aver that the Plaintiff had actually filed only two unmeritorious breach of the peace applications against the 1st Defendant. They denied damaging the CCTV system and avers that at any rate it is installed in such a way as to breach their privacy. As to the taking of the construction materials, they put the Plaintiff to proof. They denied blocking the common drive way and aver that it was the Plaintiff's boyfriend who parked unto and blocked their access with his car and by her putting woods with nails on the

tarmac. The allegations of throwing woods and other materials unto the Plaintiff's house and the subsequent insult of the Plaintiff's son are also denied. They generally denied any allegation of persistent harassment and intimidation and aver that it is her who persistently harassed and provoked them by blocking their access to their property and installing the CCTV system that breached their privacy. As a result, they stae that it should be the Plaintiff who has committed a faute in a Counterclaim.

[5] The Defendants, accordingly, jointly asks the court to award them the following compensation from the Plaintiff, the sum of SCR 100,000 for unlawful blocking of the driveway, SCR 50,000 for anxiety, distress and inconvenience, SCR 100,000 for breach of privacy by the installation of the CCTV.

The facts

[6] The Plaintiff testified that she lives at Machabee on parcel H910, which is an inherited property. There are 4 houses on the property. The one adjacent to the main road belongs to her late sister, Liz Bamboche; the second one belongs to her brother, Vincent Bamboche; the third one is the house her sister Marie Claudette (the 2nd Defendant) in which also live her concubine and the rest of her family; and annexed to this one is a piece added by Marie Claudette after her mother's death. She lives in the one that belongs to Vincent. She has filed a breach of the peace case before against the 1st Defendant as a result of constant persecution from the 1st Defendant, which resulted on the latter being cautioned. She stated that soon after the caution ended, the 1st Defendant threw away her drum of water She has reported all these incidents to the police. From her surveillance cameras, she had noticed that the 1st Defendant had thrown something unto her house whilst going by in a van. Her cameras are located at the 4 corners of her house. The cameras are not functioning as she alleges that the Defendants cut the wires. She testified that she was repairing her house but had to stop as a result of the actions of the 1st Defendant, however the Planning Authority allowed her to proceed subsequently. After this, 1st Defendant scared her construction workers away, threw her wooden construction materials under a wall, and exposed them to mud and rain.

[7] She further alleged that her son was attacked by the 1st Defendant and her family in her absecence and when she arrived she saw the 1st Defendant shouting at him. This scared her son away, who does not live with her anymore.

[8] The Plaintiff also testified about the Defendants parking their vehicle in the right of way and obstructing her motorable access to her house. According to her, this hinders her access and she cannot remove things from her car until the day after. She also complaint about her and her concubine being filmed without their consent whilst they alighted their vehicles.

[9] Under cross-examination, she admitted that since the house she lives in belonged to her brother Vincent Bamboche she was informed in writing by the legal heirs that she could not renovate it. However, she claims that as the house had fallen in disrepair she was entitled to repair it. She admit having received a letter from the Attorney of the 1st Defendant who had advised her to desist from harassing the 1st Defendant. She claim, however, that she could have had a similar letter written but that she could not do so given that she had no funds. She refutes any allegations of false reports and complains made against the Defendants and of her blocking the driveway. She accepted having been convicted and sentenced for assaulting two family members living in the household of the Defendants. She denies seeing anybody cutting the wires of her cameras, though she claim that her saying that it was the 1st Defendant is based on sound advice. She denies that the blocking of her driveway by the car of the 2nd Defendant was caused by her action of leaving crusher dust material in front of his car.

[10] Brian Cherry, the concubine of the Plaintiff, testified next. He says that he is aware of the issues that has given rise to the Plaint. He stated that each time he and Juana arrived at their place, the Defendants would block their right of way; they would take pictures of them or swore at them. He recounted an incident when they were renovating their house when Willy Savy blocked their vehicle. He had then to live his vehicle there and went to work in another vehicle, which he had to rent and the police was informed. He also recounted the incident regarding the Defendants throwing their wooden construction materials under a wall to be left in the rain and about one of their surveillance camera wire being cut. He says that they have swore at him on many other occasions. In cross-examination, he stated that he did not

specifically see the 1st Defendant removing the pieces of wood. He further admitted that the 2nd Defendant parked at the back of his vehicle and hence blocked his way out to the main road, but said that this was the case because he had gone to the toilet.

