

**THE HIGH COURT OF SWAZILAND**

**PAUL MALICHI**

Applicant

And

**MALAN ELIAS DLAMINI**

1<sup>st</sup> Respondent

**THE COMMISSIONER OF POLICE**

2<sup>nd</sup> Respondent

Civil Case No. 421/2006

Coram: S.B. MAPHALALA-J

For the Applicant: MR. MAB1LA

For the Respondents MR. N. V1LAKAT1 (Attached to the Attorney General's Chambers)

**RULING ON COSTS**

(5<sup>th</sup> May 2006)

[1] On the 28<sup>th</sup> April 2006, the Applicant was granted an order authorising and directing the 2<sup>nd</sup> Respondent to register the Applicant's motor vehicle being a Toyota duplicate documents. In prayer

2 thereof that costs in the event application is opposed. I heard arguments to and fro in this regard. It was contended for the Applicant that Respondent ought to pay wasted costs in this case. In respect of Respondents arguments *per contra* were advanced.

[2] The award of costs is a matter wholly within the discretion of the court (see *Fripp vs Gibbon & Co. 1913 A.D. 354*) but this is a judicial discretion and must be exercised on grounds upon which a reasonable man could have come to the conclusion arrived at (see *Levben Products (PVT) Ltd vs Alexander Films (SA) (Pty) Ltd 1957 (4) S.A. 225 (SR)*).

[3] On the facts of the present case I have come to the considered opinion that no order as to costs should be issued; and it is so ordered.

**S.B. MAPHALALA**

**JUDGE**