

IN THE HIGH COURT OF SWAZILAND

SWAZILAND POSTS AND TELECOMMUNICATIONS Applicant CORPORATION

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THEMBISILE DLAMINI LOMASDXO NOMVELO DLAMINI

1st Respondent

TEMAHLUBI INVESTMENTS (PTY) LIMITED SWAZILAND

2nd Respondent

BUILDING SOCIETY STANDARD BANK SWAZILAND LIMITED

3rd Respondent

NEDBANK (SWAZILAND) LIMITED Coram

4th Respondent

For the Applicant For the

5th Respondent 6th

Respondents

Respondent

S.B. MAPHALALA - J MR.

Z. JELE MR. L. MAMBA

JUDGMENT 22 ^

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, 2

and 3 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. >L\PHALALA
JUDGE