

IN THE INDUSTRIAL COURT OF SWAZILAND

CASE NO. 77/90

In the matter between:-

JOHN MAVIMBELA

APPLICANT

and

NHLANGANO SUN HOTEL AND CASINO

RESPONDENT

ORDER

This is an application by the Applicant . in which he seeks to have the following relief against the Respondent namely: -

(a) 6 months wages as compensation

The Respondent in answer pleaded that the Applicant was not entitled to the relief sought. However on the 12th November 1990 the Respondent sought to amend its plea by the inclusion of a further relief namely that the Applicant was not entitled to the relief sought as he had been paid by the Respondent in full and final settlement pursuant to an agreement dated the 22nd September 1989 and made between the parties.

On the date of hearing the Respondent submitted that the Applicant had no cause of action having been paid in full and final settlement of his claim. This payment was not contested by the Applicant if anything it was acknowledged.

However the Applicant contended that what was paid to him was due to him under the law but that the compensation he was now seeking before court was not money covered under the agreement made between the parties as such the Applicant is still free to sue for it. No authority was advanced for

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this submission.

It is trite law that where parties in a matter decide to settle their dispute and arising out of that dispute a payment is made by one to the other in full and final settlement of all the claims that the other party might have. This brings litigation between those parties on issues arising out of the same matter to an end. They are both bound by their settlement and cannot be seen appearing before court seeking other remedies on issues arising out of the incident.

The Applicant in the present matter is estopped from coming to this court and praying for any other relief which flows out of the claim on which he entered in to a free voluntary settlement with the Respondent in full and final settlement of his claim.

This matter is therefore dismissed for being misconceived and untenable.

M.S. BANDA

INDUSTRIAL COURT PRESIDENT

13/5/91