

IN THE SUPREME COURT OF SEYCHELLES

Reportable

[2022] SCSC ...
MA35/2022
(CS56/2017)

In the matter between

ALEX MONTHY

(rep. by Mrs. Alexia Amesbury)

APPLICANT

and

ANISSA PAYET

(rep. by Ms. Kimberly Pillay (Mr. Guy Ferley))

RESPONDENT

Neutral Citation: *Alex Monthy vs. Anissa Payet (MA35/2022) [2022] SCSC*

Before: G Dodin

Heard: 23rd February 2022

Delivered: 23rd February 2022

JUDGMENT

Dodin J

[1] This application is for a stay of execution of a Judgment of the Court of Appeal which was delivered on the 10th September 2021 in case SCA17 of 2019. This application itself is defective in the sense that the Supreme Court has no jurisdiction to stay a final Judgment of the Court of Appeal. This is not a proper quorum for file this application. I cannot direct you to file the application before the Court of Appeal because the law probably will not allow you but that is up to you but it cannot be filed before this Court.

[2] Secondly, the application for stay is being made by the Judgment Debtor and not by any other interested third party. The Court might have entertained, I would not say successfully but might have entertained if it was by a third party interested in the matter. The Judgment Debtor himself cannot come and ask for a stay based on other person's, or other third parties having interest in the matter.

[3] Thirdly, the Applicant cannot prove and has not proved that there is a remote possibility of overturning the Judgment of the Court of Appeal which is the Apex Court. So the Judgment of the Court of Appeal is final and as far as the legal provisions are concerned a final Judgment of the Court of Appeal is not appealable.

[4] So in the circumstances an application for stay of the Judgment of the Court of Appeal cannot be upheld as it is not supported by any legal provisions. For the above reasons this application is dismissed and the stay is not granted.

Signed, dated and delivered at Ile du Port on 23rd February 2022.

G Dodin

Judge