

HIGH COURT OF SWAZILAND

Held at Mbabane

**Qhawe Mamba**  
1<sup>st</sup> Applicant **Ultimate**  
**Productions (Pty) Ltd** 2nd  
Applicant **Jouz Media (Pty) Ltd**  
3rd Applicant  
**Channel S Proposed Savings & Credit Co-operative Society Limited**  
4th Applicant

vs

**The Central Bank of Swaziland**  
1<sup>st</sup> Respondent **First**  
**National Bank of Swaziland**  
2<sup>nd</sup> Respondent  
**Nedbank Swaziland Limited**  
3<sup>rd</sup> Respondent **Standard**  
**Bank Swaziland Limited**  
4<sup>th</sup> Respondent

Civil Case No.4536/08

Coram  
For Applicants

MAPHALALA PJ  
ADV. N. KADES SC (instructed by  
S.V. MDLADLA)

For Respondents

ADV. JOUBERT SC  
(instructed by MAGAGULA & HLOPHE)

**RULING 18<sup>th</sup>  
AUGUST 2009**

[1] Before court is an application for amendment of prayer 1 of the Notice of Motion of the 12 August 2009. The application is for deleting of the phrase "an order" at the commencement of the prayer and also to delete the phrase "an order" in prayer 2 thereof.

[2] The Respondents vigorously oppose this application on the ground that Respondents would be prejudiced by the said amendment.

[3] According to the legal authority in *Herbstein et al, The Civil Practice of the Supreme Court of South Africa, 4<sup>th</sup> Edition* at page 514 a court has a discretion to allow a party to amend his pleadings or in the case of an application, to file further affidavits at any time prior to judgement (See *Benjamin vs Subac S.A. Building & Construction (Pty) Ltd 1989(4) S.A. 940 (C)* at 957 G-H).

[4] In argument before me it emerged that Respondents did not object to the amendment so long as the matter is not postponed to another date. Respondents submitted that the information sought by the Applicants can be made available to the Applicants tomorrow morning and therefore they will be no need for a long postponement of the matter.

In the circumstances of the case I grant the application for amendment with costs. Further that the matter proceeds without any further ado.

**S.B. MAPHALALA**  
**Principal Judge**