

**IN THE HIGH COURT OF SWAZILAND**

HELD AT MBABANE

CIVIL CASE NO. 2050/08

In the matter between:

**YKK SOUTHERN AFRICA (PTY) LTD**

**APPLICANT**

and

**JAMES SIMON BOND**

**RESPONDENT**

CORAM  
FOR THE APPLICANT

Q.M. MABUZA -J  
MR. M. SIBANDZE OF  
CURRIE & SIBANDZE  
ATTORNEYS

FOR THE RESPONDENT

MR. Z. JELE OF  
ROBINSON BERTRAM

**RULING 3/10/08**

[1] Mr. Sibandze submitted that the court could discharge the interim order and enforce the restraint of trade. He stated that this was because they were independent of one another. I disagree.

[2] On the other hand Mr. Jele states that the restraint of trade agreement became operative upon the suspension of the Respondent on the 14/5/2007. I disagree. In my view it became operative when the Respondent resigned on the 20/10/2007. Its operation ends on the 20/10/2008.

[3] My reason for refusing to confirm the order in respect of restraint of trade is that Mr. Jele raised some pertinent and important submissions with regard to the said restraint of trade agreement which I would like if possible to address in a full judgment. I cannot do so immediately because of pressure of work and other urgent judgments which need my attention.

The points *in limine* are upheld and the interim order is discharged with costs on the ordinary scale.

[4] The Applicant is ordered to return the items attached including the hard drive except the following:

- PC box (bond)
- Bergtheil
- Zip sampuls
- Berne (apparel catalog)
- Identification Manual of Counterfeit Zippers
- Well wise (i.e) Industrial Ltd
- YKK Printout
- YKK Invoices
- YKK Presentations
- YKK Price list
- YKK E-mails
- YKK material stockings
- Scovill Price list
- Denim Price list

YKK Textual Summary Report  
2007 James Bond commission chart  
YKK Costing sheet  
Price list for Mast group  
Staff line magazine  
YKK Test report  
E-mail from EMBEE International  
Desk pad  
Business cards  
Berne apparel quotations.

**Q.M. MABUZA -J**