

IN THE CONSTITUTIONAL COURT OF SEYCHELLES

**MA 180/2016
(arising in CP 04/2012)**

[2016] SCCC14

THE GOVERNMENT OF SEYCHELLES
Applicant

versus

ROBERT NELSON POOLE
Respondent

Heard:

Counsel: Mr Chinnasamy for Applicant

Mr Boulle, Mr Gabriel for Respondent

Delivered: 05 July 2016

RULING

We have carefully considered the application for the stay together with the answer of the respondent. We have heard arguments this morning; both for the respondents and the appellant. We have also considered the authorities you shared with us.

In our final deliberations we conclude that in the instant case we should follow the same principles set out in the case of Pool and Williams CS 244/1993 which we adopt as being a second basis for consideration of granting or not granting a stay in this matter:

- [1] In the light of the said principles it is the view of this Court that the Appellant will not suffer any loss which could not be compensated in damages;
- [2] We do not find that there exists special circumstances in this matter to grant a stay;
- [3] We do not believe on the face of the record that there is proof of substantial loss that may otherwise result, if the stay is refused by this Court;
- [4] It is our view that there is no substantial question of law to be adjudicated upon but if there is any such point the Court of Appeal will adjudicate and make any order they deem appropriate;
- [5] We do not believe that where the subject matter is land the issue of being nugatory arises and for this reason we believe that stay ought not to be granted. We also bear in mind that after this ruling either party or at least the appellant has a further recourse to the Court of Appeal and obtain a stay. In the final analysis, we find this application has no merit and hence we unanimously decline to grant a stay of execution of the judgment in this matter;
- [6] We believe that the respondent should pursue the judgment in the ordinary course of matter. This is the ruling of the Court unless my brothers want to add anything.

Signed, dated and delivered at Ile du Port on 05 July 2016



D Karunakaran
Judge of the Supreme Court



B Renaud
Judge of the Supreme Court



G Dodin
Judge of the Supreme Court