[11] Joseph Bamboche who is the brother of the Plaintiff and the 1st Defendant did not provide any evidence that I find material for the court determination.

[12] Lousel Constance, the former spouse of the Plaintiff related to an incident when his pickup was blocked by a car belonging to the Defendants and he had to take a car from the main road in order to go away.

[13] Pierre Rose who is a labourer used to work for the Plaintiff. One day at the latter's house after finishing unloading a pickup of construction materials, they were blocked by a car parked at the back of their vehicle. The car belonged to the 2nd Defendant, they had to live the pickup there. Sometimes they would see construction material of the Plaintiff thrown on the access road.

[14] Curtis Constance is the son of the Plaintiff. According to him he left his mother's place because he could not live there anymore as a result of problems. He placed four cameras at each corners of his mother's house in order to survey the acts of the Defendant. He states that on numerous occasions their vehicles had been blocked by that of the Defendant's. The witness produced a recorded video showing the 2nd Defendant. The video shows the 2nd Defendant throwing wooden construction materials in his mother's house under construction. Under cross-examination, he denies that the 2nd Defendant was simply clearing his right of way of construction materials put by the Plaintiff. He relates to an incident where the family of the Defendants would gang up on him to fight him.

[15] Corporal Barra states that he had to come to the premises of the parties on three occasions as a result of complaints of blocking of access. He relates to one incident of a bus parking at the back of a pickup and blocking its access to the public road. The complainant was the Plaintiff. When he came on the scene, the 2nd Defendant had parked his vehicle behind a pick up. The complainant had left her premises and the 2nd Defendant undertook to remove his vehicle. On the other hand, Constable Eddy Racombo said that he went to the premises

of the parties after the Plaintiff had made a complaint regarding some pieces of wood. At the place of the Plaintiff, he saw some pieces of wood that had been thrown down a wall. The 2nd incident related to a wire to a security camera of the Plaintiff being cut. He did not proceed to find out as to who cut the wire and threw away the pieces of wood.

[16] The above captures the essence of the Plaintiff's case.

[17] The 1st Defendant refutes all the material elements of the Plaint in her testimony. She states that she lives with her concubine, the 2nd Defendant; her son, Jim; his wife and two children and Michel Bamboche. She says it is the Plaintiff who is causing trouble.

[18] She states that it was the Plaintiff who blocked their driveway by putting woods on it so that they could not enter in their vehicle and that as a result the 2nd Defendant removed them and placed them carefully next to the drive way. However, the following night they were again taken and put in the same place and again this time in the presence of the police they were taken and put next to the access. At that time, the Plaintiff was annoyed because she did not like what was happening. At her place, there are three drivers. She claims that she recall the 2nd Defendant parking at the back of a parked vehicle as the latter had parked in the common driveway and they could not go any further and the Plaintiff was nowhere to be found .

[19] Regarding the acts of the 2nd Defendant throwing woods at the Plaintiff's house, she recounts that the 2nd Defendant had to support a shed with a wooden beam as it became unstable as a result of the Plaintiff's renovation. This piece of wood was removed as a support and put in the middle of the access road. He called Curtis to assist him but he never came out to help. When it got dark, the 2nd Defendant tried to remove it himself and when he was doing it Curtis came and filmed him. They swore at each other and in his anger, the 2nd Defendant threw some pieces of wood at the side of Plaintiff's house which was under construction.

[20] She claims in support of her Counterclaim that the Plaintiff blocks her driveway and prevents her from accessing her house. She also made her counterclaim on the basis of breach of privacy caused by the installation of CCTV cameras by the Plaintiff. She says

that two of the cameras points to her bedroom and as a result she cannot open the window of this room. She also claim that Plaintiff had once shouted at her for everyone to hear that her husband was sleeping around. The witness produced a number of photographs depicting material parts of her evidence.

