



SWAZILAND HIGH COURT

Gamalakhe Mamba
Plaintiff

v

Ndvuna Dlamini
Defendant

Civ. Case No. 2794/99

Coram

Sapire, CJ

For Plaintiff
For Defendant

Mr. Magagula
Mr. Nzima

JUDGMENT
(29/09/2000)

The dispute rages over possession of certain cattle. The parties have been to court on numerous occasions but the ultimate was when the present applicant who was then in possession of the cattle was deprived of such possession under what purported to be an order of court. It appears that the deputy sheriff removed the cattle from the applicant's possession and handed them over to the respondent. There appears to be no order of court in any of the files which I have seen which authorised the deputy sheriff to do that. Furthermore no writ has been produced in terms of which the seizure and transfer of the cattle was to take place.

I accordingly order that the seizure of the cattle be set aside and that the cattle in question be returned to the applicant forthwith. This order carries a costs order in favour of the applicant.

Sapire, CJ 