

**Dacar**

**2022 IND 56**

**IN THE INDUSTRIAL COURT OF MAURITIUS**

**[CIVIL DIVISION]**

**CAUSE NO: 467/2020**

**Dacar Mix Ltd**

**Plaintiff**

**v**

**Louis Yvon Gaetan**

**Defendant**

**JUDGMENT**

Plaintiff, a building contractor, is praying from this Court for a judgment ‘Condemning and Ordering Defendant’ to pay to it the sum of Rs 26,000/ as indemnity in lieu of statutory notice.

The Defendant has left default on the 8<sup>th</sup> of August 2022 and upon motion for ‘Make Out Case’ the case was made out.

Plaintiff was represented by Mr Mario Danhoo, job contractor who, depose to the effect that:

- the defendant who joined service on the 19<sup>th</sup> of March 2008, was employed as multi skilled employee and was paid Rs 1000 daily;
- the defendant absented himself from work since the 26<sup>th</sup> of May 2020 for no reason;
- a letter dated the 29<sup>th</sup> of May 2020 was remitted personally by Mr Mario Danhoo, to the defendant at his residence requesting him to resume work on the 1<sup>st</sup> of June 2020;
- up to now the defendant did not resume work.

The witness also stated that upon failure of the defendant to resume work, a notice ‘mise en demeure’ dated the 17<sup>th</sup> of August 2020 was served upon the

defendant who has failed to comply with the requirements of the mise en demeure.

I have duly considered the whole of the evidence on record. The Defendant has left default. I am satisfied that the Plaintiff has made out his case on a balance of probabilities.

The Court is satisfied that the defendant has not complied with the statutory notice leading him to be liable for the remedies available at the disposal of the Plaintiff.

The defendant having left default, this Court gives judgment in favour of the plaintiff condemning and ordering the Defendant to pay the sum of Rs 26,000/- together with interest at legal rate as from the date of entry of the plaint until final payment.

I also order that the Defendant pay the costs for the present case.

**Pravin Harrah**

**Ag. President**

**Industrial Court**

This 5<sup>th</sup> of September 2022