

IN THE SUPREME COURT OF SEYCHELLES

G.S PILLAY AND COMPANY (PTY) LTD

Plaintiff

Of Mont Fleuri, Mahe

VS.

MADELAINE BIBI

Defendant

Civil Side No.101 of 2005

Mr. F. Ally for the Plaintiff

JUDGMENT

Gaswaga, J

The Plaintiff is a registered company under the laws of the Republic of Seychelles and carries on trade in the same jurisdiction. At the hearing of this suit it was deposed by Mr Karan Marsdek Pillay, the representative of the Plaintiff that on the 31st may 2004 the Defendant issued a Banque Francaise Commerciale cheque no. 1924014 drawn in favour of the plaintiff in the sum of SR 44,500.00 representing goods purchased by the defendant from the plaintiff. (see cheque P1). That upon the plaintiff's presentation of the cheque at the bank the cheque was returned and the plaintiff advised that the it was without provision.

Despite repeated demands by the plaintiff the defendant has refused failed and or ignored to pay all the said sum due and only deposited SR 1,500.00 with the plaintiff leaving a balance of SR 43,000.00 (see demand note P2). Court process was duly served on the defendant who did not turn up in court nor file a defence

herein hence the case proceeded *ex-parte*. **See section 65 of the Seychelles Code of Civil procedure Cap. 213** It was deposed further that by reason of the foregoing the plaintiff suffered loss and damage.

This court is satisfied that on the uncontroverted evidence before it the Plaintiff has proved his case against the Defendant on a balance of probabilities. Judgment is accordingly entered for the Plaintiff as prayed in the plaint in the sum of SR 43,000.00 with interest thereon from 8th June, 2004 until payment in full. The Plaintiff is also awarded costs of the suit.

D. GASWAGA

JUDGE

Dated this day of December, 2006.