

THE HIGH COURT OF SWAZILAND

First National Bank Of Swaziland Limited

Plaintiff

V

Makhaza (Pty) Ltd

Defendant

Civ. case no. 273/99

Coram

S.W. Sapire, CJ

For Plaintiff

Mr. L. Khumalo

For Defendant

Mr. L. Mamba

JUDGMENT

(19/11/99)

This is an application for summary judgment. Several difficulties have been raised which difficulties are mainly of a technical nature, but as they are they relate mainly to the difference between the summons and the particulars which were filed and the claim made in the notice of application for summary judgment.

There are of course explanations for the differences and it is contended that the differences do not justify the complaint which has been raised by the defendant. I am not in agreement with this. The matter is surely one where some uncertainty exists and I can go no further than to say that matters of this nature where there are difficulties like this the court would usually exercise its discretion to withhold summary judgment. In this matter I grant leave to defend. Cost will be costs in the cause.

S. W. SAPIRE, CJ