## IN THE HIGH COURT OF SWAZILAND

Civil Case No. 25/2007

SWAZILAND POSTS AND TELECOMMUNICATIONS Applicant

**CORPORATION** 

And

THEMBISILE DLAMINI 1st Respondent

LOMASIKO NOMVELO DLAMINI 2nd Respondent

TEMAHLUBI INVESTMENTS (PTY) LIMITED 3rd Respondent

SWAZILAND BUILDING SOCIETY 4th Respondent

STANDARD BANK SWAZILAND LIMITED 5th Respondent

NEDBANK (SWAZILAND) LIMITED 6th Respondent

Coram S.B. MAPHALALA - J

For the Applicant MR. Z. JELE

For the Respondents MR. L. MAMBA

**JUDGMENT** 

22nd June 2007

[1] The 1st, 2nd and 3rd Respondents have raised a point of law that the same matter is currently pending before this court involving the same Applicant and Respondents under Case No. 5/2007. Therefore the 1st, 2nd

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and 3rd Respondents apply that the application be dismissed with costs on the attorney-client scale. This point was vigorously opposed by the Applicant who hold the view that it is not so.

- [2] The Respondent contend in their Notice to raise points of law that the same matter is currently pending before this court involving the same Applicant and Respondent under Case No. 5/2007.
- [3] In support of the above-cited arguments Mr. Mamba for the Respondent relied on what is stated by the learned author Aimer's Principles on Pleadings.
- [4] Mr. Jele for the Applicant argued otherwise stating that is not so.
- [5] I have considered the arguments to and fro in this matter and I am inclined to rule in favour of the Applicant that this matter is not lis pendens. I say so because last week Friday I gave judgment that Case No. 5/2007 was lis pendens of the present case and I granted an order in favour of the Respondents in that case. It is my considered view that this case is not lis pendens because Civil Case No. 5/2007 has been disposed of. Therefore the point of law raised by the Respondents in the present case cannot succeed and it is therefore overruled with costs.

S.B. MAPHALALA

JUDGE