

THE HIGH COURT OF SWAZILAND

PATRICIA LUKHELE

Applicant

And

BONGANE MBUYISA

Respondent

Civil Case No. 3194/2005

Coram: S.B. MAPHALALA - J

For the Applicant: MR. S. MDLADLA

For the Respondent: MR. M. SIMELANE

RULING

(11th October 2005)

[1] This matter appeared before me in the uncontested roll of the 7 October 2005, where both Counsel entered into an undignified exchange which in some measure affected the court's decorum. Such behaviour is not expected from such esteem members of the Bar, moreso where Judges of this court are so overstretched with such heavy rolls to be further burdened with such playful behaviour.

[2] The issue for determination is whether Respondent should be allowed to file his Answering affidavit and the matter to thereafter take its normal course. It was argued strenuously for the Applicant that in the absence of affidavits by the Respondent the court ought to grant the order there and there. It appeared in arguments that they have been discussions between *Mr. Simelane* for the Respondent and Miss Mamogobo as to the conduct of these proceedings where *Mr. Mdladla* was not privy. It is *Mr. Simelane's* argument that the tenor of those discussions were that they be allowed to file their opposing affidavits. *Mr. Mdladla* holds a contrary view.

[3] Having listened to both arguments I am inclined to grant the Respondent the indulgence to file his opposing affidavit and that the matter takes its normal course. Further, Respondent to pay wasted costs of the 7th October 2005.

S.B. MAPHALALA

JUDGE