[21] Under cross examination she stated that she does not have a problem with her sister parking her car next to her own provided that it does not block her right of way especially if she needs to leave urgently, bearing in mind that there are three drivers in her house.

[22] Jeffrey Jean –Baptiste was an Assistant Superintendent attached to the Beau Vallon police station as the Regional Commander at the material time. He testified that whilst he was in post there were many complaints from the Bamboche family. He had personally attended the scene there on three occasions. There was a complaint of blockage of a driveway by pieces of wood. He went on scene and saw two pieces of wood which he removed and put them aside. The complainants were the Plaintiff and the 1st Defendant. Given the number of reports, he even advised them to start a civil case.

[23] Willy Savy has been living with the 1st Defendant for about 26 years and they have son together. He refutes the claim brought about by the Plaintiff. He denies any claim of insult; harassment and causing nuisance. He did not launch any attack with wood on the Plaintiff's house as only small pieces of wood were thriwn at the plaintiff's house. His evidence in that respect was similar to that of the 1st defendant. However, he denies throwing any wood at the bottom of a wall. He states that he filed the counterclaim as he felt that it was the Plaintiff that harass and disturb them, including blocking his access. He also claim that the Plaintiffs cameras affect his privacy as he cannot open his windows as a result of the cameras pointing at his house.

[24] Marius Bamboche is the brother of the Plaintiff and the 1st Defendant. He recalled the incident relating to the pile of wood blocking the way of the 2nd Defendant. He saw the latter moving them in order for him to be able to pass by with his vehicle. He then left but later received a phone call regarding the same incident, when he came the pile of wood had been moved back on the access road where it was before and again the 2nd Defendant had to move them out of the way. He also testified to bringing some crusher dust to the

plaintiff's house, some of the dust was dumped in in the driveway, which could have been removed with a shovel.

[25] Christina Bamboche who is the daughter of the 1st Defendant claims that the issues that she has regarding the vehicular access is that, occasionally in the past, when they would come home from work their way would be blocked by the plaintiff with a plastic drum or a piece of wood and they would have no vehicular access to their house. She recounts of certain insults coming from the Plaintiffs side and she denies any provocations or insults coming from the side of the defendants. She supports the evidence of the defendants regarding the cameras positions and the removal of the woods from the driveway by the 2nd Defendant.

[26] Jim Moncherry is the husband of Christina Bamboche and he lives with the Defendants. He recounts that on many occasions the Plaintiff would blocked their right of way. He specifically relates to an incident when a pick up that had brought building materials for the plaintiff had blocked the right of way and he had to park in the public road. When he came back, he had to park at the back of the 2nd Defendant's vehicle and police assistance had to be sought. He also recount about the incident involving the 2nd Defendant removing the woods and the plaintiff son filming him. He also testified about the plaintiff's security cameras pausing a breach of his privacy.

[27] Felix Bamboche a brother of the Plaintiff and the 1st defendant testified of the incident when the plaintiff blocked the access with a barrel and the police had to intervene in order to unblock the access.

Issues for the court's determination

[28] The Plaintiff has made a number of allegations against the Defendants that is tantamount to the faute termed *"trouble des voisinages"* (neighbourhood disturbances). The Defendants have denied those averments and have counterclaimed that it is the acts of the Plaintiff, as they averred, that consist of *the "trouble des voisinages"*. Both sides have asked to be compensated for the alleged faute of the other side.

