

IN THE HIGH COURT OF SWAZILAND

QHAWE MAMBA

Applicant

And

MR. THEMBA DLAMINI - THE HONOURABLE PRIME MINISTER OF

SWAZILAND

1st

Respondent

MR. MAJOZI SITHOLE - THE MINISTER FOR FINANCE

2nd Respondent

MR. LUTFO DLAMINI - THE MINISTER FOR ENTERPRISE AND

EMPLOYMENT

3rd Respondent

MR. MBUSO SEME LANE - SECRETARY OF THE

COMMISSION OF ENQUIRY

4^c Respondent

For the Applicant For
the Respondents

MR. M. M. M.
MR. M. M. M.
MR. M. M. M.

JUDGMENT

14th March 2007

[1] The matter appeared before me on the 9 March 2007 where I heard arguments to and fro regarding the late filing of opposition by the Respondents, the Swaziland Government. It was contended for the Government that the parties were engaged in some negotiations and in view of this fact Government is taken aback by the stance adopted by the Applicant. In argument against the filing of the opposing affidavit by the Swaziland Government the court was referred to the High Court case of *MTN Swaziland Limited vs The "One" Franchise Opportunity - Case No. 1878/2005* where the court granted a default judgment where Respondent therein had not filed its opposition.

[2] On the other hand *Mr. Magagula* for the Respondent submitted that he was taken aback by the attitude adopted by the Applicant in that the parties had agreed to the time.

[3] I have considered all the arguments in this matter and I have taken the position that in view of the importance and sensitivity of this case it is imperative that all the parties in the dispute filed their respective affidavits to aide a just decision by the court. I think it would be folly in view of the nazcre of the case to exclude the Swaziland Government from participating in zie resolution of this matter.

In the result, for the afore-going reasons I would allow the Respondents to file their opposing papers and the matter to take its



S.B. MAPHALALA