

IN THE SUPREME COURT OF SEYCHELLES

Reportable
[2022] SCSC 206
MA no. 161/2021

In the matter between:

JOSIANNE MARENGO

(rep by F. Elizabeth)

and

JULIUS GAMATIS

(rep by D. Cesar)

Neutral Citation: *Marengo vs Gamatis* (MA161/2021) [2022] SCSC 206 (10 March 2022)

Before: Govinden C J

Summary: Reinstatement of Plaintiff

Heard: 10th March 2022

Delivered: 10th March 2022

RULING

Govinden CJ

The case of *Gill & Ors vs Film Ansalt (SCA 28 of 2009) (2013) SCCA 11 (03 May 2013)* is authority for the principle that the Supreme Court can dismiss a Plaintiff at any time during the course of its proceedings for non-appearances of the parties, subject to it being reinstated on the cause list on good grounds shown.

I have read the motion for reinstatement filed by learned counsel for the Plaintiff and its supporting affidavit and the Reply of counsel for the Defendant. Having done so I am of the view that the said motion must be sustained. The case is not characterized by a lack of diligence,

a chronic failure to secure the attendance of witnesses and counsel, scant regard to law, procedure and propriety and an abusive use of court process. The Plaintiff and her counsel has been not guilty of laches. He made a genuine mistake for the 1st time albeit that this court properly dismissed the Plaint. Furthermore, I note that even the Defendant and his counsel was absent on the ill-fated dated of the 5th November at 9am. Accordingly, I will use my discretion to reinstate the Plaint and the matter shall proceed from there and we will fix a new hearing date.

Signed, dated and delivered at Ile du Port on day of March 2022

Govinden CJ