The Law

[29] In the case of ***Albert and Ano v Vielle*** **(SCA7/2018) [2020] SCCA 14 (21 August 2020)** the Seychelles Court of Appeal held "*As confirmed by Sauzier J in the landmark case of Desaubin v United Concrete Products (Seychelles) Limited (1977) SLR 164, these provisions codified French jurisprudence on certain elements of fault including those relating to nuisance. Specifically, the troubles de voisinage (neighbourhood disturbances) was invented by the Court de Cassation of France in the nineteenth century (see the authority of Cass. civ., 27 nov. 1844.) with the principle that: nul ne doit causer à autrui un trouble anormal de voisinage (no one may cause an abnormal neighbourhood disturbance to another)". The Court de Cassation of France fudged the application of both Articles 1382 and 544 of the Code civil in this respect and did so in a number of subsequent cases finding that even the legitimate exercise of one's right to property could generate a disturbance for the neighbourhood when it exceeded the measure of the ordinary obligations of neighbourhood (See req., 3 janv. 1887, 2e civ. 24 mars 1966, n°64-10737, 3e civ. 3 janv. 1969). The principle of troubles de voisinage independent of both Articles 1382 and 544 was firmly established in a number of subsequent cases, namely the arrêt de Cass. 2e civ. 19 nov. 1986, n°84-16379.*

[30] Sauzier J in *Desaubin* (supra) expresses the principle developed by French jurisprudence, although basing it in tort, finding that the tortfeasor is liable for behaviour which goes over and beyond what would be expected for ordinary neighbourly relations, at 166-167:

> *"Under the Civil Code [of France], the jurisprudence was settled in France, Mauritius and Seychelles. The principle evolved in cases where the plaintiff complains of noise, smoke, smell or dust is that the defendant is liable in tort only if the damage exceeds the measure of the ordinary obligations of neighbourhood.... It is not necessary that the author of the nuisance should have been negligent or imprudent in not taking the necessary precautions to prevent it. Liability arises even in cases where it is proved that the author of the nuisance has taken every permissible precaution and all the means not to harm or inconvenience his neighbours and that his failure is due to the fact that the damage is the inevitable consequence of the exercise of the industry."*
> (Emphasis added)

[31] In distinguishing between the law applicable under the old provisions of the Code civil and the new Civil Code of Seychelles, Sauzier J finds that the former recognised the principle that there is faute if the damage suffered exceeds the measure of the ordinary obligations of the neighbourhood. After examining the provisions of Article 1382 of our Civil Code, he concludes that although an attempt had been made to restrict the definition of faute the opposite effect had been achieved, that of expanding the definition of fault in Seychelles.

[32] The Court of Appeal in Green v Hallock (1979) SCAR approved Desaubin (supra) finding that:

> *"it is common ground that the relevant provisions of the Civil Code correspond with those of the French Code civil, which applied previously and that French decisions are relevant and persuasive" (at p.145).*

[33] It appears, therefore, that the French principles of troubles de voisinage have been conflated under our provisions of Article 1382."

[34] I the case of *Sunset Beach (Pty) Ltd v Dorsi Raihl and another (Civil Suit No. 176 of 2011) [2012] SCSC 39 (16 November 2012);* however, the Supreme Court held that this kind of faute is not founded on article 1382 but rather seems to lie in French Jurisprudence. According to the court ot was clear is clear from a line of cases by Supreme Court of Mauritius; *Boodhoo v Prefumo* 1987 MR 191, *Ramgutty & Co Ltd v Hanumathadu* 1981MR 340 and *Hermic Limited v Compagnie Des Magasins Populaires Limitee and Anor* 1981MR183.

[35] This is what Moollan S.P.J., had to say about it in *Hermic Limited v Compagnie Des Magasins Populaires Limitee and Anor* at page 186,

> *'It must be admitted, however, that the construction works must have entailed a certain amount of inconvenience to all around and in particular to the plaintiff who now seeks remedy; but before it can obtain it,* ***it must be established, over and above the relation of cause and effect, that the inconvenience was beyond that which an adjoining owner or occupier is expected to endure in the circumstances****. No development and no new venture would be able to be undertaken unless a certain amount of give and take attitude were to be displayed by all who may be, temporarily and within reasonable limit, affected.* ***In the present state of jurisprudence, it is only***

