

IN THE SUPREME COURT OF SEYCHELLES

SEYCHELLES CREDIT UNION

Plaintiff

VS.

JOHN HOAREAU

Defendants

ROBIN HOAREAU

Civil Side No. 10 2007

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 23/12/2002 (P1) the plaintiff loaned the 1st defendant SR 50,000.00 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 1st defendant defaulted in paying the installments hence leaving an outstanding balance of SR 31,053.74 as at

20/12/2006 which figure has since increased to SR 32,370.28 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. 32,370.28 with interest thereon at the rate of 0.81% per month and costs of the suit.

D. GASWAGA

JUDGE

Dated this 30th day of July, 2007.