

IN THE HIGH COURT OF SWAZILAND

SWAZI PAPER MILLS LIMITED

vs

SWAZILAND MANUFACTURING AND ALLIED WORKERS UNION & 8 OTHERS

Case No. 1229/97

Coram

SW. Sapire

Judgment

(23/7/97)

This matter came before me as an urgent application some while ago. It was an application in which the applicant sought

- a) to restrain the respondents from participating, inciting or a Swazipapermills: organising an unlawful strike action.
- b) A declaration that the strike action was unlawful and directing respondents to prevent an unlawful industrial action.

At the time I raised the question whether in view of the exclusive jurisdiction accorded the industrial court in terms of section 5 of the Industrial Relations Act this Court had jurisdiction Nothing was submitted to me to convince me that it had . Since then there has been a judgment of the Appeal Court dealing with section 5 of the Industrial Relations Act but there is nothing in that judgment which can affect the ruling I made in April, 1997.

As reluctant as I am to award costs to respondents whose behaviour in terms of the papers before me appears to have been reprehensibly aggressive it would not be proper to deviate from the general rule that costs should follow the outcome. I therefore order that the applicant should pay the respondent's cost.

S.W. SAPIRE

ACTING CHIEF JUSTICE