



IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 592/17

In the matter between:

KENNETH VAN ZYL

APPLICANT

and

SWAZILAND NATIONAL PROVIDENT FUND BOARD

RESPONDENT

Neutral Citation : Kenneth Van Zyl and Swaziland National Provident Fund Board (592/17) [2017] SZHC 103 (2 JUNE 2017)

Coram : MABUZA - PJ

Heard : 2/6/2017

Delivered : 2/6/2017

:

EX-TEMPORA RULING

MABUZA -PJ

- [1] The Applicant, Mr. Kenneth van Zyl seeks an order to restrain the Respondent, his employees and agents against harassing, attempting illegal detentions and illegal stop and searches, and making threatening telephone calls or delivering threatening letters, to the Applicant in this matter or his wife being Mrs Deanna van Zyl, resident at House number 23, Moneni, for a period as determined by the above Honourable Court.

- [2] At paragraph 13 of his founding affidavit which he deposed to on the 2/5/2017 the Applicant states that he had given notice to vacate the premises on or before the 31st May 2017.

- [3] Indeed when he appeared before me on the 2/6/2017, he was no longer residing at the premises of the 1st Respondent. I advised him that Courts do not issue orders that are empty and unenforceable and that this matter had been overtaken by events.

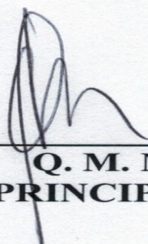
- [4] Initially the Applicant only cited Messrs Swaziland National Provident Fund Board. He later filed an application to join Messrs Guard Alert Security

Company and without moving any formal application he unilaterally joined them as 2nd Respondents in a subsequent application wherein he sought damages in the amount of E200,000.00 (Two hundred thousand Emalangeni) against the 1st Respondent and E50,000.00 (Fifty thousand, Emalangeni) against the 2nd Respondent.

[5] Mr. Maseko for the 1st Respondent raised points of law from the bar namely:

- (a) That the application for joinder was never formally applied for and was never granted by any Court that the automatic joinder of Messrs Guard Alert Security Company was unlawful.
- (b) That the order for payment of damages was irregularly sought and should have been brought by way of summons.

[6] I upheld the points of law and dismissed the applications and ordered that each party pays its own costs.



Q. M. MABUZA
PRINCIPAL JUDGE

For the Applicant : In person
For the Respondent : Mr. Maseko