> ***beyond a certain amount of reasonable tolerance that an action will lie.*** *It does not appear to me from the evidence on record that the defendant's action were such as to justify the complaints made. ..... Even if I were to conclude that the defendants were responsible for the loss registered* ***I hasten to add that I would have found that the defendants were still not liable as I am of*** **the** ***view that the plaintiff should have put up with the reasonable use of its property by the defendants in the circumstances.*** *' [Emphasis is mine.]*

[36] In *Ramgutty and Co Ltd v Hanumathadu* [supra] the court observed at page 343,

> *'The practice of the French Court appears to us founded on reason and good sense, and while in particular cases differences in environment and social conditions may lead us to adapt or modify their solutions, in general we consider that the practice provides us with valuable guidelines. Thus our Courts, while not unmindful of the needs of industrial growth,* ***will seek to preserve the quality of life, and protect the house-holder against an intolerable level of noise. On the other hand, we shall not encourage the vexatious litigant who complains of inconveniences unavoidable in the circumstances they occur****: ..... In the present case, the facts found by the trial judge clearly show that there was that degree of abnormal inconvenience which entitles the plaintiff to be protected'*

[37] *Boodhoo v Prefumo*[supra] followed *Ramgutty and Co Ltd v Hanumathadu* [supra]. Following from the foregoing, it is clear that for an action *"trouble de voisinage"* to lie the activities of the defendant complained of must be resulting in an abnormal inconvenience, be it noise or smell or whatever, that is over and above that which is normal or ordinary or unavoidable in the circumstances between the two neighbours.

[38] To my mind the origin of the faute of *"trouble des voisinage"* is not as important as the fact that all agrees on the applicable principles. The principle evolved in cases where the plaintiff complains of noise, smoke, smell or dust is that the defendant is liable in tort only if the damage exceeds the measure of the ordinary obligations of neighbourhood_It must be established, over and above the relation of cause and effect, that the inconvenience was beyond that which an adjoining owner or occupier is expected to endure in the circumstances. It is not necessary that the author of the nuisance should have been negligent

or imprudent in not taking the necessary precautions to prevent it. Liability arises even in cases where it is proved that the author of the nuisance has taken every permissible precaution and all the means not to harm or inconvenience his neighbours and that his failure is due to the fact that the damage is the inevitable consequence of the exercise of the industry.

Discussions and determination

[39] I have thoroughly considered the facts and circumstances of this case. I have also scrutinised the Plaint; Defence and Counterclaim and the Written Submissions of the parties in light of the applicable legal principles. I have also considered the credibility of the witnesses especially as tested by cross-examinations.

[40] This is clearly a case in which I have to first make a finding on what are the facts that have been proven by each party. Having done so I need to make a finding as to what consist of the ordinary obligations of the neighbourhood where they live and whether the acts of both the Plaintiff and the Defendants are such that they can be considered as inconveniences that are not expected to be endured by them in their immediate neighbourhood.

[41] As to the facts that has been proven. When it comes to the Plaintiff's case, I find that the allegations by the Plaintiff that the Defendant had cut her CCTV cable to be unfounded. No evidence beside mere speculation has been tendered by here. I also find that the averments that during the month of February 2017, the Defendants unlawfully and maliciously took wooden materials that she had purchased to repair her house to be unproven. What she saw were some pieces of wood belonging to her at the bottom of a wall. There is no evidence that they were taken by the Defendants, put aside that any one of them threw them away.

[42] However, I find as proven that on the 8th of February 2017 the Defendants blocked the driveway leading to the Plaintiff's home resulting in the latter being unable to move her car back to the main road. However, I am of the view that this was done without malice and unlawfulness as the Plaintiff had parked her vehicle in such a way as to prevent the

Defendants from moving their vehicle forward to the end of the driveway in order to get to their premises and hence had to park at the back of that of the Plaintiff.

[43] As to the averments of the 2nd Defendant throwing wooden planks and other building materials unto the Plaintiff's house under construction, there is video evidence of this event. I find that it is proven on a balance of probabilities. However, evidence of resulting damages have been produced in court. What is evident is that as a result, an altercation followed between the 2nd Defendant and the son of the Plaintiff and both exchanged verbal insults.

