

IN THE INDUSTRIAL COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 60/98

In the matter between:

ATLAS MOTORS (PTY) LTD

APPLICANT

and

ANTONIO COSSA

RESPONDENT

In re:

ANTONIO COSSA

APPLICANT

and

ATLAS MOTORS (PTY) LTD

RESPONDENT

CORAM:

NDERI NDUMA:

PRESIDENT

JOSIAH YENDE:

MEMBER

NICHOLAS MANANA:

MEMBER

FOR THE APPLICANT:

MR M. SIBANDZE

FOR THE RESPONDENT:

MR. MNISI

JUDGEMENT

22. 06. 2000

The Applicant seeks a stay of execution pending the determination of the Application for Review filed by the Applicant herein.

A Writ of Execution has been issued by the Registrar of the High Court. The Respondent is a Mozambican national working in Swaziland and currently has no work permit.

It is probable and likely that the Respondent may leave Swaziland at any time.

Should he leave Swaziland after the execution, while the review application is pending before the High Court, the Applicant would suffer irreparable prejudice in the event it is successful in its review Application.

2

For this reason alone, I allow the Application for Stay of Execution pending the review proceedings. I however order that the decretal amount be deposited in an interest bearing trust account in the name of the Attorneys for both parties pending the finalisation of the matter.

There will be no order as to costs.

NDERI NDUMA

JUDGE PRESIDENT - INDUSTRIAL COURT