



IN THE HIGH COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 652/17

In the matter between:

**BUSISIWE NTOMBINKULU MNGOMETULU
(born Maphalala)**

APPLICANT

and

SELLINAH MNGOMETULU (born Ndlovu)

RESPONDENT

Neutral Citation : Busisiwe Ntombinkulu Mngometulu (born Maphalala) and
Sellinah Mngometulu (born Ndlovu) (652/17) [2017]
SZHC 136 (12 JUNE 2017)

Coram : MABUZA – PJ; CHIEF P. DUBE; F. MHLANGA

Heard : 22/5/17; 23/5/17; 24/5/17; 26/5/17; 29/5/17; 1/6/17

Delivered : 12 JUNE 17

EX-TEMPORA RULING

Our findings are as follows:

- [1] The Respondent Sellinah Ndlovu was tekaed during 1970 as Mzubasi Mngometulu's wife.
- [2] The evidence supports the fact that Mzubasi was adopted by Magoye and Thalitha Mngometulu and never went to revive the home of Magoye.
- [3] That the Respondent never proposed love to by Miliet and that she did not know Miliet as Miliet died before she married Mzubasi.
- [4] That the Applicant Busisiwe Maphalala was only tekaed in 2014 even though she was a long time girlfriend of Mzubasi.
- [5] That she was tekaed to enable Vusi her firstborn son to teka a wife.
- [6] That the Applicant upon seeing that Mzubasi was neglecting her returned to her maternal home at Nsingizini. Later on Vusi kontaed at Nsingizini area where he constructed his home. He currently lives there with the Applicant.


- [7] We are of the view that she is currently at Lonkenyane's home for purposes of the funeral.
- [8] That the ruling of Umphakatsi did not take into account the evidence of the Applicant and Respondent. Furthermore they concluded the matter without a decision from the junior indvuna.
- [9] That Umphakatsi did not have jurisdiction to hear the matter, it should have been heard by the junior indvuna, Nhleko.
- [10] That Mzubasi requested to be buried on the church grounds where other pastors like him were buried and other congregants.
- [11] Therefor respecting the wish of the deceased we order that John Mzubasi be buried at the graveyard of the Jordan Church in Zion and that the night vigil take place in the same church.

[12] During the hearing of the matter the Court was informed that Vusi Mngometulu will pay the cost of storage of the body of the deceased at the mortuary and he agreed to do so in open court.

[13] We hereby order that Vusi Mngometulu pays the mortuary costs and LaNdlovu remains responsible for the costs of the coffin.

[14] Each party is ordered to pay their own costs.

AT MBABANE Crim. Case No: 257



Q. M. MABUZA
PRINCIPAL JUDGE

I agree

CHIEF P. DUBE
ASSESSOR

I agree

F. MHLANGA
ASSESSOR

For the Applicant : Mr. B. Dlamini

For the Respondent : Miss N. Ndlangamandla