

SUPREME COURT OF SEYCHELLES

Reportable

[2019] SCSC 1086
MA220/2019
Arising out of CS 163/18

JULIANA GRANDCOURT
(rep. by Ms. L. Pool)

Applicant

and

SEYCHELLES AGRICULTURAL AGENCY
(rep. by Mrs. Monthy)

1st Respondent

GERALD RONNY HARRISON

2nd Respondent

Neutral Citation: *Juliana Grandcourt v Seychelles Agricultural Agency & Ors* (MA 220/19)
[2019] SCSC 1086 (4th December 2019).

Before: Carolus J

Summary: Affidavit sworn by Counsel for Applicant

Heard: 27 November 2019

Delivered: 4th December 2019

RULING

CAROLUS J

[1] The applicant Juliana Grandcourt has filed a plaint in CS163/2018 (the “principal suit”) against the first respondent, claiming loss and damages in the sum of SCR860,000.00.

[2] The applicant has now made the present application for amendment of the plaint by adding the second respondent as a defendant to the principal suit. The application is made by way of notice of motion supported by an affidavit sworn to by attorney-at-law Lucie Antoinette Pool who avers that she is the plaintiff’s attorney and is entitled to swear the affidavit. She

further avers that the applicant is presently out of the jurisdiction of Seychelles for medical reason, presumably the reason why the affidavit was sworn to by her counsel.

[3] Counsel for the second respondent objects to the application on the ground that the affidavit in support of the Notice of Motion is sworn to by counsel for the applicant.

[4] It is trite law that Counsel must not enter the litigation arena as a witness for his or her client which is what Counsel for the Petitioner is doing by swearing the Affidavit in support of this Notice of Motion. Vide *Church V Boniface (2011) SLR 260*. This defect renders the affidavit invalid and as a consequence the Notice of Motion is unsupported by any evidence.

[5] In the circumstances, I have no option but to dismiss the application.

Signed, dated and delivered at Ile du Port on 04 December 2019.

CAROLUS J

Judge of the Supreme Court

