

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

Civil Case No. 751/2008

SWAZILAND INDUSTRIAL DEVELOPMENT

COMPANY LIMITED

Petitioner

And

SWAZI PLAZA PROPERTIES
(PROPRIETARY) LIMITED

1st Respondent

MBABANE DEVELOPMENT CORPORATION
(PROPRIETARY) LIMITED

2nd Respondent

SWAZI PLAZA TOWERS (PROPRIETARY) LIMITED

3rd Respondent

KIRSH HOLDINGS LIMITED

4th Respondent

Coram: MAPHALALA – J

For the Petitioner: S.B. MR. M. MAGAGULA

For the Respondents: MR J. HENWOOD

RULING
(On recusal made in chambers)
7th May 2008

[1] On the 22nd April 2008, in my Chambers I heard Counsel for the Respondents who applied that I recuse myself from the matter between the parties as I had earlier on made some credibility findings concerning the Respondents. Counsel for the Petitioner Mr. Magagula took the view that because of the sensitivity of the matter it would be folly for this court to grant the Respondents' request. Mr. Magagula took the view that in the circumstances a proper application should be filed for the Judge to recuse himself. The Petitioner would then have a right to file opposing affidavits against such an application.

[2] I have considered the submissions by Counsel as stated above in paragraph [1] of this judgment and I have come to the considered view that the Respondent ought to file a proper application for my recusal so that the Petitioner may file its responses according to law. On hearing the arguments of the parties the court will issue a ruling on the matter. I also rule that costs of this application made in Chambers to be costs in the main application.

S.B. MAPHALALA
JUDGE