

IN THE INDUSTRIAL COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 365/2005

In the matter between:

**P. RAMUNTU FREIGHT
SERVICES (PTY) LTD**

Applicant

**and
THEMBUMENZI MAVIMBELA
Respondent**

In Re:

**THEMBUMENZI MAVIMBELA
Applicant**

and

**P. RAMUNTU FREIGHT SERVICES
Respondent**

CORAM:

P. R. DUNSEITH : PRESIDENT

JOSIAH YENDE: MEMBER

NICHOLAS MANANA: MEMBER

FOR APPLICANT: P. MSIBI

FOR RESPONDENT: T. NDLOVU

J U D G E M E N T - 7/12/06

1. In this matter, the Applicant applied to the court for an order rescinding and setting aside a judgment granted by default in favour of the Respondent on the 23 October 2006, after the Applicant failed to comply with a court order compelling it to make discovery on oath and its defence was struck out.
2. Since the facts of the matter and the legal issues for determination are almost identical to those arising in the matter of **P. Ramuntu Freight Services (Pty) Ltd v Fortune Hlatshwayo (Industrial Court Case No. 366/2006)**, the parties argued the matters simultaneously.
3. The court has prepared a comprehensive judgement in Case No. 366/2006. The analysis of the factual and legal issues contained in that judgement applies equally in this matter. The only factual difference between the two matters, apart from the difference in identity of the two Respondents, is that the Respondent in this matter claimed and was awarded an amount of E11,300-00 in respect of unpaid wages.
4. On the basis of the reasons and findings set out in the judgement in Case No. 366/2006, it is the judgement of the court in this matter also that the Applicant has failed to show sufficient cause entitling it to an order rescinding the default judgement granted on the 23 October 2006.
5. The application is accordingly dismissed with costs. Since the application was argued simultaneously with the application in Case No. 366/2006, the Applicant is only entitled to recover half the costs in respect of the hearing of the matter.

The members agree.

**P. R. DUNSEITH
PRESIDENT OF THE INDUSTRIAL COURT**