



**IN THE HIGH
COURT OF SWAZILAND**

Civil Case No.

559/14

HELD AT MBABANE

In the matter between:

DR. DELISILE MASEKO-MAGONGO

PLAINTIFF

And

**BOOKIES CONSTRUCTION AND CIVIL
ENGINEERING (PTY) LTD**

DEFENDANT

Neutral citation: *Dr. Delisile Maseko-Magongo vs. Bookies Construction & Civil Engineering (Pty) Ltd. (559/14) [2017] SZHC 221(30 October 2017)*

CORAM

MASEKO J

FOR PLAINTIFF: MR. B. MAGAGULA

FOR DEFENDANT: MR. M. NKAMBULE

DATE ARGUED: 19 October 2017

DATE OF RULING: 30 October 2017

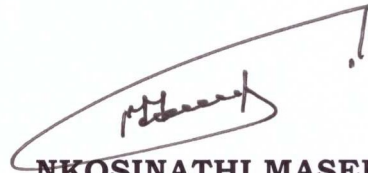
RULING ON EXCEPTION

[1] It being an objection raised by the Defendant on the Plaintiff's non discovery of cellular phone electronic, evidence and further non-compliance with the Electronic Records Evidence Act of 2009.

[2] And having heard submissions from Counsel for Defendant and Plaintiff respective on this objection, it is hereby ordered that:-

1. The Plaintiff is hereby ordered to discover the electronic evidence being short message service (SMS) within 10 days from date hereof.
2. These electronic messages are to be discovered in a computer generated printout from the service provider being Mobile Telecommunications Network Swaziland (MTN). This is to ensure authenticity of same.
3. The Plaintiff is to comply fully with the provisions of the:
 - (i) ELECTRONIC RECORDS EVIDENCE ACT OF 2009 AND THE;
 - (ii) ELECTRONIC RECORDS (APPROVED PROCESS) REGULATIONS OF 2010.

4. The electronic evidence led by PW1 remains on record pending and subject to compliance with paragraphs 1, 2 and 3 above.
5. No order as to costs.

A handwritten signature in black ink, enclosed within a large, hand-drawn oval. The signature is stylized and appears to read 'Nkosinathi Maseko'.

**NKOSINATHI MASEKO
JUDGE OF THE HIGH COURT**