## IN THE HIGH COURT OF SWAZILAND

CIV. CASE NO. 1239/97

In the matter between

DUMISA MBUSI DLAMINI PLAINTIFF

And

SWAZILAND SUGAR ASSOCIATION 1st DEFENDANT

PETRUS FREDERICK DE BEER 2nd DEFENDANT

ROBINSON BERTRAM 3rd DEFENDANT

Coram S.B. MAPHALALA – J

For Plaintiff MR. B. SIMELANE

For Defendants MR. SIMELANE

**RULING ON COSTS** 

(25/06/99)

Maphalala J:

The matter appeared before me on the 19th March, 1999 where counsel for the applicant submitted that they are entitled to costs in this matter. It was argued that costs were granted by this court in this matter on a prior occasion. However, this was disputed by Mr. Simelane for the respondents who submitted that no where in the court file is it reflected that such endorsement was ever made. It emerged in the heat of arguments that the attorneys who handled the matter then are not the ones who were arguing the matter on the 19th March 1999. That those attorneys might shed more light on what transpired on this prior occasion. Mr. Simelane for the defendant suggested that these be called to give evidence on oath on this aspect.

I think Mr. Simelane's suggestion is sound. I thus rule that the matter be referred for oral evidence to determine this contentious point.

S. B. MAPHALALA

JUDGE