

**DAYANAND BOHOLAH SEAFOODS CO LTD VS CHITIKAH
LUTCHANAH**

2024 IND 39

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LUTCHANAH**

Cause Number: 459/23

THE INDUSTRIAL COURT OF MAURITIUS

(CIVIL DIVISION)

In the matter of:-

DAYANAND BOHOLAH SEAFOODS CO LTD

Plaintiff

VS

CHITIKAH LUTCHANAH

Defendant

JUDGMENT

Introduction

The Defendant was in the continuous employment of the Plaintiff as a packing helper since the 14th June 2023. By virtue of a claim backed by the Plaintiff's testimony in Court, it is claiming from the Defendant, the sum of Rs 13,000/- representing one month's wage as indemnity in lieu of notice.

The facts

The Plaintiff testified that the Defendant was drawing a monthly terminal salary of Rs 13,000. On the 17th July 2023, the Defendant left the employment of the Plaintiff without giving the required notice as provided by Law. The Plaintiff sent a letter to the Defendant and is claiming the sum of Rs 13,000 due in lieu of notice from the Defendant.

In the present case, the Defendant has left default despite a personal service upon her by usher at her domicile on the 18th May 2024 and by way of Notice of Make Out Case on the 25th July 2024.

Observations

I have assessed the evidence on record. It is to be remembered that “*making out a case does not mean that one has got to jump both feet all over the principles of evidence and all the matters required in order to make out a case...*” **(VELVINDRON VS NOORDALLY (1979) MR 243).**

In the present case, the Plaintiff has undisputedly established that the Defendant has terminated its employment without giving the required notice as provided for by Law. The version of the Plaintiff has remained credible, unchallenged and unshattered. In the circumstances, I find that the Defendant is therefore indebted to the Plaintiff in the sum of Rs 13,000/- representing one month’s wage as indemnity in lieu of notice.

Conclusion

In light of the above, I find that the Plaintiff has established its case on a balance of probabilities. I order the Defendant to pay to the Plaintiff the sum of Rs 13,000, together with interests at legal rate as from the date of entry of the plaint until final determination thereof. With Costs.

Judgment delivered by: M.GAYAN-JAULIMSING, Ag President, Industrial Court

Judgment delivered on: 02nd September 2024