



IN THE HIGH COURT OF SWAZILAND

CIVIL CASE NO. 1953_98

In the matter between:

ATTORNEY GENERAL

APPLICANT

VS

ANDREAS M. HLOPHE

RESPONDENT

IN RE:

ANDREAS M. HLOPHE

PLAINTIFF

AND

ATTORNEY GENERAL

DEFENDANT

CORAM

:

MATSEBULA J

FOR THE APPLICANT

:

MR. SIMELANE

FOR THE RESPONDENT

:

M/S ZWANE

JUDGEMENT

The Applicant filed a notice of application in terms of Rule 27 as amended. Rules of the High Court – dealing with “Extension of time and Removal of Bar and Condonation”

This Section gives the court a discretion to order extension of time, and removal of bar and condonation on good cause shown.

The Plaintiff issued the combined summons on 18th August 1998 asking for the following relief:

- (i) Payment of E50, 000.00.
- (ii) Interest thereon at the rate of 9% per annum from date of judgement to date of payment.
- (iii) Costs of suit.

(iv) Further and/or alternative relief.

On 23rd September 1998 Defendant gave notice of intention to defend and left the matter there until the 29th October 1998 when the Plaintiff called upon the Defendant to file its plea within three days or be barred from doing so.

The Defendant did nothing about the notice of bar and Applicant on 5th November 1998 filed a notice in terms of Rule 31(3) A for application for default judgement.

On 11th November 1998 Defendant filed its plea and did nothing about an application to obtain a leave of court in terms of Rule 27(1) of the High Court Amendment Rules 1991 which application if granted would have entitled Defendant to file her plea.

On 26th January 1999 Plaintiff gave notice of its intention in terms of Rule 30(1) and asked the court to set aside Defendant's irregular step and also asked for costs. Only on 12th February 1999 did the Defendant gave notice of its intention to apply in terms of Rule 27 as amended.

This application referred to above is being opposed on very convincing grounds. The Applicant, the Attorney General has not shown any good cause why the application should be granted.

In the result the application is dismissed with costs.

J.M. MATSEBULA

JUDGE