

IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CIVIL CASE NO. 236/08

In the matter between:

DAVID JACKSON

PLAINTIFF

and

JASON HOLLOWAY

DEFENDANT

CORAM : Q.M. MABUZA ^J
FOR THE PLAINTIFF : MR. M. SIBANDZE OF CURRIE 8_B SIBANDZE
ATTORNEYS
FOR THE DEFENDANT : ADVOCATE MAZIYA INSTRUCTED BY T.L.
DLAMINI AND ASSOCIATES

RULING 25/7/08

[1] The points *in limine* are dismissed.

[2] The description of the property on the Notice of Motion is amended to read Plot 188 Fairview Township, Manzini. The Applicant is granted leave to file a further affidavit amending paragraph 31 of his founding affidavit.

[3] I am not satisfied that the Defendant has truly renounced his South African citizenship as he has not filed a certificate of renunciation nor the South African Governments acceptance of such renunciation. He has not filed his Swazi citizenship certificate. He was born in the United Kingdom and a domicile of origin revives anytime the owner deems it necessary.

[4] In the circumstances an order in respect of the following prayers is granted:

1. Dispensing with the usual forms and procedures and time limits relating to the institution of proceedings and allowing this matter to be heard as a matter of urgency.

3. That pending the institution and finalisation of proceedings to be instituted by the Plaintiff against the Respondent for recovery of the Plaintiffs claims.

3.2 The Defendant is interdicted from disposing of immovable property pending the filing of Security against the Plaintiffs claim in particular Plot 188, FAIRVIEW TOWNSHIP, MANZINI.

3. That the prayers under 3, and 3.2 above operate with immediate interim effect.

[4] Costs to be costs in the cause.

Q.M. MABUZA -J