[44] As to the Defendant's case, as averred in its Counter Claim and Defence, I find that indeed one of the Plaintiffs CCTV cameras points directly into the bedroom of the Defendant's house. The court saw that in the Locus in Quo carried out at the premises of the parties and this breaches the Defendants' privacy rights as it serves no practical purpose other than filming the daily routines of the Defendants.

[45] I accept the Defendants version of events when it comes to the February 2017 incident regarding the blocking of the driveway. As regards to the 2nd Defendant throwing the woods unto the Plaintiff's house as I have stated above I find this proven. However, I am of the view that this occurred in a fit of anger caused by the provocation of the Plaintiff who caused the pieces of wood to be in the driveway in the first place. Moreover, no evidence of loss have been adduced by her to show that she has to be compensated for the 2nd Defendant's action.

[46] I cannot but see that between these two sisters there exist a long history of bitterness and bad blood. As a result this has created two adverse camps in the Bamboche family, both engaged in a vendetta. The animosity is palpable and borders hatred. Numerous applications for breaches of the peace have been launched and numerous police complaints have been made by both sides over several incidents that have taken place over a number of years. This case appears to be the penultimate step taken by one of the two camps. Any acts done or things said be each camp can easily be seen as provocative. This appears to be the day to day living in that neighbourhood.

[47] It is in this atmosphere that the court gives specific attention to the neighbourhood of the parties. I went on a Locus in Quo on parcel H910. It is a plot wholly consisting of dwelling houses and the occupants of these accommodations are in a state of co-ownership, with the Plaintiff and the 1st Defendant's family occupying two of those accommodations. The 1st Defendant is at the end of *"cul de sac"*, whilst the Plaintiff house is mid-way on the driveway to the 1st Defendant's house. The driveway gives way to a secondary road, which in turn leads to the Glacis, Machabe road. In order for the Defendants to access the main road they need to pass by the Plaintiffs house, which can easily be blocked by a parking vehicle. This has caused several incidents of blocking of access between the parties over the years including the one refer to in the Plaint.

[48] The size of plot H910 and the density of the dwelling house thereon means that the parties are living in very close proximity. As a result the happenings of one households is evidenced by all. On top of that there is also a one carriageway driveway that does not permit two cars passing each other. These coupled with the acrimonious relationship between the parties have left to constant disputes. To my mind to apportion blames to each and every disputes would amount to an unnecessary exercise as those incidents and disputes are not over and above the relationship of cause and effect between the parties and given the acrimonious state of affairs would endure for years to come. The state of affairs between the Plaintiff and the Defendants are such that the inconvenience suffered by each sides cannot be beyond what each parties expect in the circumstances. The misbehaviours being claim by each sides are common to both parties and hence cannot amount to inconveniences that are over and above what are expected from each other in their neighbourhood. The inconveniences such as blockades of the driveway; harassment and intimidation appears to be the norm in their neighbourhood. I cannot therefore find that there has been a *"trouble des voisinages"* committed by neither the Plaintiff nor the Defendants. Any allegations averred in the Plaint or the Counterclaim does not singly or collectively amounts to a *"trouble de voisinage"*.

[49] The only complaint that to my mind shows facts that are over and above the ordinary usage of their immediate neighbourhood appears to be the Plaintiffs installing a CCTV camera that points directly unto the bedroom of the Defendants. This to me exceeds the measure of the ordinary obligations of neighbourhood between the parties. Beside this, I find that the law has other mechanisms in place to deal with these kinds of disputes, the one chosen by the parties in this case is not proven and at any rate is not appropriate.

Final determination.

[50] Accordingly, I order that the Plaintiff remove the cameras that points directly to the Defendants bedroom window within 14 days of this judgment.

[51] Subject to the above order, I dismiss both the Plaint and the Counterclaim. I discharge the injunction dated the 27th of August 2017

[52] I make no order as to cost.

Signed, dated and delivered at Ile du Port on day 19 of November 2021

Govinden CJ