

Mauraknah M.C.M. v Oceamer Ltd

2025 IND 39

Cause Number 319/23

IN THE INDUSTRIAL COURT OF MAURITIUS
(Civil side)

In the matter of:

Mrs. Marie Cédrika Mélanie Mauraknah

Plaintiff

v.

Oceamer Ltd

Defendant

Judgment

The averments of this plaint are as follows: -

Plaintiff was in the continuous service of Defendant as Unskilled Worker since 1.10.2019. She was employed on a 6-day week basis and was remunerated at monthly intervals at the rate of Rs 10,575 per month as basic salary.

She last worked on 8.3.2021 and thereafter could not attend work due to the confinement period following the Covid-19 pandemic.

Defendant has failed to remunerate her for the months of March 2021 and April 2021 except for the sum of Rs. 6,000.

Plaintiff is, therefore, claiming from Defendant the total sum of Rs.15,150 representing the balance of wages for March 2021 and April 2021 (Rs 10,575 x2) – Rs 6,000): Rs 15,150.

On the trial date, Defendant has left default although it was duly summoned to appear and nor did it file any plea. Thus, the trial proceeded in the absence of the Defendant pursuant to Section 16 (1) of the District and Intermediate Courts (Civil Jurisdiction) Act by virtue of Section 7(1) of the Industrial Court Act 1973.

Default judgments are governed by Section 16 (1) of the District and Intermediate Courts (Civil Jurisdiction) Act which provides -

“Where on the day so fixed in the summons, or at any continuation or adjournment of the Court or cause in which the summons was issued, the defendant does not appear, or does not sufficiently excuse his absence, the Court, upon proof of the service of the summons, may give judgment in terms of the plaint or, where the cause includes a claim for substantial damages, proceed to the hearing of the witnesses and trial of the cause on the part of the plaintiff only, and in either case, the judgment shall, subject to subsection (2), be as if both parties had attended.”(emphasis added)

Thus, Plaintiff has given evidence in Court in line with the averments of this plaint. She has also claimed travel expenses in attending Court in the sum of Rs 180.

I have given due consideration to all the evidence put forward before me. The straightforward and unchallenged testimony of the Plaintiff has convinced me that she is a witness of truth and I have no qualms as regards its soundness.

In the light of the reasons given above, I find that the case for the Plaintiff has been proved on a balance of probabilities. I, accordingly, give judgment in terms of the plaint (in accordance with Section 16 (1) of the District and Intermediate Courts (Civil Jurisdiction) Act) by ordering the Defendant to pay to the Plaintiff the sum of Rs.15,150 representing the balance of wages for March 2021 and April 2021 (Rs 10,575 x2) – Rs 6,000). I also order Defendant to pay to the Plaintiff travel expenses in the sum of Rs 180 in order to attend Court.

S.D. Bonomally (Mrs.) (*Vice President*)

27.5.25.