

IN THE INDUSTRIAL COURT OF SWAZILAND

HELD AT MBABANE

CASE NO. 646/06

In the matter between:

BONGANIMOHALE

APPLICANT

And

**BOARD OF TRUSTEES, RALEIGH FITKIN
MEMORIAL HOSPITAL**

RESPONDENT

CORAM:

NKOSINATHI NKONYANE

ACTING JUDGE

DAN MANGO

MEMBER

GILBERT NDZINISA

MEMBER

IN THE INDUSTRIAL COURT OF SWAZILAND

FOR APPLICANT

MR. N. MTHETHWA

FOR RESPONDENT

NO APPEARANCE

JUDGEMENT 06.03.07

- [1] This is an unopposed application brought by the applicant against the respondent,
- [2] In terms of the return of service, the respondent was served on the 26th November 2006.
- [3] No reply was filed by the respondent.
- [4] The applicant led evidence on oath in support of the application. His evidence was unchallenged, as the application was not opposed.
- [5] He told the court that he is not employed. He said he was once employed by the respondent as an ambulance driver. On the 26th March 2004 he was on duty driving the ambulance and was carrying members of staff of the respondent.
- [6] He was driving along the Manzini - Mbabane Highway. Whilst at or near Madoda Garage a certain motor vehicle veered from its side of the road in the opposite direction and crashed into the ambulance. He got injured and was taken to Mbabane Government Hospital. As he had

sustained severe injuries, he was thereafter transferred to the Republic of South Africa,

He came back and was again admitted at the Mbabane Government Hospital. A doctor's report was prepared which showed that the applicant had suffered hundred percent loss of earning capacity arising from the disablement. The report is marked annexure "B".

There was no dispute that the accident was an employment accident as provided by section 4 of the Workmen's Compensation Act No.7 of 1983.

The amount of compensation due to the applicant was calculated by the office of the Commissioner of Labour and fixed at E113,762.34. This amount was not disputed by the respondent.

The respondent has not however, paid this amount to the applicant.

The applicant therefore prays to the court that judgement be entered in its favour in terms of prayers a), b) and c) of the application.

Taking into account all the evidence led by the applicant before the court, the application being unopposed by the respondent, the court will grant an order in terms of prayers a) and b) of the application.

Since the application was not opposed by the respondent, the court will not make an order for costs against the respondent.

[14] The members agree.

NKOSINATHI NKONYANE A.J.
INDUSTRIAL COURT