



**IN THE HIGH COURT OF SWAZILAND**

**RULING ON COSTS**

Case No: 134/2012

In the matter between:

**SIBONGILE LYDIA PEFILE N.O.**

**APPELLANT**

VS

**JAPHET PHASKANI MSIMUKO**

**RESPONDENT**

**Neutral citation:** *Sibongile Lydia Pefile N.O. 134/12 [2012]*  
*SZHC 199 (17<sup>TH</sup> September 2012)*

**Coram:** **MAPHALALA PJ**

**Heard:** **30<sup>TH</sup> AUGUST 2012**

**Delivered:** **17<sup>TH</sup> SEPTEMBER 2012**

**Summary:** *Ruling on the costs where one party was put out of pocket in appearing that day. The other party applied that the matter be postponed to allow his client to instruct Senior Counsel in the matter. The court rules that in the interest of justice Applicant to be awarded wasted costs.*

- [1] This matter appeared before me on 30<sup>th</sup> August 2012 where the Applicant was represented by Mr. S.V. Mdladla and the Respondent was represented by Mr. S.P. Mamba. Mr. Mamba applied that the matter be postponed as he was not ready to argue the matter that morning. That his client has instructed him to consult a Senior Advocate on the issue before court.
- [2] The court has to decide whether the Application proceeds as Mr. Mdladla for the Applicant pressed the court that it should. I have considered the pro and cons of the parties' arguments and ruled in favour of the postponement for Respondent to prepare its defence as he wishes to instruct Senior Counsel in this matter.
- [3] I have considered the arguments of the parties and reserve the issue of costs of this day to the main Application.

**STANLEY B. MAPHALALA**  
**PRINCIPAL JUDGE**

**FOR THE APPELLANT : MR. S.V. MDLADLA**  
**FOR THE RESPONDENT : MR. S.P. MAMBA**