



respondent is unable to return the vehicle to the applicant, the applicant will surely have a claim for damages against the company which there is no reason to believe it would be unable to meet. I say this notwithstanding the fact that the company is a South African company, but the company does extensive business in Swaziland and should be able to meet any claim that the applicant may have following on a successful appeal and the failure of the respondent to return the vehicle.

The Applicant does not seek an order that possession of the vehicle be restored to him pending the outcome of the appeal, but only wishes to prevent the Deputy Sheriff from handing it over to the Respondent. It is difficult to see of what benefit this would be to the applicant. It would not afford him an opportunity of using the vehicle. It would only involve the Sheriff having to store the vehicle at considerable expense to the parties.

The question of the Applicant's prospects of success on appeal was not argued.

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DORBYLINHLE

The applicant does not enjoy any substantial prospect of success, and I do not envisage that my judgment will be reversed or altered on appeal.

In the result therefore I refuse the application in so far as the stay of the execution in respect of the return of the vehicle is concerned but as far as the payment of money is concerned the execution of the judgment would be stayed pending the appeal. The cost of this application would be cost of the appeal.

S.W. SAPIRE

CHIEF JUSTICE

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