

IN THE SUPREME COURT OF SEYCHELLES**SEYCHELLES CREDIT UNION****Plaintiff****VS.****JOHN TELEMAQUE****Defendants****JANITA TELEMAQUE****PATSY FANNY**Civil Side No. 237 2006

Mr. Rouillon for the Plaintiff

JUDGMENT**Gaswaga, J**

The plaintiff is a co-operative incorporated in Seychelles carrying out the business, inter-alia of lending money to its members for different purposes. By an agreement dated 20/05/2003 (P1) the plaintiff loaned the 1st and 2nd defendants SR 35,250.00 with interest thereon at 0.81% per month on the remaining balance. The 2nd defendant signed the agreement as guarantor for the 1st defendant to pay the loan. It was a term in the agreement that the 1st defendant would pay the plaintiff the said amount and interest by equal monthly installments and further that in default thereof the entire balance would become due and payable. The defendants expressly waived presentment, demand, protest and notice of protest and dishonour of the loan.

In breach of the above terms of the agreement the defendants defaulted in paying the installments hence leaving an outstanding balance of SR 25,273.20 as at 24/05/2006 which figure has since increased to SR 28,752.55 when the case was heard on the 9/5/2007. Demand for the same was made vide letters (P2) and (P3) but yielded no positive results. The defendant, although duly served, did not turn up nor file a defence in court and leave was granted for the case to be heard *ex-parte*. **See section 65 of the Seychelles Code of Civil Procedure, Cap 213.**

One witness Ms Christiane Moise (PW1) was called. She informed the court that she is a loans officer at the plaintiff bank and also confirmed the above facts.

I am satisfied that on the uncontroverted evidence before the court the plaintiff has proved its case against the defendants jointly and severally on a balance of probabilities. Judgment is accordingly entered for the plaintiff as prayed in the plaint in the sum of SR. 28,752.55 with interest thereon at the rate of 0.81% per month and costs of the suit.

D. GASWAGA

JUDGE

Dated this 28th day of June, 2007.