

**IN THE SUPREME COURT OF SEYCHELLES**

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**Reportable**  
[2021] SCSC 852  
MA65/2021  
(arising in CC49/2015)

In the matter between

**ROBERTO ROCCHI**  
*(rep. by Mr. Joel Camille)*

**PETITIONER**

and

**MASSIMO LONGOBARDI**  
*(Mr. Rene Durup)*

**1<sup>ST</sup> RESPONDENT**

**FELICITA PIROZZOLO**  
*(Mr. Rene Durup)*

**2<sup>ND</sup> RESPONDENT**

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**Neutral Citation:** *Roberto Rocchi vs Massimo Longobardi & anor (MA65/2021)* [2021] SCSC 852

**Before:** R Govinden CJ

**Heard:** 03 September 2021

**Delivered:** 09 December 2021

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**ORDER**

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**Govinden CJ**

- 1) This is a petition filed under Section 233(2) (a) (iii) of the Seychelles Code of Civil Procedure Code seeking leave to issue a warrant of execution.
  
- 2) The Petitioner avers that he is a Judgment Creditor in a Judgment of this Court dated the 10<sup>th</sup> February 2020, granted in Civil Side CC49/2015. It is his averments that the Judgment was given against both Respondents jointly and or severally in the sum of Euros 85,964 (less Rs3500 and Euros 800) with interest at the legal rate from the date of filing of the plaint until Judgment. It is further averred that the Court also ordered the Respondents jointly and or severally to pay to the Petitioner the sum of Rs100,000

with interest at the legal rate from the date of Judgment until the payment of the entire sum of Rs100,000.

- 3) The Petitioner has further averred that though the Respondents has not appealed against the said Judgment, they have failed to satisfy it to date.
- 4) The Respondents has in an affidavit in response objected to the petition. It is the Respondents defence that Section 233(2) of the Code provides for execution to be issued where the Judgment/order is subject to the fulfilment of any conditions which it is alleged have been fulfilled and that the Petitioner did not depone on any such conditions and thereafter its fulfilment. The Respondent avers therefore that they verily believe that the procedure for execution is faulty.
- 5) I have thoroughly scrutinized the petition and the objection thereof and the content of the submissions of both parties. Having done so I am satisfied that the parties in this application are the original parties to the Judgment which execution is being sought to be executed and that we are still within six years from the date of the Judgment.
- 6) Section 233(2) applies only in the exceptional situations where the conditions of Section 233 (2) (a) (i) to (iv) is applicable. I have read Judgment referred to in these proceedings and I am satisfied that its execution does not fall for the application of these sub-sections providing the exceptions.
- 7) Accordingly, I issue a writ of execution against the Respondents directing them to pay the Judgment debt in full with interest and cost as taxed, failing which Petitioner will seeks the seizure of the Respondent's property situated and comprised with the property situated at Belle Vue, La Misere, Mahe, Seychelles and for same to be sold for the purpose of enforcing the Judgment in favour of the Petitioner.

Signed, dated and delivered at Ile du Port on 09 December 2021.

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**R Govinden**  
**Chief Justice**